

Handwritten initials/signature

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FILED

MAR 14 2012

DEPARTMENT OF REAL ESTATE
BY: *K. H. ...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:) No. H-37975 LA
12)
13 KARLA GONZALEZ dba Fairway) ORDER TO DESIST
14 Modifications; JOHN POUKKULA) AND REFRAIN
15 dba Fairway Modifications)
16) (B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California
17 Department of Real Estate caused an investigation to be made of
18 the activities of KARLA GONZALEZ dba Fairway Modifications
19 ("GONZALEZ") and JOHN POUKKULA dba Fairway Modifications
20 ("POUKKULA"). Based on that investigation, the Commissioner has
21 determined that GONZALEZ AND POUKKULA have engaged in or are
22 engaging in acts or are attempting to engage in the business of,
23 acting in the capacity of, and/or advertising or assuming to act
24 as real estate brokers in the State of California within the
25 meaning of California Business and Professions Code Section
26 10131(d) (soliciting borrowers for or collecting payments in
27

1 connection with loans secured by liens on real property) and
2 10131.2 (advance fee handling).

3 In addition, based on that investigation, the
4 Commissioner has determined that GONZALEZ and POUKKULA have
5 engaged in or are engaging in acts or are attempting to engage
6 in practices constituting violations of the California Business
7 and Professions Code. Based on the findings of that
8 investigation, set forth below, the Commissioner hereby issues
9 the following Findings of Fact, Conclusions of Law, and Desist
10 and Refrain Order under the authority of California Business and
11 Professions Code Section 10086.

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13 FINDINGS OF FACT

14 1. GONZALEZ is not now, and has never been,
15 licensed by the Department of Real Estate in any capacity.

16 2. POUKKULA is not now, and has never been,
17 licensed by the Department of Real Estate in any capacity.

18 3. At the times set forth below GONZALEZ and
19 POUKKULA negotiated to do one or more of the following acts for
20 another or others, for or in expectation of compensation:
21 engaged in the business of, acted in the capacity of, or
22 solicited borrowers for a loan modification and negotiation
23 service and advance fee brokerage with respect to loans which
24 were secured by liens on real property for compensation or in
25 expectation of compensation and for fees collected in advance of
26 the transaction.

27 4. On or about January 14, 2009, Jose and Juana

1 ("Jose and Juana") entered into an agreement whereby GONZALEZ
2 and POUKKULA would negotiate with their lender for a loan
3 modification on their property known as 1960 Harrison Avenue,
4 San Diego, CA 92113 for an advance fee. On or about January
5 14, 2009, the Jose and Juana submitted a \$100.00 check to
6 GONZALEZ and POUKKULA. On or about March 5, 2009, the Jose and
7 Juana submitted a \$1,895.00 check to GONZALEZ and POUKKULA.

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9 CONCLUSIONS OF LAW

10 5. Based on the information contained in Paragraphs
11 1 through 4, above, GONZALEZ and POUKKULA violated California
12 Business and Professions Code Section 10130 by engaging in
13 activities requiring a broker license without first obtaining a
14 broker license from the Department of Real Estate.

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16 DESIST AND REFRAIN ORDER

17 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
18 stated herein, it is hereby ordered that GONZALEZ and POUKKULA
19 immediately desist and refrain from: performing any acts within
20 the State of California for which a real estate broker license
21 is required, unless you are so licensed.

22 IT IS FURTHER ORDERED THAT GONZALEZ and POUKKULA
23 immediately desist and refrain from:

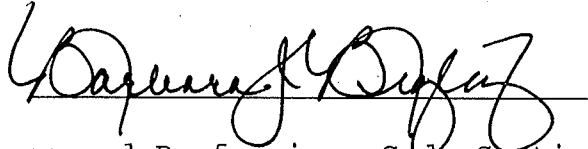
- 24 1. Charging, demanding, claiming, collecting and/or
25 receiving advance fees, as that term is defined in
26 California Business and Professions Code Section
27 10026, in any form, and under any conditions, with

1 respect to the performance of loan modification or
2 any other form of mortgage loan forbearance
3 services in connection with loans on residential
4 property containing four or fewer dwelling units.

5 2. Charging, demanding, claiming, collecting and/or
6 receiving advance fees, as that term is defined in
7 California Business and Professions Code Section
8 10026, for any of the other real estate related
9 services offered to others.

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11 DATED: 2/27, 2012.

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13 BARBARA J. BIGBY
14 Acting Real Estate Commissioner

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16 **Notice:** California Business and Professions Code Section 10139
17 provides that "Any person acting as a real estate broker or real
18 estate salesperson without a license or who advertises using
19 words indicating that he or she is a real estate broker without
20 being so licensed shall be guilty of a public offense punishable
21 by a fine not exceeding twenty thousand dollars (\$20,000), or by
imprisonment in the county jail for a term not to exceed six
months, or by both fine and imprisonment; or if a corporation,
be punished by a fine not exceeding sixty thousand dollars
(\$60,000)."

22 cc: KARLA GONZALEZ
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Chula Vista, CA 91910

24 JOHN POUKKULA
25 1279 Agiorre Street
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26 Fairway Modifications
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