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DEPARTMENT OF REAL ESTATE
BY: C-2

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-38161 LA
12)
13 JORGE A. CAMACHO and) A C C U S A T I O N
14 ALEX JOSE CAMACHO,)
15 Respondents.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against JORGE A. CAMACHO and ALEX JOSE CAMACHO ("Respondents"),
19 is informed and alleges as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

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2.

From March 14, 2007, through March 13, 2011, Respondent JORGE A. CAMACHO was licensed by the Department of Real Estate ("Department") as a real estate salesperson, Department License No. 01795779. Respondent JORGE A. CAMACHO's license expired on March 14, 2011. Respondent JORGE A. CAMACHO has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103. From January 11, 2010, through February 17, 2010, JORGE A. CAMACHO was licensed under the employment of real estate broker Sell UR Realty, Inc.

3.

From August 30, 2010, through the present, Respondent ALEX JOSE CAMACHO has been licensed by the Department as a real estate salesperson, Department License No. 01883672.

4.

Business and Professions Code ("Code") Section 10132 defines a real estate salesperson as a person who, for compensation or in expectation of compensation, is employed by a licensed real estate broker to do one or more of the acts set forth in Code Sections 10131, 10131.1, 10131.2, 10131.3, 10131.4, and 10131.6.

5.

Pursuant to Code Section 10131, a real estate broker is defined as a person who: (a) sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listing of, or negotiates the purchase, sale or exchange of real property or a business opportunity; or (d)

1 solicits borrowers or lenders for or negotiates loans or
2 collects payment or performs services for borrowers or lenders
3 or note owners in connection with loans secured directly or
4 collaterally by liens on real property or on a business
5 opportunity.

6 6.

7 Code Section 10131.2 defines a real estate broker as a
8 person who engages in the business of claiming, demanding,
9 charging, receiving, collecting or contracting for the
10 collection of an advance fee in connection with any employment
11 undertaken to promote the sale or lease of real property or of a
12 business opportunity by advance fee listing, advertisement or
13 other offering to sell, lease, exchange or rent property or a
14 business opportunity, or to obtain a loan or loans thereon.

15 7.

16 Code Section 10026, in pertinent part, defines an
17 advance fee as a fee that is claimed, demanded, charged,
18 received, or collected by a licensee for services requiring a
19 license. A person who proposes to collect an advance fee as
20 defined in Code Section 10026 must submit to the Commissioner
21 not less than ten calendar days before publication or other use,
22 all materials to be used in advertising, promoting, soliciting
23 and negotiating an agreement calling for the payment of an
24 advance fee including the form of advance fee agreement proposed
25 for use, pursuant to Section 2970, Regulations of the Real
26 Estate Commissioner, Title 10, Chapter 6, California Code of
27 Regulations ("Regulations"). Code Section 10085 also allows the
28 Commissioner to require that any all materials used in obtaining

1 advance fee agreements, including contract forms, be submitted
2 at least 10 calendar days before they are used.

3 8.

4 On October 11, 2009, then Governor Arnold
5 Schwarzenegger signed Senate Bill 94 (Calderon), and the
6 legislation took effect immediately upon his signature. Thus,
7 California law prohibited any person, including real estate
8 licensees and attorneys, from demanding or collecting an advance
9 fee from a consumer for loan modification or mortgage loan
10 forbearance services affecting 1 - 4 unit residential dwellings.

11 9.

12 The following notice was prominently featured on the
13 Department's website as of October 11, 2009:

14 "IF YOU ARE A REAL ESTATE BROKER, OR THE DESIGNATED
15 OFFICER OF A LICENSED CORPORATION, WHO HAS BEEN ISSUED A "NO
16 OBJECTION" LETTER BY THE DEPARTMENT OF REAL ESTATE FOR LOAN
17 MODIFICATION OR OTHER MORTGAGE LOAN FORBEARANCE SERVICES, YOU
18 CAN NO LONGER ENTER INTO THESE AGREEMENTS EFFECTIVE AS OF
19 OCTOBER 11, 2009, NOR CAN YOU COLLECT ANY ADVANCE FEES FOR SUCH
20 SERVICES. Agreements entered into and advance fees collected
21 prior to October 11, 2009 are not affected. Advance fees
22 inadvertently collected after October 11, 2009 must be fully
23 refunded. All real estate licensees should become familiar with
24 the provisions of SB94 as there are substantial administrative
25 and criminal penalties for violations."

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1 FIRST CAUSE OF ACCUSATION
2 (ADVANCE FEE VIOLATIONS)

3 10.

4 Premier Modification Group and Bessie Corona have
5 never been licensed in any capacity by the Department.

6 11.

7 Premier Modification Group is a California corporation
8 formed on or about March 9, 2009. Respondent ALEX JOSE CAMACHO
9 is the Chief Executive Officer and a director of Premier
10 Modification Group.

11 12.

12 For an unknown period of time beginning no later than
13 January 27, 2010, Respondents, while doing business as Premier
14 Modification Group, solicited and offered loan services to
15 consumers, including services to assist them in negotiating with
16 lenders, foreclosure forbearance, or obtaining a loan
17 modification through advertisements on the internet.

18 Respondents engaged in the business of claiming, demanding,
19 charging receiving, collecting or contracting for the collection
20 of advance fees, within the meaning of Code Section 10026
21 including, but not limited to, the following loan activities
22 with respect to loans which were secured by liens on real
23 property.

24 13.

25 On or about January 27, 2010, borrower Angelica Nunez
26 ("Nunez") responded to an advertisement on the internet for loan
27 modification and negotiation services. Respondents and Bessie
28 Corona, an unlicensed person, solicited loan modification and

1 negotiation services in connection with a loan secured by a lien
2 on real property. Nunez paid advance fees of \$2,300 to Premier
3 Modification Group for loan modification and negotiation
4 services. Respondents and Bessie Corona made misrepresentations
5 to Nunez in order to induce Nunez to enter into the advance fee
6 agreement including, among others, that Premier Modification
7 Group could obtain a loan modification for Nunez and possibly
8 obtain a lower fixed interest rate on Nunez' mortgage.
9 Respondents failed to perform the loan modification and
10 negotiation services that had been promised to Nunez.
11 Respondents failed to provide an accounting of any services done
12 for Nunez or an accounting of the advance fees collected from
13 Nunez. Respondents refused Nunez' request for a refund of her
14 advance fees.

15 14.

16 The activities described in Paragraph 13, above,
17 require a real estate license under Code Sections 10131(d) and
18 10131.2. The conduct, acts and/or omissions of Respondent ALEX
19 JOSE CAMACHO as set forth above, occurred while Respondent ALEX
20 JOSE CAMACHO was not licensed by the Department in any capacity,
21 which is in violation of Code Section 10130 and constitutes
22 grounds for the suspension or revocation of the license and
23 license rights of Respondent ALEX JOSE CAMACHO pursuant to Code
24 Sections 10177(d) or 10177(g).

25 15.

26 Respondent JORGE A. CAMACHO violated Code Section
27 10137 by employing and/or compensating ALEX JOSE CAMACHO and
28

1 Bessie Coronado, individuals who were not licensed as real estate
2 salespersons or as brokers, to perform activities requiring a
3 license. Respondent JORGE A. CAMACHO further violated Code
4 Section 10137 by accepting compensation for activities requiring
5 a real estate license from someone other than the broker under
6 whom he was licensed at the time. Respondent JORGE A. CAMACHO's
7 violation of Code Section 10137 is cause for the suspension or
8 revocation of the license and license rights of Respondent JORGE
9 A. CAMACHO pursuant to Code Sections 10137, 10177(d) or
10 10177(g).

11
12 16.

13 The conduct, acts and/or omissions of Respondent JORGE
14 A. CAMACHO as set forth above are in violation of Code Sections
15 10085, 10085.5, 10085.6 and 10146 and Regulation Section 2970
16 and constitute grounds for the suspension or revocation of the
17 license and license rights of Respondent JORGE A. CAMACHO
18 pursuant to Code Sections 10177(d) or 10177(g).

19 17.

20 The conduct, acts and/or omissions as set forth above
21 constitute grounds for the suspension or revocation of the
22 license and license rights of Respondent JORGE A. CAMACHO
23 pursuant to Code Sections 10176(a) (making any substantial
24 misrepresentation), 10176(b) (making any false promises of a
25 character likely to influence, persuade or induce), 10176(i)
26 (conduct...which constitutes fraud or dishonest dealing), 10177(d)
27 (violation of the Real Estate Law), and/or 10177(g)
28 (negligence).

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondents JORGE A. CAMACHO and ALEX JOSE CAMACHO under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California

this 23 day of May, 2012.


ROBIN TRUJILLO
Deputy Real Estate Commissioner

cc: Jorge A. Camacho
Alex Jose Camacho
Chunyk & Adduci Realty Group LA, Inc.
Robin Trujillo
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