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1 2	Department of Real Estate 320 West Fourth Street, Ste. 350 Los Angeles, California 90013
3	(213) 576-6982 JUN 252012
4	DEPARTMENT OF REAL ESTATE BY: K THE CECE
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8	DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * * *
1.1	To:) No. H-38218 LA
12	ALFONSO URBINA
13	Dba Urbina Resources,) <u>AND REFRAIN</u>
14	/
15	The Commissioner (Commissioner) of the California
16	Department of Real Estate (Department) caused an investigation to
17	be made of the activities of ALFONSO URBINA ("URBINA"). Based on
18	that investigation, the Commissioner has determined that URBINA
19	has engaged in or is engaging in acts or is attempting to engage
20	in the business of, acting in the capacity of, and/or advertising
21	or assuming to act as a real estate broker in the State of
22	California within the meaning of Business and Professions Code
23	Sections 10131(d) (soliciting, negotiating and performing

services for borrowers in connection with loans secured by real property) and 10131.2 (advance fee handling).

- 1 -

1 In addition, based on that investigation, the Commissioner has determined that URBINA has engaged in acts or is 2 3 attempting to engage in practices constituting violations of the California Business and Professions Code ("Code") and/or Title 4 5 10, California Code of Regulations ("Regulations"). Based on the findings of that investigation, set forth below, the Commissioner 6 7 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 8 9 of the Code. 10 FINDINGS OF FACT 11 1. At no time herein mentioned has URBINA been 12 licensed by the Department as a real estate broker. 13 2. At the time set forth below URBINA solicited 14borrowers and negotiated to do one or more of the following acts 15 for another or others, for or in expectation of compensation: 16 engaged in the business of, acted in the capacity of, or 17 advertised a loan modification and negotiation service and advance fee brokerage using the name "Urbina Resources" 18 19 soliciting, offering to negotiate or perform loan modification 20. services with respect to loans which were secured by liens on 21 real property for compensation or in expectation of compensation 22 and for fees collected in advance of the transaction. 23 3. On or about April 16, 2008, URBINA entered into an 24 agreement with Juan C. G. for loan modification and negotiation 25 services on Juan C. G.'s existing mortgage on his home located at 26 7118 Halray Ave., Whittier, California.

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1 URBINA demanded and received a total advance fee of 4. 2 \$2,500 from Juan C. G. for the activities described above. 3 CONCLUSIONS OF LAW 4 Based on the information contained in Paragraphs 1 5. 5 through 4, above, URBINA violated Section 10085 of the Code and Regulation 2970, by not having an approved advance fee agreement 6 7 on file with the Department. 8 Based on the information contained in Paragraphs 1 6. through 4, above, URBINA violated Section 10130 of the Code by 9 engaging in the activities without first obtaining a broker 10 11 license from the Department. 12 DESIST AND REFRAN ORDER 13 Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that: 1415 ALFONSO URBINA shall immediately desist and (A) refrain from: performing any acts within the State of California 16 for which a real estate broker license is required, unless you 17 18 are so licensed. IT IS FURTHER ORDERED THAT ALSONSO URBINA shall 19 20 immediately desist and refrain from: 21 charging, demanding, claiming, collecting 1. and receiving advance fees, as that term is defined in Section 22 23 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other 24 25 form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling 26 27 units (Code Section 10085.6).

- 3 -

2. charging, demanding, claiming, collecting and
 receiving advance fees, as that term is defined in Section 10026
 of the Code, for any of the other real estate related services
 offered to others, unless and until ALFONSO URBINA demonstrates
 and provides evidence satisfactory to the Commissioner he:

(a) has an advance fee agreement which has been
submitted to the Department and which is in compliance with
Section 10085 of the Code and Section 2970 of the Regulations;

9 (b) has placed all previously collected advance fees
 10 into a trust account for that purpose and is in compliance with
 11 Section 10146 of the Code; and

(c) has provided an accounting to trust fund owner beneficiaries from who advance fees have previously been
 collected in compliance with Section 10146 of the Code and
 Section 2972 of the Regulations.

DATED REAL ESTATE COMMISSIONER Bv:

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Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using the words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable 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)."

By WAZ

WE S. BELL

Chief Counsel

- 4 -