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BUREAU OF REAL ESTATE

By *Carl Delorio*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H- 40002 LA
)	
JOHANA Z. CARPIO,)	<u>ACCUSATION</u>
)	
Respondent.)	
)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California for cause of Accusation against Respondent JOHANA Z. CARPIO aka Yojana De Leon Carpio Zulma ("CARPIO"), license no. 01808474, is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

Unless otherwise specified, all references to the "Code" are to the California Business and Professions Code, and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

1 3.

2 CARPIO is presently licensed and/or has license rights under the Real Estate
3 Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate
4 salesperson. CARPIO was originally licensed with a conditional salesperson license on or
5 about June 12, 2007. There was a conditional suspension on CARPIO's license from
6 December 13, 2008 to June 9, 2011. CARPIO has been licensed as a real estate salesperson
7 from June 10, 2011 through the present. CARPIO is not now, and has never been, licensed by
8 the Bureau as a real estate broker.

9 4.

10 At all times herein mentioned, CARPIO engaged in the business of, acted in the
11 capacity of, advertised and/or acted as a real estate broker in the State of California within the
12 meaning of Code sections 10131(d) (soliciting borrowers for or collecting payments in
13 connection with loans secured by liens on real property) and 10131.2 (advance fee handling).

14
15 FIRST CAUSE OF ACTION

16 (Advance Fee Violations)

17 5.

18 Code section 10085.5(a) provides:

19 It shall be unlawful for any person to claim, demand, charge receive,
20 collect, or contract for an advance fee (1) for soliciting lenders on behalf
21 of borrowers or performing services for borrowers in connection with
22 loans to be secured directly or collaterally by a lien on real property, before
23 the borrower becomes obligated to complete the loan or, (2) for
performing any other activities for which a license is required, unless the
person is a licensed real estate broker and has complied with the
provisions of this part.

24 6.

25 Code section 10085.6(a) provides:

26 Notwithstanding any other provision of law, it shall be unlawful for any
27 licensee who negotiates, attempts to negotiate, arranges, attempts to

1 arrange, or otherwise offers to perform a mortgage loan modification or
2 other form of mortgage loan forbearance for a fee or other compensation
paid by the borrower, to do any of the following:

3 (1) Claim, demand, charge, collect or receive any compensation until after
4 the licensee has fully performed each and every service the licensee
contracted to perform or represented that he, she, or it would perform.

5 (2) Take any wage assignment, any lien of any type on real or personal
6 property, or other security to secure the payment of compensation.

7 (3) Take any power of attorney from the borrower for any purpose.

8 7.

9 952 Elm Ave.: Beginning in 2011 through at least January 3, 2013, CARPIO
10 solicited loan modification and negotiation services to borrower Susan F. in connection with
11 loans secured by real property, known as 952 Elm Ave., Beaumont, CA 92223 ("952 Elm
12 Ave."). Prior to or about or on July 24, 2012, CARPIO charged and collected an advance fee of
13 \$1,000.00 from Susan F. for loan modification services. The lender for 952 Elm Ave. was
14 Bank of America. CARPIO failed to provide Susan F. with services that resulted in a loan
15 modification. In 2012, CARPIO solicited an additional \$800.00 from Susan F. to allegedly pay
16 a Bank of America employee to help facilitate the loan modification. In addition, Susan F.
17 made five (5) payments of \$953.00 to CARPIO, so CARPIO could make mortgage payments to
18 Bank of America and continue her discussion with Bank of America for a loan modification.
19 Susan F. made one such payment to CARPIO on or about January 3, 2013; the other payments
20 were in or about 2012 and 2013. CARPIO failed to relay those payments to Bank of America,
21 which resulted in missed mortgage payments. CARPIO failed to provide Susan F. with services
22 that resulted in a loan modification on 952 Elm Ave.

23 8.

24 1053 Elm Ave.: Beginning in 2011 through at least January 3, 2013, CARPIO
25 solicited loan modification and negotiation services to borrower Susan F. in connection with
26 loans secured by real property, known as 1053 Elm Ave., Beaumont, CA 92223 ("1053 Elm
27

1 Ave.”). The lender for 1053 Elm Ave. was Wells Fargo and Company. Prior to or about July
2 24, 2012, CARPIO charged and collected an advance fee of \$1,000.00 from Susan F. for loan
3 modification services. CARPIO failed to provide Susan F. with services that resulted in a loan
4 modification on 1053 Elm Ave. As a result, Susan F. lost 1053 Elm Ave. in or about 2013.

5 9.

6 The conduct, acts, and/or omissions of Respondent CARPIO, as set forth above,
7 in soliciting and collecting advance fees and mortgage from Susan F. constitute grounds for the
8 suspension or revocation of the licenses and license rights of CARPIO pursuant to Code
9 sections 10085.5, 10085.6, 10176(i), 10177(d), 10177(g), and/or 10177(j).

10
11 SECOND CAUSE OF ACTION

12 (Unlicensed Activities)

13 10.

14 Code section 10130 provides, in part:

15 It is unlawful for any person to engage in the business of, act in the
16 capacity of, advertise as, or assume to act as a real estate broker or a real
17 estate salesperson within this state without first obtaining a real estate
18 license from the department, or to engage in the business of, act in the
19 capacity of, advertise as, or assume to act as a mortgage loan originator
20 within this state without having obtained a license endorsement

21 ...

22 11.


23 Based on the information contained in Paragraphs 3 through 9, above,
24 Respondent CARPIO violated Code section 10130 by engaging in activities requiring a broker
25 license pursuant to Code sections 10131(d) and 10131.2 without first obtaining a broker license
26 from the Bureau of Real Estate and/or informing her then-brokers of her loan modification
27 activities.

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Code section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the bureau, 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 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 under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) of Respondent JOHANA Z. CARPIO the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under applicable provisions of law.

Dated at San Diego, California: October 22, 2015.


Veronica Kilpatrick
Supervising Special Investigator

cc: Johana Z. Carpio
Devine Realty Group, Inc.
Veronica Kilpatrick
Sacto.