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FILED

NOV 18 2016

BUREAU OF REAL ESTATE

BY 

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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|--------------------------|---|--------------------------|
| To: |) | No. H-40472 LA |
| |) | |
| AMERICAN HOME SERVICING |) | <u>ORDER TO DESIST</u> |
| CENTER; JOSHUA SOTO; and |) | <u>AND REFRAIN</u> |
| JAIME ABURTO |) | (B&P Code Section 10086) |
| |) | |
| |) | |

17 The Commissioner ("Commissioner") of the California Bureau of Real Estate
18 ("Bureau") caused an investigation to be made of the activities of AMERICAN HOME
19 SERVICING CENTER ("AMERICAN"), JOSHUA SOTO ("SOTO"), individually, and doing
20 business as AMERICAN, and JAIME ABURTO ("ABURTO"), individually, and doing business
21 as AMERICAN, and has determined that each has engaged in or is engaging in acts or practices
22 constituting violations of the California Business and Professions Code ("Code") including
23 engaging in the business of, acting in the capacity of, or assuming to act, as a real estate broker in
24 the State of California within the meaning of Section 10131(d) (soliciting borrowers or lenders or
25 negotiating loans) and Section 10131.2 (advance fee handling). Based on the findings of that
26 investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact,

- 1 -

ORDER TO DESIST AND REFRAIN (B&P CODE SECTION 10086)
AMERICAN HOME SERVICING CENTER; JOSHUA SOTO; JAIME ABURTO

1 Conclusions of Law and Desist and Refrain Order pursuant to Code Section 10086.

2 FINDINGS OF FACT

3 1. At no time herein mentioned has AMERICAN or SOTO been licensed by the
4 Bureau in any capacity.

5 2. ABURTO is presently licensed and/or has license rights under the Real Estate
6 Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a real
7 estate salesperson. Respondent's license will expire on July 16, 2017, unless renewed.

8 ABURTO's real estate license has not been affiliated with a broker at any time since November
9 12, 2013, and, therefore, his license is and has been inactive since that date.

10 3. Whenever acts referred to below are attributed to AMERICAN those acts are
11 alleged to have been done by AMERICAN, SOTO and/or ABURTO, acting alone, or by and/or
12 through one or more agents, associates, affiliates, and/or co-conspirators, including but not
13 limited to each of those named herein, and using a fictitious name(s) unknown at this time.

14 4. At the time set forth below, each of those named herein engaged in the
15 business of, acted in the capacity of, or advertised loan modification and/or foreclosure rescue
16 services offering to perform and performing loan modification or negotiation services with
17 respect to loans which were secured by liens on real property for compensation or in expectation
18 of compensation and for fees collected in advance of the transaction, including but not limited
19 to the activities described below.

20 5. On or about May 14, 2015, Harish C. paid to AMERICAN on behalf of SOTO
21 and ABURTO an advance fee of \$3,975.00. The advance fee was collected and paid pursuant to
22 the provisions of a loan modification agreement which provided that AMERICAN would
23 perform loan modification services with respect to a loan secured by the real property of Harish
24 C. located at 11863 Larisa Way, Rancho Cordova, California 95742.

25 6. AMERICAN, SOTO and ABURTO advertise AMERICAN's loan
26 modification services on-line at the following website: www.ah-sc.org.

1 CONCLUSIONS OF LAW

2 7. Based on the information contained in Paragraphs 1 through 6, inclusive,
3 above, AMERICAN SOTO and ABURTO performed and/or participated in loan solicitation,
4 negotiation and modification activities as well as advance fee handling which require a real
5 estate broker license under the provisions of Code Sections 10131(d) and 10131.2 during a
6 period of time when none of them was licensed by the Bureau as a real estate broker nor
7 employed as a real estate salesperson by the broker on whose behalf the activities were
8 performed, all of which is in violation of Section 10130 of the Code.

9 DESIST AND REFRAIN ORDER

10 IT IS HEREBY ORDERED THAT AMERICAN HOME SERVICING
11 CENTER, JOSHUA SOTO and JAIME ABURTO, whether doing business under their own
12 names, or any other names, or any fictitious name, ARE HEREBY ORDERED to immediately
13 desist and refrain from performing any acts within the State of California for which a real estate
14 broker license is required. In particular each of them is ORDERED TO DESIST AND
15 REFRAIN from:

16 (i) charging, demanding, claiming, collecting and/or receiving advance fees,
17 as that term is defined in Section 10026 of the Code, in any form, and under any conditions,
18 with respect to the performance of loan modifications or any other form of mortgage loan
19 forbearance service in connection with loans on residential property containing four or fewer
20 dwelling units (Code Section 10085.6); and

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1 (ii) charging, demanding, claiming, collecting and/or receiving advance fees,
2 as that term is defined in Section 10026 of the Code, for any other real estate related services
3 offered by them to others.

4 DATED: 11/9/16, 2016.

5 **WAYNE S. BELL**
6 REAL ESTATE COMMISSIONER

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9 By: DANIEL SANDRI
Assistant Commissioner

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

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24 cc: AMERICAN HOME SERVICING CENTER
25 JOSHUA SOTO
26 JAIME ABURTO