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Bureau of Real Estate
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FILED

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BUREAU OF REAL ESTATE
By [signature]

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: KARLA JANNETTE VILCHIS, doing business as American Professional Group; and PAUL VILCHIS, Respondents.	No. H-40567 LA <u>ORDER TO DESIST AND REFRAIN</u> (B&P Code Section 10086)

The Commissioner ("Commissioner") of the Bureau of Real Estate for the State of California ("Bureau") caused an investigation to be made of the activities of KARLA JANNETTE VILCHIS ("KVILCHIS"), as an individual and doing business using the fictitious business name "American Professional Group," and PAUL VILCHIS ("PVILCHIS") (collectively "Respondents"), and has determined that Respondents have engaged in, or are engaging in, acts or practices constituting violations of the California Business and Professions Code ("Code"). Those violations include engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate brokers in the State of California within the meaning of Code Section 10131(d) (soliciting borrowers or lenders or negotiating loans secured by real property) and Code Sections 10085.6 and 10131.2 (demanding and/or collecting advance fees in connection with a loan or loan modification) without being licensed by the Bureau as real estate brokers. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. Respondent KVILCHIS has been licensed by the Bureau as a real estate salesperson since September 18, 2013. From September 27, 2013, to May 21, 2015, Respondent KVILCHIS was licensed in the employ of corporate real estate broker HMH Redlands, Inc., and its designated officer, Michael Hilgenberg. From May 22, 2015, to May 19, 2016, Respondent KVILCHIS was licensed in the employ of real estate broker Granville Haas. Since May 27, 2016, Respondent KVILCHIS has been licensed in the employ of Mirage Capital Group, and its designated officer, Ricardo Efrain Tejada Amaya.

2. Respondent PVILCHIS has been licensed by the Bureau as a real estate salesperson since December 24, 2015. From January 11, 2016, to July 16, 2016, Respondent PVILCHIS was licensed in the employ of corporate real estate broker First Team Real Estate – Orange County, and its designated officer, Lori Namazi. Since September 30, 2016, Respondent PVILCHIS has been licensed in the employ of Mirage Capital Group, and its designated officer, Ricardo Efrain Tejada Amaya.

3. At no time herein mentioned has American Professional Group been licensed by the Bureau in any capacity.

4. At the time set forth below, and continuing to the present, Respondents have engaged in the business of, acted in the capacity of, or advertised through others, a mortgage loan modification service and advance fee brokerage offering to perform mortgage loan modification services with respect to loans secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction.

5. Beginning in or about September 2011, and continuing to at least January, 2016, Respondents KVILCHIS and PVILCHIS through the unlicensed fictitious business American Professional Group collected fees for performing loan modification services

for approximately 44 California homeowners. Respondents' collected the fees pursuant to the provisions of an agreement pertaining to loan modification services to be provided with respect to a loan secured by real property located in Southern California.

6. Loan modification activities are real estate activities requiring a real estate license in the state of California. As real estate salespeople, Respondents may be compensated for real estate activities only by their employing real estate brokers registered with the Bureau. In conducting the loan modification activities described above, Respondents were not licensed by the Bureau in any capacity for part of that time. After becoming licensed, Respondents conducted their activities without the knowledge or consent of their employing real estate brokers and they collected compensation directly from the homeowners in violation of Code Section 10137.

CONCLUSIONS OF LAW

7. Based on the information contained in Paragraphs 1, 2, 3, 4, 5, and 6, above, Respondents KVILCHIS and PVILCHIS participated in mortgage loan modification activities which require a real estate broker license pursuant to the provisions of Code Sections 10131(d) and 10131.2, and collected compensation for those activities, during a period of time when neither KVILCHIS, PVILCHIS, nor American Professional Group was licensed by the Bureau as a real estate broker in violation of Section 10130 of the Code.

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DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that KARLA JANNETTE VILCHIS, whether doing business under her own name, under the name American Profession Group, or any other names, or any fictitious name, and PAUL VILCHIS ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, they are ORDERED TO DESIST AND REFRAIN from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any real estate related services offered to others.

DATED: 2/22/17.

WAYNE S. BELL
Real Estate Commissioner

By: DANIEL J. SANDRI
Chief Deputy Commissioner

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 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)."

cc: Karla Jannette Vilchis
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