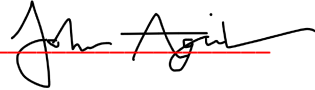


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FILED

March 14, 2024

Department of Real Estate

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-42820 LA
12)
13 ABRAHAM KOHEN and)
14 LUIS ERNESTO ARCE,) ACCUSATION
15 Respondents.)

16 The Complainant, Jason Parson, a Supervising Special Investigator of the State
17 of California, for cause of Accusation of ABRAHAM KOHEN, a.k.a. "Abraham Avi Kohen,"
18 and LUIS ERNESTO ARCE (collectively referred herein as "Respondents"), alleges as
19 follows:

20 1.

21 The Complainant, Jason Parson, a Supervising Special Investigator of the State
22 of California, makes this Accusation in his official capacity.

23 2.

24 Unless otherwise noted, all references to the "Code" are to the California
25 Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of
26 Division 4 of the Code, and all references to "Regulations" are to the Regulations of the Real
27 Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

1 LICENSE HISTORY

2 (RESPONDENT ABRAHAM KOHEN)

3 3.

4 a. Respondent ABRAHAM KOHEN (“KOHEN”) is presently licensed and/or
5 has license rights under the Code, as a real estate broker with the Department of Real Estate
6 (“Department” or “DRE”), DRE License ID 01892954.

7 b. KOHEN’s broker license was originally issued on July 25, 2011, and is
8 scheduled to expire on November 8, 2027, unless renewed.

9 c. According to the DRE records, KOHEN has the following active DBA under
10 his real estate broker license: Kohen Financial Group.

11 d. According to the DRE records, KOHEN has held an individual Mortgage
12 Loan Originator (MLO) license endorsement with the Department with the assigned National
13 Mortgage Licensing System and Registry (“NMLS”) No. 491908, which expired on December
14 31, 2023.

15 (RESPONDENT LUIS ERNESTO ARCE)

16 4.

17 a. Respondent LUIS ERNESTO ARCE (“ARCE”) is presently licensed and/or
18 has license rights under the Code, as a real estate broker with the Department, DRE License ID
19 02047117.

20 b. ARCE’s broker license was originally issued on June 8, 2023, and is
21 scheduled to expire on June 7, 2027, unless renewed.

22 c. Prior to being issued a broker’s license by the Department, ARCE was
23 licensed by the Department as a real estate salesperson from October 27, 2017 through June 7,
24 2023.

25 d. According to the DRE records, ARCE is currently a designated officer of
26 Warranted Management, Inc., a real estate corporation, with DRE License ID 02162040.

27 ///

1 e. According to the DRE records, ARCE is currently a broker associate for TRT
2 Home Loans, Inc., a real estate corporation, with DRE License ID 01885529.

3 f. According to the DRE records, ARCE holds an individual Mortgage Loan
4 Originator (MLO) license endorsement with the Department with the assigned NMLS No.
5 1761085.

6 (NON-RESPONDENT LICENSEES)

7 5.

8 Sun Pacific Mortgage & Real Estate (“Sun Pacific”) has a corporation license
9 issued by the Department, DRE License ID 01464899, and a corporation MLO license
10 endorsement with the Department with the assigned NMLS No. 360993. Sun Pacific
11 originated the loan for the property located at 4640 Nora Avenue, Irwindale, California 91706.

12 6.

13 TRT Home Loans, Inc. (“TRT Home Loans”), doing business as TRT Capital,
14 has a corporation license issued by the Department, DRE License ID 01885529, and a
15 corporation MLO license endorsement with the Department with the assigned NMLS No.
16 249111.

17 (NON-RESPONDENT NON-LICENSEE)

18 7.

19 Learce Inc. is a California corporation formed on or about August 10, 2020
20 (California entity/file number C4626191). According to the Statement of Information
21 Corporation filed on November 25, 2022, ARCE is the Chief Executive Officer, Chief
22 Financial Officer, and Secretary of Learce Inc.

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1 C.V.'s loan for the Irwindale property. On or about October 22, 2023, C.V. signed the
2 Mortgage Loan Disclosure and the Loan Document Summary. On October 28, 2021, said
3 escrow was closed. The Borrower's Final Settlement Statement showed that KOHEN received
4 co-broker commission for the loan on the Irwindale property.

5 12.

6 On or about November 1, 2021, KFG issued a check for \$9,500.00 payable to
7 Learce Inc. Said check was written from KFG's Bank of America account number ending in
8 4584, on check number 1509, and was later endorsed on the back by ARCE via mobile deposit.
9 Said check was written by KFG to ARCE as a referral fee to ARCE for referring C.V.'s loan
10 application to KFG.

11 (REFERRAL FEE)

12 13.

13 TRT Home Loan's policies prohibit compensation, which include referral fees,
14 that is paid directly to TRT Home Loans' agents. According to the Independent Contractor
15 Agreement between TRT Home Loans and ARCE, dated October 17, 2017, compensation for
16 services requiring a real estate license is to be paid directly to the broker, which is TRT Home
17 Loans. In the Supervision Guidelines for Associated Broker/Salesperson of TRT Home Loans,
18 salespersons are prohibited from earning or receiving commissions outside of TRT Home
19 Loans.

20 GROUND FOR DISCIPLINARY ACTION

21 14.

22 As alleged in Paragraphs 8 through 13, Respondent ARCE engaged in the
23 business of, or acted in the capacity of a licensed real estate salesperson, for which ARCE
24 received compensation directly from KOHEN, who was not the broker under whom ARCE was
25 at the time licensed. ARCE's receipt of such compensation from KOHEN is in violation of
26 Code section 10137.

27 ///

1 15.

2 As alleged in Paragraphs 8 through 13, Respondent KOHEN conducted
3 activities that require a real estate license for which KOHEN directly compensated ARCE,
4 instead of the broker under whom ARCE was at the time licensed. KOHEN's issuance of such
5 compensation to ARCE is in violation of Code section 10137.

6 16.

7 The conduct of Respondents KOHEN and ARCE, as alleged in Paragraphs 8
8 through 13, while engaging in the business of or acting in the capacity of real estate licensees,
9 willfully disregarded or violated the Real Estate Law, in violation of Code Sections 10177(d).

10 17.

11 The conduct of Respondents KOHEN and ARCE, as alleged in Paragraphs 8
12 through 13, while engaging in the business of or acting in the capacity of real estate licensees,
13 demonstrated negligence of incompetence in performing an act for which they are required to
14 hold a license, in violation of Code Sections 10177(g).

15 INVESTIGATION AND ENFORCEMENT COSTS

16 18.

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

22 WHEREFORE, Complainant prays that a hearing be conducted on the
23 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
24 disciplinary action against the licenses and/or license rights of Respondent ABRAHAM
25 KOHEN and Respondent LUIS ERNESTO ARCE under the Real Estate Law, for the costs of

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1 investigation and enforcement as permitted by law and for such other and further relief as may
2 be proper under other applicable provisions of law.

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4 Dated at Los Angeles, California, on Mar 12, 2024.

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Jason Parson
Supervising Special Investigator

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13 cc: ABRAHAM KOHEN
14 LUIS ERNESTO ARCE
15 TRT Home Loans Inc.
16 Warranted Management Inc.
17 Jason Parson
18 Sacto.

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