

1 KATHY YI, Counsel (SBN 236736)  
2 California Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 Direct: (213) 576-6940  
7 *Attorney for Complainant*

**FILED**

APR - 5 2024

DEPT. 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, ) FIRST AMENDED  
15 Respondents. ) ACCUSATION

16 This First Amended Accusation amends the Accusation filed on March 14,  
17 2024. The Complainant, Jason Parson, a Supervising Special Investigator of the State of  
18 California, for cause of Accusation of ABRAHAM KOHEN, a.k.a. "Abraham Avi Kohen," and  
19 LUIS ERNESTO ARCE (collectively referred herein as "Respondents"), alleges as 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 holds a Department-approved  
12 individual Mortgage Loan Originator (“MLO”) license endorsement with the assigned National  
13 Mortgage Licensing System and Registry (“NMLS”) No. 491908.

14 e. According to DRE records, KOHEN holds a Department-approved company  
15 MLO license endorsement with the assigned NMLS No. 1001750, as a sole proprietor of  
16 Kohen Financial Group.

17 (RESPONDENT LUIS ERNESTO ARCE)

18 4.

19 a. Respondent LUIS ERNESTO ARCE (“ARCE”) is presently licensed and/or  
20 has license rights under the Code, as a real estate broker with the Department, DRE License ID  
21 02047117.

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

24 c. Prior to being issued a broker’s license by the Department, ARCE was  
25 licensed by the Department as a real estate salesperson from October 27, 2017 through June 7,  
26 2023.

27 ///

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

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

5 f. According to the DRE records, ARCE holds a Department-approved  
6 individual MLO endorsement with the assigned NMLS No. 1761085.

7 (NON-RESPONDENT LICENSEES)

8 5.

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

13 6.

14 TRT Home Loans, Inc. ("TRT Home Loans"), doing business as TRT Capital,  
15 has a corporation license issued by the Department, DRE License ID 01885529, and a  
16 corporation MLO license endorsement with the Department with the assigned NMLS No.  
17 249111.

18 (NON-RESPONDENT NON-LICENSEE)

19 7.

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

24 ///

25 ///

26 ///

27 ///

1 STATEMENT OF FACTS

2 (LOAN ORIGINATION)

3 8.

4 a. At all relevant times mentioned herein, Respondents ARCE and KOHEN  
5 engaged in the performance of activities requiring a real estate license pursuant to Code Section  
6 10130. Respondents acted and ordered, caused, authorized or participated in licensed activities  
7 within the meaning Code Section 10131(d), by soliciting borrowers or lenders for or  
8 negotiating loans or collecting payments or performing services for borrowers or lenders or  
9 note owners in connection with loans secured directly or collaterally by liens on real property  
10 or on a business opportunity.

11 b. At all relevant times mentioned herein, ARCE was employed by TRT Home  
12 Loans as a real estate salesperson until June 7, 2023 and as a real estate broker associate as of  
13 June 8, 2023.

14 9.

15 On or August 8, 2021, ARCE assisted C.V.<sup>1</sup> in submitting his loan application  
16 to TRT Home Loans for the property located at 4640 Nora Avenue, Irwindale, California  
17 91706 ("Irwindale property"). On or about August 18, 2021, TRT Home Loans denied C.V.'s  
18 loan application.

19 10.

20 Thereafter, ARCE referred and provided the initial loan documents of C.V. to  
21 KOHEN, doing business as Kohen Financial Group ("KFG"). On or about October 8, 2021,  
22 C.V. agreed to proceed with his loan application for the Irwindale property with KFG.

23 11.

24 On or about October 13, 2021, an escrow was opened with Top Escrow for  
25

26 \_\_\_\_\_  
27 <sup>1</sup> Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full names will be provided during the discovery phase of this case to Respondents and/or their attorneys, after service of a timely and proper request for discovery on Complainant's counsel.

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 GROUNDS 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

15.

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

16.

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

17.

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

INVESTIGATION AND ENFORCEMENT COSTS

18.

Section 10106 of the Code, provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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 the licenses and/or license rights of Respondent ABRAHAM KOHEN and Respondent LUIS ERNESTO ARCE under the Real Estate Law, for the costs of

///  
///

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.

3  
4 Dated at Los Angeles, California, on A p r i l 4, 2024.



5  
6  
7  
8 Jason Parson  
Supervising Special Investigator

9  
10  
11  
12  
13 cc: ABRAHAM KOHEN  
14 LUIS ERNESTO ARCE  
15 TRT Home Loans Inc.  
Warranted Management Inc.  
16 Jason Parson  
Sacto.