

1 Department of Real Estate
320 West Fourth St., Suite 350
2 Los Angeles, CA 90013

3 Telephone: (213) 576-6982

FILED

NOV 24 2008

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 To:)
12 HOME OWNERS ASSISTANCE,)
13 a corporate real estate broker;)
14 DEAN ERIC TORO, as designated)
15 officer of Home Owners Assistance;)
16 FIRST HOUSING OF AMERICA INC.,)
17 a corporate real estate broker;)
18 and SINDEY AVALOS, as designated)
officer of First Housing of)
America Inc.)

NO. H-35474 LA

ORDER TO DESIST
AND REFRAIN

19 The Real Estate Commissioner of the State of
20 California (hereinafter "Commissioner") has caused an
21 investigation to be made of your activities as real estate
22 brokers and based upon the findings of that investigation,
23 as set forth below, is of the opinion that you, HOME OWNERS
24 ASSISTANCE, and you, FIRST HOUSING OF AMERICA INC., have
25 violated Section 10085 of the Business and Professions Code
26 ("Code") and Regulation 2970, Title 10, California Code of
27 Regulations ("Regulations"); and that you, DEAN ERIC TORO,

1 as designated broker officer of Home Owners Assistance, and
2 you, SINDEY AVALOS, as designated broker-officer of First
3 Housing of America Inc., have violated Code Section 10159.2.

4 1.

5 At all times material herein, you, HOME OWNERS
6 ASSISTANCE were and now are licensed by the Department of Real
7 Estate of the State of California ("Department") as a corporate
8 real estate broker through DEAN ERIC TORO as the designated
9 officer and broker responsible, pursuant to the provisions of
10 Code Section 10159.2, for supervising the activities requiring
11 a real estate license conducted on behalf of HOME OWNERS
12 ASSISTANCE by its officers, agents and employees.

13 2.

14 At all times material herein, you, DEAN ERIC TORO,
15 were and now are licensed by the Department as a real estate
16 broker, individually and as the designated officer of HOME
17 OWNERS ASSISTANCE. As its designated broker-officer, you,
18 DEAN ERIC TORO, are and at all times material herein were
19 responsible for the supervision and control of the activities
20 of the officers, agents and employees of HOME OWNERS ASSISTANCE
21 for which a license is required pursuant to Code Section
22 10159.2.

23 3.

24 At all times material herein, you, FIRST HOUSING OF
25 AMERICA INC., were and now are licensed by the Department as
26 a corporate real estate broker through SINDEY AVALOS as the
27 designated officer and broker responsible, pursuant to the

1 provisions of Code Section 10159.2, for supervising the
2 activities requiring a real estate license conducted on behalf
3 of FIRST HOUSING OF AMERICA INC. by its officers, agents and
4 employees.

5 4.

6 At all times material herein, you, SINDEY AVALOS,
7 were and now are licensed by the Department as a real estate
8 broker, individually and as the designated officer of FIRST
9 HOUSING OF AMERICA INC. As its designated broker-officer,
10 you, SINDEY AVALOS, are, and at all times material herein were,
11 responsible for the supervision and control of the activities
12 of the officers, agents and employees of FIRST HOUSING OF
13 AMERICA INC. for which a license is required pursuant to Code
14 Section 10159.2.

15 5.

16 All further references to "you" include the parties
17 identified in Paragraphs 1 through 4, above, and also include
18 the officers, directors, employees, agents and real estate
19 licensees employed by or associated with said parties and who
20 at all times herein mentioned were engaged in the furtherance
21 of the business or operations of said parties and who were
22 acting within the course and scope of their authority and
23 employment.

24 6.

25 At all times material herein mentioned, you, HOME
26 OWNERS ASSISTANCE, you, FIRST HOUSING OF AMERICA INC., you DEAN
27 ERIC TORO, and you, SINDEY AVALOS, engaged in the business of,

1 acted in the capacity of, advertised or assumed to act as
2 a real estate broker in the State of California, within the
3 meaning of Code Section 10131(d), for another or others, all
4 for or in expectation of compensation, solicited and negotiated
5 between borrowers and lenders for loans secured by real
6 property ("mortgage loan activities").

7 7.

8 Beginning on or before January 1, 2008, and
9 continuing to the present time, you have offered to assist
10 borrowers in modifying the terms of their existing home loans.

11 8.

12 In the course of activities described in Paragraphs 6
13 and 7, you, HOME OWNERS ASSISTANCE, and you, FIRST HOUSING OF
14 AMERICA INC., acted in violation of the Code and the
15 Regulations in that you collected fees in advance from
16 prospective borrowers pursuant to a written "Advance Fee
17 Agreement", which you did not submit to the Department for
18 review and approval prior to use, in violation of Code Section
19 10085 and Regulation 2970.

20 9.

21 You, DEAN ERIC TORO, failed to exercise reasonable
22 supervision over the activities of officers and employees of
23 HOME OWNERS ASSISTANCE for which a real estate license was
24 required so as to prevent the violations set forth above,
25 in violation of Code Section 10159.2.

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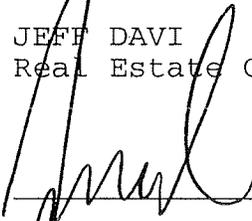
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10.

You, SINDEY AVALOS, failed to exercise reasonable supervision over the activities of officers and employees of FIRST HOUSING OF AMERICA INC. for which a real estate license was required so as to prevent the violations set forth above, in violation of Code Section 10159.2.

NOW, THEREFORE, YOU, HOME OWNERS ASSISTANCE, YOU, DEAN ERIC TORO, YOU FIRST HOUSING OF AMERICA INC., AND YOU, SINDEY AVALOS, ARE ORDERED TO DESIST AND REFRAIN from performing any activity for which a real estate license is required, within the meaning of Code Section 10131, unless and until you are in compliance with Code Sections 10085 and 10159.2 and Regulation 2970.

DATED: 11-21-98

JEFF DAVI
Real Estate Commissioner


- cc: Home Owners Assistance
2835 S. Bristol St., Suite B
Santa Ana, CA 92704

- Dean Eric Toro
29650 Kingston Ct.
Menifee, CA 92584

- First Housing of America Inc.
2911 S. Bristol St. #B
Santa Ana, CA 92704

- Sindey Avalos
2911 S. Bristol Street
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