TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

FILED

AUG 11 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of AVEMOS FINANCIAL GROUP INC., Respondent.	No. H-10751 SF ACCUSATION

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against AVEMOS FINANCIAL GROUP INC., (hereinafter "Respondent"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

///

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3

At all times mentioned, Respondent was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation. At no time was Respondent associated with a designated officer-broker to qualify Respondent to act as a real estate broker.

4

Angeline Lisa Lizarrago (hereinafter "Lizarrago") is not licensed by the Department either as a real estate salesperson or as a real estate broker at any time mentioned.

5

At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

FIRST CAUSE OF ACTION

6

Each and every allegation in Paragraphs 1 through 5, inclusive, above, are incorporated by this reference as if fully set forth herein.

7

Beginning on or about October 2008, Respondent employed and compensated Lizarrago, to perform the acts and conduct the activities described in Paragraph 5, above, including but not limited to the activities described in Paragraph 8.

8

Beginning on or about October 2008, in course of the activities and employment described in Paragraph 5, without first being licensed by the Department either as a real estate

salesperson or as a real estate broker, Lizarrago behalf of Respondent, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to the following:

HOMEOWNER	PROPERTY ADDRESS
Joseph Manipon Miranda	1154 Fox River Way, Ceres, California
Somboun Sisavath	7860 Manerside Drive, Sacramento, California
Dalila Gaulden	1757 Caleb Circle, Stockton, California

9

In acting as described above, Respondent violated and/or willfully failed to comply with Sections 10130 and 10137 of the Code.

10

The facts alleged in the First Cause of Action are grounds for the suspension or revocation of the licenses and license rights of Respondent under Sections 10137 and 10130 of the Code in conjunction with Section 10177(d) of the Code.

SECOND CAUSE OF ACTION

11

Each and every allegation in Paragraphs 1 through 12, inclusive, above are incorporated by this reference as if fully set forth herein.

12

In connection with the operation and conduct of the real estate activities described in Paragraph 5, Respondent engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of

Sections 10026 and 10131.2 (hereinafter "advance fee") of the Code including but not limited to the following:

HOMEOWNER	AMOUNT
Joseph Manipon Miranda	$3,020.00
Somboun Sisavath	$2,520.00
Dalila Gaulden	$4,516.50

13

In connection with the collection and handling of said advance fee, Respondent:

(a) Failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

(b) Failed to immediately deliver said trust funds into a neutral escrow depository, or into a trust fund account in violation of Section 10146 of the Code.

(c) Failed to furnish the principal borrower the verified accounting required by Section 10146 of the Code and Section 2972 of the Regulations.

14

The acts and/or omissions of Respondent described in the Second Cause of Action, constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085 and 10146 of the Code, and Sections 2970 and 2972 of the Regulations, and are cause for the suspension or revocation of Respondent's license and license rights.

PRIOR PROCEEDINGS

15

On or about October 25, 2004, in Case No. H-1720 FR before the Department of Real Estate, the Real Estate Commissioner issued an Order to Desist and Refrain against Lizarrago for violation of Sections 10130 of the Code.

///

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 all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 29th day of July, 2009

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

FILED

SEP 25 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of AVEMOS FINANCIAL GROUP INC., Respondent.	No. H-10751 SF DEFAULT ORDER

Respondent, AVEMOS FINANCIAL GROUP INC., having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED September 21, 2009.

JEFF DAVI
Real Estate Commissioner

By:

CHARLES W. KOENIG
Regional Manager

FILED

OCT - 8 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of	)	
	)	No. H-10751 SF
AVEMOS FINANCIAL GROUP INC.,	)	
	)	
Respondent.	)	
	)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on September 25, 2009, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On July 29, 2009, E. J. Haberer II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondent last known mailing address on file with the Department on August 11, 2009, and personal service was effected on August 20, 2009.

On September 25, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

3

At all times mentioned, Respondent was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation. At no time was Respondent associated with a designated officer-broker to qualify Respondent to act as a real estate broker.

4

Angeline Lisa Lizarrago (hereinafter "Lizarrago") is not licensed by the Department either as a real estate salesperson or as a real estate broker at any time mentioned.

5

At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

6

Beginning on or about October 2008, Respondent employed and compensated Lizarrago, to perform the acts and conduct the activities described in Paragraph 5, above, including but not limited to the activities described in Paragraph 7.

7

Beginning on or about October 2008, in course of the activities and employment described in Paragraph 5, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Lizarrago behalf of Respondent, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to the following:

Homeowner	**Property Address**
Joseph Manipon Miranda	1154 Fox River Way, Ceres, California
Somboun Sisavath	7860 Manerside Drive, Sacramento, California
Dalila Gaulden	1757 Caleb Circle, Stockton

8

In acting as described above, Respondent violated and/or willfully failed to comply with Sections 10130 and 10137 of the Code.

9

In connection with the operation and conduct of the real estate activities described in Paragraph 5, Respondent engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fee") of the Code including but not limited to the following:

HOMEOWNER	AMOUNT
Joseph Manipon Miranda	$3020
Somboun Sisavath	$2520
Dalila Gaulden	$4516.50

10

In connection with the collection and handling of said advance fee, Respondent:

(a) Failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

(b) Failed to immediately deliver said trust funds into a neutral escrow depository, or into a trust fund account in violation of Section 10146 of the Code.

(c) Failed to furnish the principal borrower the verified accounting required by Section 10146 of the Code and Section 2972 of the Regulations.

11

On or about October 25, 2004, in Case No. H-1720 FR before the Department of Real Estate, the Real Estate Commissioner issued an Order to Desist and Refrain against Lizarrago for violation of Sections 10130 of the Code.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists pursuant to Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

///

///

2

Cause for disciplinary action against Respondent exists pursuant to Section 10177(d) of the Code in conjunction with Sections 10085 and 10146 of the Code, and Sections 2970 and 2972 of the Regulations.

3

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent AVEMOS FINANCIAL GROUP INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on NOV - 2 2009.

DATED: 09/30/09

JEFF DAVI
Real Estate Commissioner