

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0791

FILED

DEC 23 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

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12 TO:

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ALEJANDRO "ALEX" MARIO AGUILAR, and
HISPANIC FAMILY OF CALIFORNIA, INC.,
a Corporation.

NO. H-10821 SF

ORDER TO
DESIST AND REFRAIN
(B&P Code Section 10086)

17 The Real Estate Commissioner (Commissioner) of the California Department of
18 Real Estate (Department) caused an investigation to be made of the activities of ALEJANDRO
19 "ALEX" MARIO AGUILAR (AGUILAR) dba HISPANIC FAMILY OF CALIFORNIA, INC.
20 (HFC). Based on the investigation, the Commissioner has determined that AGUILAR has
21 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations
22 of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California
23 Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or
24 advertising or assuming to act as, a real estate broker in the State of California within the
25 meaning of Sections 10131(a) (soliciting purchasers), (d) (performing services for borrowers in
26 connection with loans secured by real property), 10085 (advanced fee materials), and 10085.5
27 (claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on the

1 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
2 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to AGUILAR, those acts are
4 alleged to have been done by AGUILAR, acting by himself, or by and/or through one or more
5 agents, associates, affiliates, and/or co-conspirators, and using the name HISPANIC FAMILY
6 OF CALIFORNIA, INC., or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has AGUILAR been licensed by the
9 Department in any capacity.

10 2. Between about December 2008 and October 2009, AGUILAR solicited,
11 through advertisements, prospective purchasers of real property, in an expectation of
12 compensation, to buy or offer to buy, or negotiate the purchase, sale or exchange of real
13 property, and continued to solicit prospective purchasers, urging them to "Call Today! Don't
14 Miss the Opportunity to Own a Home!"

15 3. On about October 5, 2009, AGUILAR informed Ryan Carr, a Deputy
16 Commissioner with the Department, that he had been performing loan modifications and
17 soliciting borrowers to negotiate and/or perform one or more of the following acts for another
18 or others, for or in expectation of compensation: negotiate one or more loans for, or perform
19 services for borrowers and/or lenders in connection with loans secured directly or collaterally
20 by one or more liens on real property.

21 4. On about October 5, 2009, AGUILAR informed Ryan Carr, a Deputy
22 Commissioner with the Department, that he claimed, received, and collected advanced fees in
23 the amount of between \$1,500 and \$2,500 for each borrower from approximately 40-65
24 borrowers, without having first submitted advanced fee materials to the Commissioner.

25 CONCLUSIONS OF LAW

26 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,
27 AGUILAR, acting by himself, or by and/or through one or more agents, associates, affiliates,

1 respect to the performance of loan modifications or any other form of mortgage loan forbearance
2 service in connection with loans on residential property containing four or fewer dwelling units
3 (Section 10085.6 of the Code);

4 2. charging, demanding, claiming, collecting and/or receiving advance fees, as
5 that term is defined in Section 10026 of the Code, for any other real estate related services
6 offered by them to others;

7 3. soliciting purchasers to buy or offer to buy, or negotiate the purchase, sale or
8 exchange of real property; and,

9 4. soliciting borrowers and/or performing services for borrowers or lenders in
10 connection with loans secured directly or collaterally by one or more liens on real property.

11 DATED: 12/16/2009

12
13 JEFF DAVI
14 Real Estate Commissioner

15 By: 

16 BARBARA J. BIGBY
17 Chief Deputy Commissioner

18 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
19 real estate broker or real estate salesperson without a license or who advertises using words
20 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
21 public offense.”

22 cc: ALEJANDRO “ALEX” MARIO AGUILAR
23 dba HISPANIC FAMILY OF CALIFORNIA, INC.
24 101 Callan Avenue, #204
25 San Leandro, CA 94577

26 cc: ALEJANDRO “ALEX” MARIO AGUILAR
27 dba HISPANIC FAMILY OF CALIFORNIA, INC.
3072 Belize Way
Union City, CA 94587