

FILED

JAN -5 2012

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

DEPARTMENT OF REAL ESTATE

By R. Jones

5
6
7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10 TO:

11)
12) ASPERA HOUSING, INC., and
13) RANDALL GUERRA, an individual
14)

No. H-2706 FR

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

15 The Commissioner of the California Department of Real Estate ("Commissioner")
16 caused an investigation to be made of the activities of ASPERA HOUSING, INC. ("AHI") and
17 RANDALL GUERRA ("RG"). Based on the investigation, the Commissioner has determined
18 AHI and RG have engaged in, are engaging in, or are attempting to engage in, acts or practices
19 constituting violations of the California Business and Professions Code ("Code") and/or Title 10,
20 Chapter 6, California Code of Regulations ("Regulations"), including the business of, acting in
21 the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of
22 California within the meaning of Section 10131(d) (performing services for borrowers in
23 connection with loans secured by real property) of the Code. Furthermore, based on the
24 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
25 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

26 ///

27 ///

1 additional fee would be charged during the loan modification process. On June 25, 2011, the
2 Borrower provided a check payable to AHI in the amount of \$250 as an advance payment for
3 loan modification services to be rendered by AHI.

4 5. On or about August 23, 2011, a Deputy Real Estate Commissioner,
5 acting undercover, contacted RG about the possibility of obtaining a loan modification. The
6 deputy was informed that RG would charge \$100, in advance, for an "initial assessment"
7 which would be applied to AHI's \$350 intake fee. RG further stated that if a loan modification
8 is made, an additional fee of \$250 would be collected.

9 CONCLUSIONS OF LAW

10 6. Based on the findings of fact contained in paragraphs 1 through 5,
11 above, AHI, acting by and/or through RG and one or more agents, associates, affiliates, and/or
12 co-conspirators, unknown at this time, solicited one or more borrowers and performed services
13 for those borrowers and/or those borrowers' lenders in connection with loans secured directly
14 or collaterally by one or more liens on real property, acts which require a real estate license
15 under Section 10131(d) of the Code, during a period of time when AHI and RG were not
16 licensed by the Department in any capacity.

17 DESIST AND REFRAIN ORDER

18 Based on the Findings of Fact and Conclusions of Law stated herein, RANDALL
19 GUERRA doing business under your own name and the corporate name ASPERA HOUSING,
20 INC., and/or any other corporation which does not hold a valid California Department Real
21 Estate Corporate Broker License or any other names or fictitious names, is HEREBY
22 ORDERED to:

23 1. Immediately desist and refrain from performing any acts within the State
24 of California for which a real estate broker license is required. In particular, to desist and refrain
25 from soliciting borrowers and/or performing services for borrowers or lenders in connection with
26 loans secured directly or collaterally by one or more liens on real property until and unless
27 obtaining a broker license issued by the Department.

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

cc:

Aspera Housing, Inc.
Lee Ayres, Agent for Service of Process
4949 East Kings Canyon Road, Suite 106
Fresno, CA 93727

Aspera Housing, Inc.
5132 N Palm Avenue, PMB 102
Fresno, CA 93704

Randall Guerra
4949 East Kings Canyon Road, Suite 106
Fresno, CA 93727

KCE