

FILED

SEP 13 2011

1 DEPARTMENT OF REAL ESTATE
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: *Swatara*

9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:)
12 COLLEEN ACOSTA) NO. H-37527 LA
13) ORDER TO DESIST AND
14) REFRAIN
15) (B&P Code Section 10086)
16)

17 The Commissioner (Commissioner) of the California Department of Real Estate
18 (Department) caused an investigation to be made of the activities of COLLEEN ACOSTA
19 (ACOSTA). Based on that investigation, the Commissioner has determined that ACOSTA has
20 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations
21 of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California
22 Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or
23 advertising or assuming to act as a real estate broker in the State of California within the meaning
24 of Section 10131(d) (negotiating, or performing services in connection with loans) of the Code.
25 Furthermore, based on the investigation, the Commissioner hereby issues the following Findings
26 of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086
27 of the Code.

1 Whenever acts referred to below are attributed to ACOSTA, those acts are
2 alleged to have been done by ACOSTA, acting by herself, or by and/or through one or more
3 agents, associates, affiliates, and/or co-conspirators, including, but not limited to ACOSTA.

4 FINDINGS OF FACT

5 1. ACOSTA is not now, and has never been, licensed by the Department in any
6 capacity

7 2. ACOSTA was compensated by American Home Modification Inc (AHMI) for
8 the activities requiring a real estate license described below.

9 Henry M. transaction

10 3. On or about June 23, 2009, Henry M. entered into an agreement in which
11 AHMI agreed to negotiate a modification of Henry M's home loan in exchange for payment of an
12 advance fee. Thereafter, ACOSTA sent several documents to Henry M's lender using AHMI
13 cover letters which identified ACOSTA as a "negotiator".

14 Flossie H. transaction

15 4. On or about May 27, 2009, Flossie H. entered into an agreement in which
16 AHMI agreed to negotiate a modification of Flossie H's home loan in exchange for payment of
17 an advance fee. Thereafter, ACOSTA sent several documents to Flossie H's lender using AHMI
18 cover letters which identified ACOSTA as a "negotiator".

19 Erika M. transaction

20 5. On or about February 13, 2009, Erica M. entered into an agreement in which
21 AHMI agreed to negotiate a modification of Erica M's home loan in exchange for payment of an
22 advance fee. Thereafter, ACOSTA sent several documents to Erica M's lender using AHMI
23 cover letters which identified ACOSTA as a "negotiator". On May 13, 2009, ACOSTA also sent
24 an email to Erica M's lender, which indentified ACOSTA as a "negotiator."

25 Aurora R. transaction

26 6. On or about March 7, 2009, Aurora R. entered into an agreement in which
27 AHMI agreed to negotiate a modification of Aurora R's home loan in exchange for payment of

1 an advance fee. Thereafter, ACOSTA sent several documents to Aurora R's lender using AHMI
2 cover letters which identified ACOSTA as a "negotiator".

3 Mario F. transaction

4 7. On or about March 13, 2009, Mario F. entered into an agreement in which
5 AHMI agreed to negotiate a modification of Mario F's home loan in exchange for payment of an
6 advance fee. Thereafter, ACOSTA sent several documents to Mario F's lender using AHMI
7 cover letters which identified ACOSTA as a "negotiator".

8 Socrates S. transaction

9 8. On or about May 25, 2009, Socrates S. entered into an agreement in which
10 AHMI agreed to negotiate a modification of Socrates S's home loan in exchange for payment of
11 an advance fee. Thereafter, ACOSTA sent several documents to Socrates S's lender using
12 AHMI cover letters which identified ACOSTA as a "negotiator".

13 James H. transaction

14 9. On or about March 11, 2009, James H. entered into an agreement in which
15 AHMI agreed to negotiate a modification of James H's home loan in exchange for payment of an
16 advance fee. Thereafter, ACOSTA sent several documents to James H's lender using AHMI
17 cover letters which identified ACOSTA as a "negotiator". On March 26, 2009, ACOSTA also
18 sent an email to James H's lender, which indentified ACOSTA as a "negotiator."

19 Gilberto & Emma G. transaction

20 10. On or about March 28, 2009, Gilberto & Emma G. entered into an agreement
21 in which AHMI agreed to negotiate a modification of Gilberto & Emma G's home loan in
22 exchange for payment of an advance fee. Thereafter, ACOSTA sent several documents to
23 Gilberto & Emma G.'s lender using AHMI cover letters which identified ACOSTA as a
24 "negotiator".

25 CONCLUSIONS OF LAW

26 11. Based on the findings of fact contained in paragraphs 1 through 10,
27 ACOSTA, acting by herself, or by and/or through one or more agents, associates, affiliates,


1 and/or co-conspirators, including, but not limited to ACOSTA, performed services for borrowers
2 in connection with loans secured directly or collaterally by one or more liens on real property,
3 which acts require a real estate broker license under Section 10131(d) of the Code, during a
4 period of time when ACOSTA was not licensed by the Department as a real estate broker, in
5 violation of Section 10130 of the Code.

6 DESIST AND REFRAIN ORDER

7
8 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is
9 hereby ordered that COLLEEN ACOSTA, whether doing business under her own name, or any
10 other names, IS HEREBY ORDERED to immediately desist and refrain from performing any
11 acts within the State of California for which a real estate broker license is required.

12
13
14 DATED: 9/7/11

15 BARBARA BIGBY
16 Acting Real Estate Commissioner

17 By 
18

19
20 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
21 real estate broker or real estate salesperson without a license or who advertises using words
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
24 imprisonment in the county jail for a term not to exceed six months, or by both fine and
25 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
26 (\$60,000).”

27 cc: COLLEEN ACOSTA
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