

**FILED**

1 Department of Real Estate  
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3 Los Angeles, California 90013-1105  
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JUN 07 2012

DEPARTMENT OF REAL ESTATE  
BY: *Shirley A. Allen*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 To:	)	No. H-38191 LA
	)	
12 JESUS AGUILAR	)	<u>ORDER TO DESIST</u>
	)	<u>AND REFRAIN</u>
	)	
	)	(B&P Code Section 10086)
15	)	

16 The Commissioner ("Commissioner") of the California Department of Real Estate  
17 ("Department") caused an investigation to be made of the activities of JESUS AGUILAR  
18 ("AGUILAR"). Based on that investigation the Commissioner has determined that AGUILAR  
19 has engaged in, or is engaging in, acts, or is attempting to engage in the business of, acting in the  
20 capacity of, and/or advertising or assuming to act as a real estate broker in the State of California  
21 within the meaning of Business and Professions Code Sections 10131(d) (soliciting or collecting  
22 payments from borrowers in connection with loans secured by real property) and 10131.2  
23 (advance fee handling).

24 In addition, based on that investigation, the Commissioner has determined that  
25 AGUILAR has engaged in, or is engaging in, acts, or is attempting to engage in practices  
26 constituting violations of the California Business and Professions Code ("Code"). Based on the  
27 findings of that investigation, set forth below, the Commissioner hereby issues the following

1 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of  
2 Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. AGUILAR is not now, nor has he ever been, licensed by the Department  
5 in any capacity.

6 2. At the times set forth below AGUILAR negotiated to do one or more of  
7 the following acts for another or others, for or in expectation of compensation: engaged in the  
8 business of, acted in the capacity of, or advertised a loan modification and negotiation service  
9 and advance fee brokerage with respect to loans which were secured by liens on real property for  
10 compensation or in expectation of compensation and for fees collected in advance of the  
11 transaction.

12 3. Salvador V. Transaction

13 On or about August 1, 2009, after being solicited by AGUILAR on behalf of First  
14 Federal Loan Services Inc (FFLSI), Salvador V. entered into an agreement with FFLSI , in which  
15 FFLSI agreed to negotiate a modification of Salvador V.'s home mortgage loan, in exchange for  
16 the payment of an advance fee.

17 4. Ricardo L. Transaction

18 On or about October 20, 2009, FFLSI entered into an agreement with Ricardo L.,  
19 in which FFLSI agreed to negotiate a modification of Ricardo L.'s home mortgage loan, in  
20 exchange for the payment of an advance fee. On October 20, 2009, AGUILAR collected an  
21 advance fee of \$4,000 from Ricardo L., on behalf of FFLSI.

22 CONCLUSIONS OF LAW

23 5. Based on the information contained in Paragraphs 1 through 4 above,  
24 AGUILAR violated Code Section 10130 by engaging in activities requiring a broker license  
25 without first obtaining a broker license from the Department.

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1 DESIST AND REFRAIN ORDER

2 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated  
3 herein, it is hereby ordered that JESUS AGUILAR, whether doing business under his own name,  
4 or any other names, or any fictitious name, is hereby ordered to immediately desist and refrain  
5 from performing any acts within the State of California for which a real estate broker license is  
6 required. In particular, he is ORDERED TO DESIST AND REFRAIN from:

- 7 1. charging, demanding, claiming, collecting and/or receiving advance fees, as  
8 that term is defined in Section 10026 of the Code, in any form, and under any  
9 conditions, with respect to the performance of loan modification or any other  
10 form of mortgage loan forbearance services in connection with loans on  
11 residential property containing four or fewer dwelling units; and  
12 2. charging, demanding, claiming, collecting and/or receiving advance fees, as  
13 that term is defined in Section 10026 of the Code, for any of the other real  
14 estate related services offered to others.

15 DATED: 4/23, 2012.

16 Real Estate Commissioner

17  
18 By 

19  
20 By WAYNE S. BELL  
Chief Counsel

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

25 cc: JESUS AGUILAR  
26 11240 Warland Drive, Suite 200  
27 Cypress, CA 90630