

1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED
MAR 18 2010
DEPARTMENT OF REAL ESTATE

K. Mederbet

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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| 11 To: USA MORTGAGE AID, INC. and |) | No. H-36513 LA |
| 12 MIKE FIMBRES |) | |
| |) | <u>ORDER TO DESIST</u> |
| |) | <u>AND REFRAIN</u> |
| |) | |
| |) | (B & P Code Section 10086) |
| 14 Respondents. |) | |
| 15 _____ |) | |

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of USA MORTGAGE AID,
18 INC. ("USA") and MICHAEL FIMBRES ("FIMBRES"). Based on that investigation, the
19 Commissioner has determined that USA and FIMBRES have engaged in or are engaging in acts
20 or are attempting to engage in the business of, acting in the capacity of, and/or advertising or
21 assuming to act as real estate brokers in the State of California within the meaning of Code
22 Section 10131(d) (soliciting, negotiating and performing services for borrowers in connection
23 with loans secured by real property).

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

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

3 Whenever acts of USA are referred to below, those acts are alleged to have been
4 done by USA and FIMBRES and/or one or more agents, associates, affiliates and/or conspirators.

5 FINDINGS OF FACT

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

8 2. FIMBRES is not now, and has never been, licensed by the Department in any
9 capacity.

10 3. At the time set forth below each and every respondent solicited borrowers
11 and negotiated to do one or more of the following acts for another or others, for or in
12 expectation of compensation: engaged in the business of, acted in the capacity of, or advertised
13 a loan solicitation, negotiation and/or modification service using the name USA Mortgage Aid,
14 Inc. where in USA and FIMBRES were soliciting, offering to negotiate or perform loan
15 modification services with respect to loans which were secured by liens on real property for
16 compensation or in expectation of compensation and for fees collected in advance of the
17 transaction.

18 4. In or about October 2008, USA provided an advance fee contract to Suyapa
19 Christina Bandy ("Bandy") for loan modification services on Bandy's existing mortgage on her
20 home located at 7535 La Paz Court, #103, Boca Raton, Florida 33433.

21 5. In or about October 2008, FIMBRES, as a representative of USA, demanded
22 and received an advance fee of \$1,503 from Bandy for the activities described in paragraph 4,
23 above.

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1 CONCLUSIONS OF LAW

2 6. Based on the information contained in Paragraphs 1 through 5, above, USA
3 and FIMBRES violated Section 10130 of the Code by engaging in activities requiring a real
4 estate license without first obtaining a broker license from the Department.

5 DESIST AND REFRAIN ORDER

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7 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
8 herein, IT IS ORDERED THAT:

9 A. USA MORTGAGE AID, INC. and MICHAEL FIMBRES, whether doing
10 business under their own names, or any other names, or fictitious names, ARE HEREBY
11 ORDERED TO immediately desist and refrain from performing any acts within the State of
12 California for which a real estate broker license is required, unless or until you are so licensed.

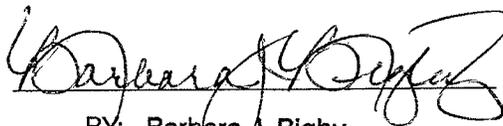
13 In particular each of them is ordered to desist and refrain from:

14 1. charging, demanding, claiming, collecting and/or receiving advance fees,
15 as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with
16 respect to the performance of loan modifications or any other form of mortgage loan forbearance
17 service in connection with loans on residential property containing four or fewer dwelling units
18 (Code Section 10085.6); and

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

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23 DATED: 2/11, 2010.

24 JEFF DAVI
25 Real Estate Commissioner

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27 BY: Barbara J. Bigby
Chief Deputy Commissioner

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

cc: USA MORTGAGE AID, INC.
3 Mason Street, suite 100
Irvine, CA 92618

MICHAEL FIMBRES
3 Mason Street, suite 100
Irvine, CA 92618