

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

FILED

AUG 11 2009

DEPARTMENT OF REAL ESTATE

L. Zui
BY _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

11 TO:)
12) NO. H-10753 SF
13 ANGELINE LISA LIZARRAGO,)
14 AVEMOS FINANCIAL GROUP, INC.,) ORDER TO DESIST AND REFRAIN
and/or any other names or) (B&P Code Section 10086)
fictitious names)
_____)

15 The Commissioner (Commissioner) of the California Department of Real Estate
16 (Department) caused an investigation to be made of the activities of ANGLELINE LISA
17 LIZARRAGO (LIZARRAGO) and AVEMOS FINANCIAL GROUP, INC. (AFG). Based on
18 that investigation, the Commissioner has determined that LIZARRAGO and AFG have engaged
19 in acts or practices constituting violations of the California Business and Professions Code
20 (Code), including Section 10137 (unlawful employment or payment of compensation) and/or
21 Section 10177(d) in conjunction with Section 10130 (engaging in the business of advertising or
22 assuming to act as a real estate broker without first obtaining a real estate license) and/or
23 Section 2970 (requirements for advance fee agreements) and Section 2972 of Title 10, Chapter
24 6, California Code of Regulations (Regulations). Furthermore, based on the investigation, the
25 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
26 and Refrain Order under the authority of Section 10086 of the Code.

27 ///

1 FINDINGS OF FACT

2 1. At no time herein mentioned has LIZARRAGO been licensed by the
3 Department in any capacity.

4 2. LIZARRAGO was issued a Desist and Refrain Order in case H-1720 FR,
5 filed on October 25, 2004, for conducting real estate activity without a license.

6 3. AFG is presently licensed by the Department as a real estate broker
7 corporation, whose license is due to expire on March 10, 2010. AFG's license status is
8 presently no broker affiliation.

9 4. Since about March 20, 2006, AFG has not had a main office location
10 licensed with the Department or a broker/designated officer affiliated with its real estate
11 corporation license.

12 5. Beginning on or about October 8, 2008, on behalf of AFG, LIZARRAGO
13 solicited and/or performed services for borrowers and lenders for loans secured directly or
14 collaterally by liens on real property for or in expectation of compensation, including, but not
15 limited to:

16 HOMEOWNER

PROPERTY ADDRESS

17 [REDACTED]	[REDACTED]
18 [REDACTED]	[REDACTED]
19 [REDACTED]	[REDACTED]
20 [REDACTED]	[REDACTED]
21 [REDACTED]	[REDACTED]
22 [REDACTED]	[REDACTED]

23 6. Beginning on or about October 8, 2008, on behalf of AFG, LIZARRAGO
24 engaged in the business of demanding, charging, receiving, collecting or contracting for the
25 collection of advance fees within the meaning of Sections 10026 of the Code including, but not
26 limited to:

27 ///

<u>HOMEOWNER</u>	<u>AMOUNT</u>
[REDACTED]	\$3,020.00
[REDACTED]	\$2,520.00
[REDACTED]	\$4,516.50
[REDACTED]	

7. On December 11, 2008, LIZARRAGO requested and received a check from [REDACTED] for \$1,520 to retain AFG's services for loan modification services. A contract was signed between [REDACTED] and LIZARRAGO indicating that the charge for loan modification services was \$4,500, which would be payable in installments.

8. On or around November 2008, LIZARRAGO promised [REDACTED] that she would have his lender reduce the principal of his loan to the current market value. A contract was signed between [REDACTED] and LIZARRAGO, which included a money back guarantee. The total cost for the loan modification services was \$4,500. LIZARRAGO collected \$2,520 from [REDACTED], which has never been returned.

9. On October 8, 2008, [REDACTED] was solicited by LIZARRAGO, who introduced herself as the CEO of AFG and as a loan modification specialist. A contract was signed between [REDACTED] and LIZARRAGO, which indicated that the charge for loan modification services was \$4,500.

10. [REDACTED] paid LIZARRAGO \$4,516.50 in three transactions. The first was for \$1,016.50 on the initial visit. The second was a personal check for \$1,500 made out to LIZARRAGO on November 10, 2008. The third was a personal check for \$2,000 made out to LIZARRAGO on November 12, 2008.

///
///

1

2

3

4

5

6

7

8

9

10

11

12

13

14

CONCLUSIONS OF LAW

11. Based on the findings of fact contained in paragraphs 1 through 10, LIZARRAGO, acting by herself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name Avemos Financial Group or other names or fictitious names unknown at this time, solicited borrowers and performed services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10130, 10131(d) and 10131.2 of the Code, during a period of time when LIZARRAGO was not licensed by the Department in any capacity. LIZARRAGO, on behalf of AFG, participated, and/or continues to participate, in charging, collecting, and accounting of advance fees, as defined in Section 10026 of the Code, in a manner that is not in compliance with Section 2970 and 2972 of the Regulations.

15

16

17

18

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, ANGELINE LISA LIZARRAGO and AVEMOS FINANCIAL GROUP, INC., whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, you are ordered to desist and refrain from:

- (i) soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and
- (ii) from charging, demanding, or collecting an advance fee for any of the services you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide

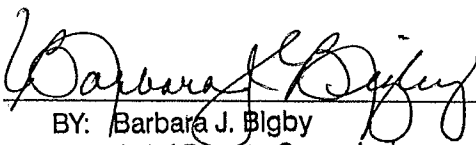
1 evidence satisfactory to the Commissioner that you are in full compliance
2 with all of the requirements of the Code and Regulations relating to
3 charging, collecting, and accounting for advance fees.

4 2. Immediately desist and refrain from collecting advance fees, as that term
5 in defined in Section 10026 of the Code, in any form and particularly with respect to loan
6 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,
7 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you
8 have:

- 9 (i) an advance fee agreement which has been submitted to the Department
10 and which is in compliance with Sections 2970 and 2972 of the
11 Regulations;
12 (ii) placed all previously collected advance fees into a trust account for that
13 purpose and are in compliance with Section 10146 of the Code; and
14 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to
15 Section 2972 of the Regulations.

16 DATED: 7-30-09

17 JEFF DAVI
18 Real Estate Commissioner

19 By 
20 BY: Barbara J. Bigby
Chief Deputy Commissioner

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: Angeline Lisa Lizarrago
26 Avemos Financial Group, Inc.
5018 Mowry Avenue
27 Fremont, CA 94538