

1 DEPARTMENT OF REAL ESTATE
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FILED

JAN 21 2010

DEPARTMENT OF REAL ESTATE

By H. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) NO. H-2441 FR
12 LOU CASTELLO, individually)
13 and doing business as) ORDER TO
14 MORTGAGE CONSULTING.) DESIST AND REFRAIN
15) (B&P Code Section 10086)

16 The Real Estate Commissioner (Commissioner) of the California Department of
17 Real Estate (Department) caused an investigation to be made of the activities of LOU
18 CASTELLO (CASTELLO) dba MORTGAGE CONSULTING. Based on the investigation, the
19 Commissioner has determined that CASTELLO has engaged in, is engaging in, or is attempting
20 to engage in, acts or practices constituting violations of the California Business and Professions
21 Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including
22 the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
23 broker in the State of California within the meaning of Sections 10131(d) (performing services
24 for borrowers in connection with loans secured by real property), 10085 (advanced fee materials),
25 and 10085.5 (claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on
26 the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
27 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to CASTELLO, those acts are
alleged to have been done by CASTELLO, acting by himself, or by and/or through one or more

1 agents, associates, affiliates, and/or co-conspirators, and using the name MORTGAGE
2 CONSULTING, or other names or fictitious names unknown at this time.

3 FINDINGS OF FACT

4 1. At no time herein mentioned has CASTELLO been licensed by the
5 Department in any capacity.

6 2. At no time herein mentioned has MORTGAGE CONSULTING been licensed
7 by the Department in any capacity.

8 3. On July 15, 1999, the Department issued a Desist and Refrain Order against
9 CASTELLO individually and doing business as Quality Resources and Premium Financing for
10 violations of Sections 10130 and 10085.5 of the Code.

11 4. From about August 2008 through May 2009, CASTELLO solicited, in person
12 and through flyer advertisements, borrowers to negotiate and/or perform one or more of the
13 following acts for another or others, for or in expectation of compensation: negotiate one or
14 more loans for, or perform services for borrowers and/or lenders in connection with loans
15 secured directly or collaterally by one or more liens on real property.

16 5. From about September 2008 through October 2008, CASTELLO solicited
17 borrower Pedro A. Salazar (Salazar) to negotiate and/or perform one or more of the following
18 acts for Salazar, for or in expectation of compensation: negotiate one or more loans for, or
19 perform services for borrowers and/or lenders in connection with loans secured directly or
20 collaterally by one or more liens on real property commonly known as 4628 E. Lowe Avenue in
21 Fresno, California.

22 6. During September 2008 and October 2008, CASTELLO claimed, received,
23 and/or collected advanced fees in the amount of \$1,750 from Salazar, without having first
24 submitted advanced fee materials to the Commissioner.

25 7. From about August 2008 through January 2009, CASTELLO solicited
26 borrower Aira A. Villa (Villa) to negotiate and/or perform one or more of the following acts for
27 Villa, for or in expectation of compensation: negotiate one or more loans for, or perform services

1 for borrowers and/or lenders in connection with loans secured directly or collaterally by one or
2 more liens on real property commonly known as 608 N. Newman Street in Tipton, California.

3 8. During September 2008 and January 2009, CASTELLO claimed, received,
4 and/or collected advanced fees in the amount of \$1,850 from Villa, without having first
5 submitted advanced fee materials to the Commissioner.

6 9. From about December 2008 through January 2009, CASTELLO solicited
7 borrower Amalia Alvarez (Alvarez) to negotiate and/or perform one or more of the following
8 acts for Alvarez, for or in expectation of compensation: negotiate one or more loans for, or
9 perform services for borrowers and/or lenders in connection with loans secured directly or
10 collaterally by one or more liens on real property commonly known as 4234 N. Forestierre in
11 Fresno, California.

12 10. During December 2008, CASTELLO claimed, received, and/or collected
13 advanced fees in the amount of \$900 from Alvarez, without having first submitted advanced fee
14 materials to the Commissioner.

15 11. From about February 2009 through April 2009, CASTELLO solicited
16 borrower Phonxa I. Vang (Vang) to negotiate and/or perform one or more of the following acts
17 for Vang, for or in expectation of compensation: negotiate one or more loans for, or perform
18 services for borrowers and/or lenders in connection with loans secured directly or collaterally by
19 one or more liens on real property commonly known as 6039 E. Sussex Way in Fresno, California.

20 12. During February 2009, March 2009, and April 2009, CASTELLO claimed,
21 received, and/or collected advanced fees in the amount of \$2,720 from Vang, without having first
22 submitted advanced fee materials to the Commissioner.

23 13. From about March 2009 through May 2009, CASTELLO solicited borrower
24 Kate Y. Thao Vue (Thao-Vue) to negotiate and/or perform one or more of the following acts for
25 Thao-Vue, for or in expectation of compensation: negotiate one or more loans for, or perform
26 services for borrowers and/or lenders in connection with loans secured directly or collaterally by
27 one or more liens on real property commonly known as 6027 E. Sussex Way in Fresno, California.

1 service in connection with loans on residential property containing four or fewer dwelling units
2 (Section 10085.6 of the Code);

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

6 3. soliciting borrowers and/or performing services for borrowers or lenders in
7 connection with loans secured directly or collaterally by one or more liens on real property.

8
9 DATED: 1/14/10

10 JEFF DAVI
11 Real Estate Commissioner

12
13 By:


14 BARBARA J. BIGBY
15 Chief Deputy Commissioner

16 **NOTICE:**

17 Business and Professions Code Section 10139 provides that "Any person acting
18 as a real estate broker or real estate salesperson without a license or who advertises using words
19 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
20 public offense punishable by a fine not exceeding ten thousand dollars (\$10,000), or by
21 imprisonment in the county jail for a term not to exceed six months, or by both fine and
22 imprisonment; or if a corporation, be punished by a fine not exceeding fifty thousand dollars
23 (\$50,000)."

24 cc: LOU CASTELLO
25 dba MORTGAGE CONSULTING
26 105 E. Bullard Avenue
27 Clovis, CA 93612

TTY DEK/kc