

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

3 (213) 576-6982

FILED

AUG 03 2010

DEPARTMENT OF REAL ESTATE

BY: 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 To:

No. H-36744 LA

12 JOSEPH POLICARPIO; and)
13 BH INVESTMENT & MANAGEMENT,)
14 INC.)
15 _____)

ORDER TO DESIST
AND REFRAIN

(B&P Section 10086)

16
17 The Commissioner ("Commissioner") of the California
18 Department of Real Estate ("Department") caused an investigation
19 to be made of the activities of JOSEPH POLICARPIO and BH
20 INVESTMENT & MANAGEMENT, INC., and has determined that each has
21 engaged in or are engaging in acts or practices constituting
22 violations of the California Business and Professions Code
23 ("Code") and/or Title 10, California Code of Regulations
24 ("Regulations") including engaging in the business of, acting in
25 the capacity of, advertising, or assuming to act, as real estate
26 brokers in the State of California within the meaning of Section
27 10131(d) (soliciting borrowers or lenders or negotiating loans)

1 and Section 10131.2 (claiming advance fees in connection with a
2 loan) of the Code. Based on the findings of that investigation,
3 as set forth below, the Commissioner hereby issues the following
4 Findings of Fact and Desist and Refrain Order pursuant to Section
5 10086 of the Code.

6 FINDINGS OF FACT

7 1. At no time herein mentioned has JOSEPH POLICARPIO
8 ("POLICARPIO") or BH INVESTMENT & MANAGEMENT, INC. ("BH
9 INVESTMENT") been licensed by the Department in any capacity.

10 2. Including but not limited to the times set forth
11 below, POLICARPIO and BH INVESTMENT engaged in the business of,
12 acted in the capacity of, or advertised a loan solicitation,
13 negotiation and modification service and advance fee brokerage
14 offering to perform and performing loan solicitation,
15 negotiation and modification services with respect to loans
16 which were secured by liens on real property for compensation or
17 in expectation of compensation and for fees often collected in
18 advance as well as at the conclusion of the transaction:

19 a. On or about June 6, 2008, Evaristo Quintero
20 ("Quintero") paid an advance fee of \$1,400.00 to POLICARPIO on
21 behalf of BH INVESTMENT. The advance fee was collected pursuant
22 to an agreement pertaining to loan solicitation, negotiation,
23 and modification services to be provided with respect to a loan
24 secured by real property.

25 b. On or about June 9, 2008, Maria Ortiz ("Ortiz")
26 paid an advance fee of \$3,382.50 to POLICARPIO on behalf of BH
27

1 INVESTMENT. The advance fee was collected pursuant to an
2 agreement pertaining to loan solicitation, negotiation, and
3 modification services to be provided with respect to a loan
4 secured by real property.

5 c. On or about June 30, 2008, Gracita Angeles
6 ("Angeles") paid an advance fee of \$3,390 to POLICARPIO on
7 behalf of BH INVESTMENT. The advance fee was collected pursuant
8 to an agreement pertaining to loan solicitation, negotiation,
9 and modification services to be provided with respect to a loan
10 secured by real property.

11 d. On or about June 2, 2008, and July 1, 2008,
12 Gumesindo Amezcua ("Amezcua") paid an advance fee totaling
13 \$3,285 to POLICARPIO on behalf of BH INVESTMENT. The advance
14 fee was collected pursuant to an agreement pertaining to loan
15 solicitation, negotiation, and modification services to be
16 provided with respect to a loan secured by real property.

17 CONCLUSIONS OF LAW

18
19 3. Based on the information contained in Paragraph
20 2, above, POLICARPIO and BH INVESTMENT have performed and/or
21 participated in advance fee handling and loan solicitation,
22 negotiation and modification activities which require a license
23 under the provision of Code Sections 10131(d) and 10131.2 during
24 a period of time when neither of them were licensed by the
25 Department in any capacity, in violation of Code Section 10130.

26 DESIST AND REFRAIN ORDER

27 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW

1 stated herein, it is hereby ordered that JOSEPH POLICARPIO and
2 BH INVESTMENT & MANAGEMENT, INC., whether doing business under
3 their own names, or any other names, or any fictitious name, ARE
4 HEREBY ORDERED to immediately desist and refrain from performing
5 any acts within the State of California for which a real estate
6 broker license is required. In particular each of them is
7 ORDERED TO DESIST AND REFRAIN from:

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

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

20 DATED: 7/22, 2010.

21
22 JEFF DAVIS
23 Real Estate Commissioner
24
25
26
27

1 **Notice:** Business and Professions Code Section 10139 provides
2 that "Any person acting as a real estate broker or real estate
3 salesperson without a license or who advertises using words
4 indicating that he or she is a real estate broker without being
5 so licensed shall be guilty of a public offense punishable by a
6 fine not exceeding twenty thousand dollars (\$20,000), or by
7 imprisonment in the county jail for a term not to exceed six
8 months, or by both fine and imprisonment; or if a corporation, be
9 punished by a fine not exceeding sixty thousand dollars
10 (\$60,000)."

11 cc: Joseph Policarpio
12 22020 Clarendon Street, Suite 203
13 Woodland Hills, California 91367

14
15 BH Investment & Management, Inc.
16 22020 Clarendon Street, Suite 203
17 Woodland Hills, California 91367

18
19 BH Investment & Management, Inc.
20 17441 Ludlow Street
21 Granada Hills, California 91344
22
23
24
25
26
27