

FILED

1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013

JAN 27 2011

DEPARTMENT OF REAL ESTATE
BY: James B. Olson

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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|-----------------------------------|---|----------------------------|
| 11 To: |) | No. H-37041 LA |
| |) | |
| 12 ABSOLUTE MORTGAGE SOLUTIONS, a |) | <u>ORDER TO DESIST AND</u> |
| 13 California Corporation; |) | <u>REFRAIN</u> |
| 14 AYUDTHAYA S. WATTANACHINDA; |) | |
| 15 and FRANK ARCEO. |) | (B&P Code Section 10086) |
| |) | |
| |) | |

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17 The Commissioner ("Commissioner") of the California Department of Real Estate

18 ("Department") caused an investigation to be made of the activities of ABSOLUTE

19 MORTGAGE SOLUTIONS ("ABSOLUTE"), AYUDTHAYA S. WATTANACHINDA¹

20 ("WATTANACHINDA"), and FRANK ARCEO ("ARCEO"). Based on that investigation, the

21 Commissioner has determined that ABSOLUTE, WATTANACHINDA and ARCEO have

22 engaged in or are engaging in acts, or are attempting to engage in the business of, acting in the

23 capacity of, and/or advertising or assuming to act as real estate brokers in the State of California

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27 ¹ WATTANACHINDA alternately spells his name "Wattanchinda".

1 within the meaning of Business and Professions Code (“Code”) sections 10131(d) (soliciting,
2 negotiating and performing services for borrowers in connection with loans secured by real
3 property) and 10131.2 (advance fee handling).

4 In addition, based on that investigation, the Commissioner has determined that
5 ABSOLUTE, WATTANACHINDA, and ARCEO have engaged in or are attempting to engage
6 in acts or practices constituting violations of the Code and/or of Title 10, Chapter 6, California
7 Code of Regulations (“Regulations”). Based on that investigation, the Commissioner hereby
8 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under
9 the authority of Section 10086 of the Code.
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11 Whenever acts referred to below are attributed to ABSOLUTE, those acts are
12 alleged to have been done by ABSOLUTE and/or by its officers, directors, employees, agents,
13 affiliates and real estate licensees employed by or associated with that party who at all times
14 mentioned were engaged in the furtherance of its business or operations and were acting within
15 the course and scope of their authority and employment.
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17 FINDINGS OF FACT

18 1. ABSOLUTE MORTGAGE SOLUTIONS, dba Absolute Mortgage Solutions,
19 Inc., dba Absolutemortgagesolution.com (“ABSOLUTE”) is a California corporation.
20 WATTANACHINDA is, and/or at all times relevant was, Chief Financial Officer and/or Chief
21 Executive Officer of ABSOLUTE.
22

23 2. ABSOLUTE was licensed by the Department as a corporate real estate broker
24 between on or about December 3, 2003 and December 3, 2007. ABSOLUTE’s real estate
25 license expired on December 03, 2007, and the license was never renewed. ABSOLUTE is not
26 currently licensed by the Department.
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1 3. WATTANACHINDA, aka Ayudthaya Somsukol Wattanachinda, aka
2 Ayudthaya Wattanchinda, aka Udy Wattanachinda (“WATTANACHINDA”) is not licensed by
3 the Department. Between on or about September 20, 2001 and February 5, 2006,
4 WATTANACHINDA was licensed by the Department as a real estate salesperson.
5 WATTANACHINDA’s real estate license expired on or about February 5, 2006, and was never
6 renewed.

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8 4. ARCEO, aka Francisco Arceo, aka Francisco Arseo, (“ARCEO”) is not now
9 and has never been licensed by the Department in any capacity. At all times relevant herein,
10 ARCEO was an officer, agent and/or employee of ABSOLUTE.

11 5. All further references to the parties listed in Paragraphs 1 through 4 above,
12 include those parties and entities themselves, as well as the officers, agents and employees of the
13 parties listed in Paragraphs 1 through 4 above.

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15 6. At all times relevant herein, the parties and entities listed in Paragraphs 1
16 though 4 above engaged in the business of, acted in the capacity of, advertised or assumed to act
17 as real estate brokers in the State of California within the meaning of Code Sections 10131(d)
18 and 10131.2. Their activities included soliciting borrowers or lenders for and/or negotiating
19 loans, collecting payments and/or performing services for borrowers or lenders in connection
20 with loans secured by liens on real property. Their activities also included claiming, demanding,
21 charging, receiving, collecting or contracting for the collection of an advance fee within the
22 meaning of Code Sections 10026 and 10085.

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24 Unlicensed Activities

25 7. Beginning at a time no later than April 1, 2008, and continuing to the present
26 time, ABSOLUTE, WATTANACHINDA and ARCEO solicited borrowers for loan modification
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1 and related foreclosure avoidance services through telemarketing and one or more websites in
2 various print and electronic media, including websites located at:
3 www.absolutemortgagesolution.com. Those advertisements solicited, and continue to solicit,
4 borrowers, offering loan modification services in exchange for payment of advance fees.

5 8. ABSOLUTE, WATTANACHINDA and ARCEO advertised, solicited
6 borrowers, collected advance fees, and entered into loan modification agreements with borrowers
7 when they were not licensed by the Department. Examples of borrowers from whom advance
8 fees for loan modification services were collected include, but are not limited to, Edgar A, Jose
9 M. and Susanne P.
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11 9. In April of 2008, representatives of ABSOLUTE contacted borrower Edgar A.,
12 whose mortgage home loan was going into default. Representatives of ABSOLUTE solicited and
13 received an advance fee of \$1,553.18 in exchange for promising to provide assistance in
14 negotiating with his lending institution to help him avoid foreclosure. No services were ever
15 rendered and ABSOLUTE refused to refund or account for the advance fees collected.
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17 10. In January of 2009, ARCEO, as a representative of ABSOLUTE, solicited
18 Jose M. by telephone and offered to provide him with loan modification services. On or about
19 January 9, 2009, ARCEO met with Jose M. at his home and collected a check made out to
20 ABSOLUTE for \$2,525.00 as an advance fee for loan modification services. The check was
21 deposited at the bank on January 15, 2009, but no services were ever provided to Jose M.
22 ABSOLUTE and ARCEO failed to return Jose M.'s phone calls, and refused to refund or account
23 for the advance fees collected.
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25 11. In March of 2009, ABSOLUTE solicited borrower Suzanne P. offering
26 assistance in refinancing her mortgage. Suzanne P. was contacted by ARCEO as a representative
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1 of ABSOLUTE, and discussed terms of a new 30 year fixed rate loan. ARCEO also referred
2 Suzanne P. to ABSOLUTE's website at www.absolutemortgagesolution.com for further
3 information about the company and its services. Among other materials, the website contained
4 an, "Open Letter to Lenders," from WATTANACHINDA, as Chief Executive Officer, describing
5 ABSOLUTE's loan services. On May 4, 2009, ARCEO instructed Suzanne P. to wire \$3,295.00
6 to ABSOLUTE as an advance fee for services relating to refinance or modification of her
7 mortgage loan. On May 7, 2009, ARCEO requested an additional \$1,200.00. Suzanne P.
8 complied with both requests and paid a total of \$4495.00. No services were performed and
9 ABSOLUTE, WATTANACHINDA and ARCEO did not refund or account for the advance fees
10 paid.
11

12 CONCLUSIONS OF LAW

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14 The conduct, acts and/or omissions of ABSOLUTE, WATTANACHINDA and
15 ARCEO, in soliciting borrowers and lenders and offering to negotiate loans secured by real
16 property, in conducting loan modification services, and in collecting advance fees for those
17 services, as set forth above, when not licensed by the Department in any capacity, was in
18 violation of Code Section 10130.
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20 DESIST AND REFRAIN ORDER

21 Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein,
22 you, ABSOLUTE MORTGAGE SOLUTIONS, AYUDTHAYA S. WATTANACHINDA, and
23 FRANK ARCEO, whether doing business under your own names, or any other names, or
24 fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing
25 any acts within the State of California for which as real estate broker license is required, unless
26 you are so licensed.
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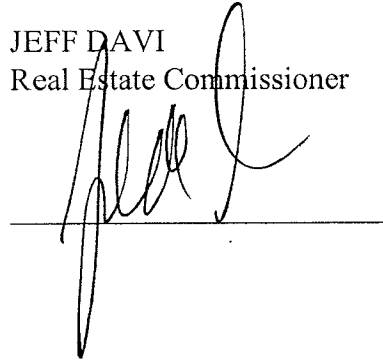
In particular, each of you is ORDERED TO DESIST AND REFRAIN from:

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

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

DATED: 1-20-2011

JEFF DAVI
Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized and cursive.

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).”

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cc: Absolute Mortgage Solutions
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