

1 DEPARTMENT OF REAL ESTATE
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3 Los Angeles, California 90013

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FILED

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DEPARTMENT OF REAL ESTATE
BY: James B. Dean

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9 STATE OF CALIFORNIA
10 DEPARTMENT OF REAL ESTATE

11 To:)
12) NO. H-37056 LA
13 POWER HOME LOANS & REALTY,)
14 and to JOSE P. GONZALEZ.) ORDER TO DESIST AND
15) REFRAIN
16) (B&P Code Section 10086)

17 The Commissioner (Commissioner) of the California Department of Real Estate
18 (Department) caused an investigation to be made of the activities of POWER HOME LOANS
19 & REALTY (POWER) and JOSE P. GONZALEZ (GONZALEZ). Based on that investigation,
20 the Commissioner has determined that POWER and GONZALEZ have engaged in, are engaging
21 in, or are attempting to engage in, acts or practices constituting violations of the California
22 Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of
23 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising
24 or assuming to act as, a real estate broker in the State of California within the meaning of Section
25 10131(d) (performing services for borrowers in connection with loans secured by real property)
26 of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the
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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 referred to below are attributed to GONZALEZ, those acts are alleged to
4 have been done by GONZALEZ, acting by himself, or by and/or through one or more agents,
5 associates, affiliates, and/or co-conspirators, including, but not limited to POWER, or other
6 names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. POWER is not presently licensed by the Department in any capacity. From April
9 13, 2007 to April 26, 2009, POWER was licensed with the Department as a d.b.a. for broker
10 Nazario Moreno.

11 2. GONZALEZ is not now, and has never been, licensed by the Department in any
12 capacity.

13 3. During the period of time set out below, POWER and GONZALEZ solicited
14 borrowers and negotiated to do one or more of the following acts for another or others, for or in
15 expectation of compensation: negotiate one or more loans for, or perform services for, borrowers
16 and/or lenders in connection with loans secured directly or collaterally by one or more liens on
17 real property; and charge, demand or collect an advance fee for any of the services offered.

18 Rodolfo A. transaction

19 4. In or about November 2009, POWER and GONZALEZ promised to obtain a loan
20 modification on the home loan of Rodolfo A. GONZALEZ also issued a business card to
21 Rodolfo A. which stated GONZALEZ was the President of POWER. The card described
22 POWER's business as "foreclosure specialist, refinances, purchases, short sales and short refi's".

23 5. In furtherance of their plan and scheme to provide loan modification services,
24 POWER and GONZALEZ requested an advance fee of \$1,250 from Rodolfo A. On November
25 3, 2009, a \$1,520 check was issued from Rodolfo A. to POWER.

26 6. No loan modification was ever obtained by POWER or GONZALEZ for the home
27 of Rodolfo A.

1 CONCLUSIONS OF LAW

2 7. Based on the findings of fact contained in paragraphs 1 through 6, GONZALEZ,
3 acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-
4 conspirators, including, but not limited to POWER, or other names or fictitious names unknown
5 at this time, promised to perform services for borrowers and/or those borrowers' lenders in
6 connection with loans secured directly or collaterally by one or more liens on real property, and
7 charged, demanded or collected advance fees for the services to be provided, which acts require a
8 real estate broker license under Section 10131(d) of the Code, during a period of time when
9 POWER and GONZALEZ were not licensed by the Department as real estate brokers, in
10 violation of Section 10130 of the Code.

11 DESIST AND REFRAIN ORDER

12 Based on the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered
13 that POWER HOME LOANS & REALTY and JOSE P. GONZALEZ, whether doing business
14 under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to
15 immediately desist and refrain from performing any acts within the State of California for which
16 a real estate broker license is required. In particular, each of them are ordered to desist and
17 refrain from:

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

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

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DATED: 12/30/2010

JEFF DAVI
Real Estate Commissioner

By 

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: JOSE P. GONZALEZ
POWER HOME LOANS & REALTY
591 N. Azusa Avenue
Covina, CA 91722