

FILED

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

APR 29 2013

DEPARTMENT OF REAL ESTATE
BY: *Jane B. [Signature]*

7 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-04492 SD
 12)
 13 LHC, dba Liberty Home Capital,)
 14 AJAY RAM ARYA, CHUCK ANGUIANO,)
 15 ROBERT ESPARZA and)
 16 MARC WORKMAN)
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ORDER TO DESIST
AND REFRAIN

(B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
 17 ("Department") caused an investigation to be made of the activities of LHC, dba Liberty Home
 18 Capital, AJAY RAM ARYA ("ARYA"), CHUCK ANGUIANO ("ANGUIANO"), ROBERT
 19 ESPARZA ("ESPARZA") and MARC WORKMAN ("WORKMAN"). Based on that
 20 investigation, the Commissioner has determined that LHC, ARYA, ANGUIANO, ESPARZA
 21 and WORKMAN have engaged in, or are engaging in acts, or are attempting to engage in the
 22 business of, acting in the capacity of, and/or assuming to act as real estate brokers in the State of
 23 California within the meaning of Business and Professions Code Sections 10131(d) (negotiating
 24 and performing services for borrowers in connection with loans secured by real property) and
 25 10131.2 (advance fee handling).

26 In addition, based on that investigation, the Commissioner has determined that

1 LHC, ARYA, ANGUIANO, ESPARZA and WORKMAN have engaged in or are engaging in
2 acts or are attempting to engage in practices constituting violations of the California Business
3 and Professions Code (“Code”). Based on the findings of that investigation, set forth below, the
4 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
5 Refrain Order under the authority of Section 10086 of the Code.

6 FINDINGS OF FACT

- 7 1. LHC, ARYA, ANGUIANO, ESPARZA and WORKMAN are not now, and
8 have never been, licensed by the Department in any capacity.
- 9 2. On September 14, 2010, ARYA filed a Limited Liability Company Articles of
10 Organization for “AAA Consulting LLC”, which named ARYA as the sole manager and agent
11 for service of process for AAA Consulting LLC. On March 21, 2011, ARYA filed a Fictitious
12 Business Name Statement with the San Diego County Clerk, which registered LHC as a
13 fictitious business name for AAA Consulting LLC.
- 14 3. At the times set forth below, LHC, ARYA, ANGUIANO, ESPARZA and
15 WORKMAN negotiated to do one or more of the following acts for another or others, for or in
16 expectation of compensation: engaged in the business of a loan modification and negotiation
17 service and advance fee brokerage with respect to loans which were secured by liens on real
18 property for compensation or in expectation of compensation and for fees collected in advance of
19 the transaction.
- 20 Lester and Nancy S. Transaction
- 21 4. In or about June 2011, Lester and Nancy S. were solicited by ANGUIANO
22 regarding loan services provided by LHC. On or about June 8, 2011, Lester and Nancy S.
23 entered into a Consulting Agreement in which LHC agreed to negotiate a modification of Lester
24 and Nancy S’s home mortgage loan in exchange for the payment of an advance fee. Lester and
25 Nancy S. paid an advance fee of \$5,220 to Liberty Home Capital on June 8, 2011.
- 26 Albert & Gloria V. Transaction

- 27 5. In or about July 2011, Albert and Gloria V. were solicited by WORKMAN

1 regarding loan services provided by LHC. On or about July 5, 2011, Albert and Gloria V.
2 entered into a Consulting Agreement in which LHC agreed to negotiate a modification of Albert
3 and Gloria V's home mortgage loan in exchange for the payment of an advance fee.

4 Ernest and Linda S. Transaction

5 6. In or about June 2011, Ernest and Linda S. were solicited by WORKMAN
6 regarding loan services provided by LHC. On or about June 22, 2011, Ernest and Linda S.
7 entered into a Consulting Agreement in which LHC agreed to negotiate a modification of Ernest
8 and Linda S's home mortgage loan in exchange for the payment of an advance fee. Ernest and
9 Linda S. paid an advance fee of \$4,312.87 to LHC on June 23, 2011.

10 Tony T. Transaction

11 7. In or about May 2011, Tony T. was solicited by ESPARZA regarding loan
12 services provided by LHC. On or about May 18, 2011, Tony T. entered into a Consulting
13 Agreement in which LHC agreed to negotiate a modification of Tony T's home mortgage loan
14 in exchange for the payment of an advance fee. Between May 23, 2011 and July 25, 2011,
15 Tony T. paid advance fees of \$3,500 to LHC.

16 Mary R. Transaction

17 8. In or about July 2011, Mary R. was solicited by WORKMAN regarding loan
18 services provided by LHC. On or about July 17, 2011, Mary R. entered into a Consulting
19 Agreement in which LHC agreed to negotiate a modification of Mary R's home mortgage loan
20 in exchange for the payment of an advance fee. On July 18, 2011, Mary R. paid an advance fee
21 of \$4,682.46 to Liberty Home Capital. During this time period, ARYA represented to Mary R.
22 that he was negotiating a loan modification on her behalf, through LHC.

23 CONCLUSIONS OF LAW

24 9. Based on the information contained in Paragraphs 1 through 8 above,
25 LHC, AJAY RAM ARYA, CHUCK ANGUIANO, ROBERT ESPARZA and MARC
26 WORKMAN violated Code Section 10130 by engaging in activities requiring a broker license
27 without first obtaining a broker license from the Department.

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DESIST AND REFRAIN ORDER

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Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that LHC, AJAY RAM ARYA, CHUCK ANGUIANO, ROBERT ESPARZA and MARC WORKMAN immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed.

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IT IS FURTHER ORDERED THAT LHC, AJAY RAM ARYA, CHUCK

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ANGUIANO, ROBERT ESPARZA and MARC WORKMAN immediately desist and refrain from:

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1. 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 modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.
2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others.

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DATED: Apr. 15, 2013

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Real Estate Commissioner



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By: JEFFREY MASON

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Chief Deputy Commissioner

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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

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1 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
2 (\$60,000).”

3 cc:

4 LHC

5 CHUCK ANGUIANO

6 ROBERT ESPARZA

7 MARC WORKMAN

8 6755 Mira Mesa Boulevard, #123-156

9 San Diego, CA 92121

10 AJAY RAM ARYA

11 5720 Oberlin Drive, #104

12 San Diego, CA 92121