

1 DEPARTMENT OF REAL ESTATE
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

3 (213) 576-6982

FILED

FEB 17 2010

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:)
12) NO. H- 36465 LA
13 DAGOBERTO HERNANDEZ,)
14 dba Prime Housing Assistance, Inc.,) ORDER TO DESIST AND
and/or any other names or fictitious names used by) REFRAIN
15 DAGOBERTO HERNANDEZ.) (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 DAGOBERTO
19 HERNANDEZ (HERNANDEZ) dba Prime Housing Assistance, Inc. (Prime). Based on that
20 investigation, the Commissioner has determined that HERNANDEZ and Prime have engaged in,
21 are engaging in, or are attempting to engage in, acts or practices constituting violations of the
22 California 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 HERNANDEZ, those acts are alleged to
4 have been done by HERNANDEZ, acting by himself, or by and/or through one or more agents,
5 associates, affiliates, and/or co-conspirators, including, but not limited to Prime, or other names
6 or fictitious names unknown at this time.

7 FINDINGS OF FACT

- 8 1. HERNANDEZ is not now, and has never been, licensed by the Department in any capacity.
9 2. Prime is not now, and has never been, licensed by the Department in any capacity.
10 3. During the period of time set out below, HERNANDEZ and Prime solicited borrowers and
11 negotiated to do one or more of the following acts for another or others, for or in expectation of
12 compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders
13 in connection with loans secured directly or collaterally by one or more liens on real property;
14 and charge, demand or collect an advance fee for any of the services offered.

15 Francisca Flores Reyes transaction

- 16 4. In approximately September 2008, HERNANDEZ and Prime solicited Francisca Flores
17 Reyes (Reyes) in order to provide loan modification services to save Reyes' home from being
18 lost in foreclosure.
19 5. In furtherance of plan and scheme to provide loan modification services to Reyes, on or
20 about November 7, 2008, HERNANDEZ and Prime entered into a contract with Reyes, in which
21 HERNANDEZ and Prime requested an advance fee of \$4,000 from Reyes. In reliance on
22 HERNANDEZ and Prime's representations, Reyes delivered four (4) checks to Prime; one for
23 \$2,000 on or about November 9, 2008; a second one for \$1,000 on or about November 25, 2008;
24 a third for \$500 on or about December 11, 2008; and a fourth for \$500 on or about December 26,
25 2008.

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1 6. After Reyes delivered the checks mentioned above to HERNANDEZ and Prime, she
2 received no further services of any type from HERNANDEZ, or from anyone connected in any
3 way with Prime.

4 Carol Storm-McManus transaction

5 7. In approximately November 2008, HERNANDEZ and Prime solicited Carol Storm-
6 McManus (Storm) in order to provide loan modification services for Storm's home loan.

7 8. In furtherance of HERNANDEZ and Primes's plan and scheme to provide loan
8 modification services to Storm, HERNANDEZ and Prime requested an advance fee of \$2,250
9 from Storm. In reliance on HERNANDEZ and Prime's representations, Storm delivered a check
10 to Prime for \$2,250 on or about December 1, 2008.

11 9. After Storm delivered the check mentioned above to HERNANDEZ and Prime, she
12 received no services of any type from HERNANDEZ and Prime.

13 CONCLUSIONS OF LAW

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

23 DESIST AND REFRAIN ORDER

24 Based on the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered
25 that DAGOBERTO HERNANDEZ, dba Prime Housing Assistance, Inc., whether doing business
26 under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to
27 immediately desist and refrain from performing any acts within the State of California for which

1 a real estate broker license is required. In particular, each of them are ordered to desist and
2 refrain from:

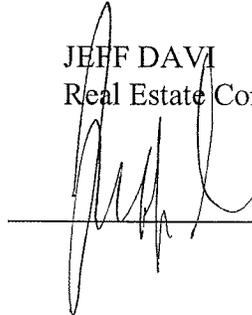
3 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term
4 is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to
5 the performance of loan modifications or any other form of mortgage loan forbearance service in
6 connection with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

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

11
12 DATED: _____



13 JEFF DAVIS
14 Real Estate Commissioner


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18 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
19 real estate broker or real estate salesperson without a license or who advertises using words
20 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
21 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
22 imprisonment in the county jail for a term not to exceed six months, or by both fine and
23 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
24 (\$60,000).”

25 cc: DAGOBERTO HERNANDEZ
26 dba Prime Housing Assistance, Inc.
27 12598 Central Avenue
Chino, CA 91710