

1 Department of Real Estate  
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3 Los Angeles, California 90013  
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**FILED**

MAR 14 2012

DEPARTMENT OF REAL ESTATE  
BY: *R. Steinhilb*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 To: ) No. H-37975 LA  
12 )  
12 KARLA GONZALEZ dba Fairway ) ORDER TO DESIST  
13 Modifications; JOHN POUKKULA ) AND REFRAIN  
13 dba Fairway Modifications )  
14 ) (B&P Code Section 10086)  
14 )

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16 The Commissioner ("Commissioner") of the California  
17 Department of Real Estate caused an investigation to be made of  
18 the activities of KARLA GONZALEZ dba Fairway Modifications  
19 ("GONZALEZ") and JOHN POUKKULA dba Fairway Modifications  
20 ("POUKKULA"). Based on that investigation, the Commissioner has  
21 determined that GONZALEZ AND POUKKULA have engaged in or are  
22 engaging in acts or are attempting to engage in the business of,  
23 acting in the capacity of, and/or advertising or assuming to act  
24 as real estate brokers in the State of California within the  
25 meaning of California Business and Professions Code Section  
26 10131(d) (soliciting borrowers for or collecting payments in  
27

1 connection with loans secured by liens on real property) and  
2 10131.2 (advance fee handling).

3 In addition, based on that investigation, the  
4 Commissioner has determined that GONZALEZ and POUKKULA have  
5 engaged in or are engaging in acts or are attempting to engage  
6 in practices constituting violations of the California Business  
7 and Professions Code. Based on the findings of that  
8 investigation, set forth below, the Commissioner hereby issues  
9 the following Findings of Fact, Conclusions of Law, and Desist  
10 and Refrain Order under the authority of California Business and  
11 Professions Code Section 10086.

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13 FINDINGS OF FACT

14 1. GONZALEZ is not now, and has never been,  
15 licensed by the Department of Real Estate in any capacity.

16 2. POUKKULA is not now, and has never been,  
17 licensed by the Department of Real Estate in any capacity.

18 3. At the times set forth below GONZALEZ and  
19 POUKKULA negotiated to do one or more of the following acts for  
20 another or others, for or in expectation of compensation:  
21 engaged in the business of, acted in the capacity of, or  
22 solicited borrowers for a loan modification and negotiation  
23 service and advance fee brokerage with respect to loans which  
24 were secured by liens on real property for compensation or in  
25 expectation of compensation and for fees collected in advance of  
26 the transaction.

27 4. On or about January 14, 2009, Jose and Juana

1 ("Jose and Juana") entered into an agreement whereby GONZALEZ  
2 and POUKKULA would negotiate with their lender for a loan  
3 modification on their property known as 1960 Harrison Avenue,  
4 San Diego, CA 92113 for an advance fee. On or about January  
5 14, 2009, the Jose and Juana submitted a \$100.00 check to  
6 GONZALEZ and POUKKULA. On or about March 5, 2009, the Jose and  
7 Juana submitted a \$1,895.00 check to GONZALEZ and POUKKULA.

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9 CONCLUSIONS OF LAW

10 5. Based on the information contained in Paragraphs  
11 1 through 4, above, GONZALEZ and POUKKULA violated California  
12 Business and Professions Code Section 10130 by engaging in  
13 activities requiring a broker license without first obtaining a  
14 broker license from the Department of Real Estate.

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16 DESIST AND REFRAIN ORDER

17 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW  
18 stated herein, it is hereby ordered that GONZALEZ and POUKKULA  
19 immediately desist and refrain from: performing any acts within  
20 the State of California for which a real estate broker license  
21 is required, unless you are so licensed.

22 IT IS FURTHER ORDERED THAT GONZALEZ and POUKKULA  
23 immediately desist and refrain from:

- 24 1. Charging, demanding, claiming, collecting and/or  
25 receiving advance fees, as that term is defined in  
26 California Business and Professions Code Section  
27 10026, in any form, and under any conditions, with

1 respect to the performance of loan modification or  
2 any other form of mortgage loan forbearance  
3 services in connection with loans on residential  
4 property containing four or fewer dwelling units.

5 2. Charging, demanding, claiming, collecting and/or  
6 receiving advance fees, as that term is defined in  
7 California Business and Professions Code Section  
8 10026, for any of the other real estate related  
9 services offered to others.

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11 DATED: 2/27, 2012.

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13 BARBARA J. BIGBY  
14 Acting Real Estate Commissioner

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16 **Notice:** California Business and Professions Code Section 10139  
17 provides that "Any person acting as a real estate broker or real  
18 estate salesperson without a license or who advertises using  
19 words indicating that he or she is a real estate broker without  
20 being so licensed shall be guilty of a public offense punishable  
21 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  
23 months, or by both fine and imprisonment; or if a corporation,  
24 be punished by a fine not exceeding sixty thousand dollars  
25 (\$60,000)."

26 cc: KARLA GONZALEZ  
27 1279 Aguirre Street  
Chula Vista, CA 91910

JOHN POUKKULA  
1279 Agiorre Street  
Chula Vista, CA 91910

Fairway Modifications  
374 H Street, #A  
Chula Vista, CA 91910