

1 Department of Real Estate
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3 Los Angeles, California 90013

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FILED

MAY 24 2010

DEPARTMENT OF REAL ESTATE

BY: 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 To:)	No. H-36645 LA
)	
12 UNITED FIRST INC.; PAUL H.)	<u>ORDER TO DESIST</u>
13 NOE II; LINA NORENO; JENNY)	<u>AND REFRAIN</u>
SANDOVAL; JEFFREY HERNANDEZ;)	(B&P Code Section 10086)
14 NELLY ALVAREZ; JOSE ARMANDO)	
PEREZ; ANNA RODRIGUEZ; ALFRED)	
15 HUNDLEY; JONATHAN NOE; UFS)	
EAGLES INC.; HUGO GONZALEZ;)	
16 TAMARA GONZALEZ; AUDIT YOUR)	
LOAN, also known as AUDIT)	
17 YOUR LOAN USA; and WILLIAM)	
18 R. BARAHONA, individually,)	
and doing business as Audit)	
19 Your Loan.)	
)	
20 _____)	

21 The Commissioner ("Commissioner") of the California
22 Department of Real Estate ("Department") caused an investigation
23 to be made of the activities of UNITED FIRST INC., PAUL H. NOE
24 II, LINA NORENO, JENNY SANDOVAL, JEFFREY HERNANDEZ, NELLY
25 ALVAREZ, JOSE ARMANDO PEREZ, ANNA RODRIGUEZ, ALFRED HUNDLEY,
26 JONATHAN NOE, UFS EAGLES INC., HUGO GONZALEZ, TAMARA GONZALEZ,
27

1 AUDIT YOUR LOAN, also known as AUDIT YOUR LOAN USA, and WILLIAM
2 R. BARAHONA, individually, and as Audit Your Loan, and has
3 determined that they have each engaged in or are engaging in acts
4 or practices constituting violations of the California Business
5 and Professions Code ("Code") and/or Title 10, California Code of
6 Regulations ("Regulations") including engaging in the business
7 of, acting in the capacity of, engaging in the business of,
8 acting in the capacity of, advertising, or assuming to act, as
9 real estate broker in the State of California within the meaning
10 of Section 10131(d) (soliciting borrowers or lenders or
11 negotiating loans) and Section 10131.2 (advance fee handling).
12 Based on the findings of that investigation, as set forth below,
13 the Commissioner hereby issues the following Findings of Fact and
14 Desist and Refrain Order pursuant to Code Section 10086.

15 FINDINGS OF FACT

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17 1. At no time herein mentioned has UNITED FIRST INC.
18 ("UNITED"), PAUL H. NOE II ("NOE II"), LINA NORENO ("NORENO"),
19 JEFFREY HERNANDEZ ("HERNANDEZ"), JOSE ARMANDO PEREZ ("PEREZ"),
20 ANNA RODRIGUEZ ("RODRIGUEZ"), ALFRED HUNDLEY ("HUNDLEY"),
21 JONATHAN NOE ("J. NOE"), UFS EAGLES INC. ("UFS"), HUGO GONZALEZ
22 ("H. GONZALEZ"), TAMARA GONZALEZ ("T. GONZALEZ"), AUDIT YOUR
23 LOAN ("AYL"), or WILLIAM R. BARAHONA ("BARAHONA") been licensed
24 by the Department in any capacity.

25 2. JENNY SANDOVAL ("SANDOVAL") and NELLY ALVAREZ
26 ("ALVAREZ") are presently licensed and/or have license rights
27 under the Real Estate Law as real estate salespersons.

(PRIOR DISCIPLINARY ACTION)

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3 3. On or about February 19, 2002, the Department
4 denied the application of NOE II for a real estate salesperson
5 license in Statement of Issues, Case No. H-29228 LA.

6 4. On or about August 13, 2004, a Desist and Refrain
7 Order, Case No. H-31172 LA, was issued to BARAHONA ordering him
8 to desist and refrain from performing any and all acts for which
9 a real estate broker license is required unless and until he
10 obtains such license.

11 5. Whenever acts referred to below are attributed to
12 UNITED or to UFS, those acts are alleged to have been done by
13 UNITED or by UFS, acting alone, or by and/or through one or more
14 agents, associates, affiliates, and/or co-conspirators,
15 including but not limited to each of those named herein, and
16 using any fictitious name unknown at this time.

17 6. At the times set forth below, UNITED, NOE II,
18 NORENO, SANDOVAL, HERNANDEZ, ALVAREZ, PEREZ, RODRIGUEZ, HUNDLEY,
19 J. NOE, UFS, H. GONZALEZ, T. GONZALEZ, AYL, and BARAHONA engaged
20 in the business of, acted in the capacity of, or advertised a
21 loan modification service and/or foreclosure rescue service
22 offering to perform and performing loan modification or
23 negotiation services with respect to loans which were secured by
24 liens on real property for compensation or in expectation of
25 compensation and for fees collected in advance of the
26 transaction, including but not limited to the activities
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described below.

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2 a. Between May, 2008 and December, 2008, Martin and
3 Elena Ortiz paid an advance fee of \$7,550 to NORENO on behalf of
4 UNITED. The advance fees were collected pursuant to the
5 provisions of an agreement pertaining to loan solicitation,
6 negotiation, and modification services to be provided by UNITED
7 with respect to a loan secured by the real property located at
8 44558 Stanridge Avenue, Lancaster, California 93535.

9 b. On or about June 30, 2008, Maria Soledad Garcia
10 ("Garcia") paid an advance fee of \$1,000 to H. GONZALEZ on
11 behalf of UFS. Thereafter, Garcia paid an additional advance fee
12 in the amount of \$3,350 to H. GONZALEZ on behalf of UNITED. The
13 advance fees were collected pursuant to the provisions of an
14 agreement pertaining to loan solicitation, negotiation, and
15 modification services to be provided by UNITED with respect to a
16 loan secured by the real property located at 26663 Fleming
17 Street, Highland, California 902346.

18 c. In or around June, 2008, SANDOVAL solicited
19 Margarito Ramirez Olague ("Olague") for the purpose of
20 convincing Olague to engage the services of UNITED for loan
21 modification and foreclosure rescue services. As a result of
22 SANDOVAL's solicitation Olague paid an initial advance fee of
23 \$1,775 to SANDOVAL on behalf of UNITED pursuant to the
24 provisions of an agreement pertaining to loan solicitation,
25 negotiation, and modification services to be provided by UNITED
26 with respect to a loan secured by the real property located at
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13880 Ocotillo Road, Desert Hot Springs, California 92240.

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2 Thereafter, between June and December, 2008, Olague paid
3 additional sums as advance fees to UNITED so that the total
4 amount paid to UNITED by Olague for loan modification services
5 was \$12,425.

6 d. On or about September 1, 2008, Carolyn Gomez
7 ("Gomez") paid an initial advance fee of \$3,000 to ALVAREZ on
8 behalf of UNITED. During the period October, 2008, to December,
9 2008, Gomez paid additional advance fees to UNITED so that the
10 total amount paid to UNITED as advance fees was \$7,107.21. The
11 advance fees were collected pursuant to the provisions of an
12 agreement pertaining to loan solicitation, negotiation, and
13 modification services to be provided by UNITED with respect to a
14 loan secured by the real property located at 12671 Bellflower
15 Lane, Moreno Valley, California 92555.

16 e. On or about August 11, 2008, Puilar Aguilar paid
17 an advance fee of \$1,850 to PEREZ on behalf of UNITED. The
18 advance fee was collected pursuant to the provisions of an
19 agreement pertaining to loan solicitation, negotiation, and
20 modification services to be provided by UNITED with respect to a
21 loan secured by the real property located at 20652 Rider Street,
22 Paris, California 92570.

23 f. On or about August 22, 2008, Tracy Lee paid an
24 advance fee of \$2,570 to HUNDLEY on behalf of UNITED. The
25 advance fee was collected pursuant to the provisions of an
26 agreement pertaining to loan solicitation, negotiation, and
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1 modification services to be provided by UNITED with respect to a
2 loan secured by the real property located at 18110 Flynn Drive,
3 Unit 4208, Canyon Country, California 91387.

4 g. In or around September, 2008, Carmen Acevedo and
5 Orquidia Penaloza paid an advance fee of \$2,250 to J. NOE on
6 behalf of UNITED. The advance fee was collected pursuant to the
7 provisions of an agreement pertaining to loan solicitation,
8 negotiation, and modification services to be provided by UNITED
9 with respect to a loan secured by the real property located at
10 69115 Baristo Road, Cathedral City, California 92234.

11 7. In or around September, 2009, AYL and BARAHONA,
12 using the name Audit Your Loan, advertised, solicited and
13 offered to provide forensic mortgage analysis services to
14 borrowers with loans secured by real property in exchange for
15 the payment of an advance fee.

16 CONCLUSIONS OF LAW

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18 8. Based on the information contained in Paragraphs
19 6 and 7, above, UNITED, NOE II, NORENO, SANDOVAL, HERNANDEZ,
20 ALVAREZ, PEREZ, RODRIGUEZ, HUNDLEY, J. NOE, UFS, H. GONZALEZ, T.
21 GONZALEZ, AYL, and BARAHONA performed and/or participated in
22 loan solicitation, negotiation and modification activities as
23 well as advance fee handling which require a real estate broker
24 license under the provisions of Code Sections 10131(d) and
25 10131.2 during a period of time when none of them licensed by
26 the Department as a real estate broker nor employed as a real
27 estate salesperson by the broker on whose behalf the activities

were performed, in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

IT IS HEREBY ORDERED that UNITED FIRST INC., PAUL H. NOE II, LINA NORENO, JENNY SANDOVAL, JEFFREY HERNANDEZ, NELLY ALVAREZ, JOSE ARMANDO PEREZ, ANNA RODRIGUEZ, ALFRED HUNDLEY, JONATHAN NOE, UFS EAGLES INC., HUGO GONZALEZ, TAMARA GONZALEZ, AUDIT YOUR LOAN, also known as AUDIT YOUR LOAN USA, and WILLIAM R. BARAHONA, whether doing business under their own names, or any other names, or any fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular each of them 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 (Code Section 10085.6); and

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

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6 DATED: 5/18, 2010.

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8 JEFF DAVI
9 Real Estate Commissioner
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17 **Notice:** Business and Professions Code Section 10139 provides
18 that "Any person acting as a real estate broker or real estate
19 salesperson without a license or who advertises using words
20 indicating that he or she is a real estate broker without being
21 so licensed shall be guilty of a public offense punishable by a
22 fine not exceeding twenty thousand dollars (\$20,000), or by
23 imprisonment in the county jail for a term not to exceed six
24 months, or by both fine and imprisonment; or if a corporation,
25 be punished by a fine not exceeding sixty thousand dollars
26 (\$60,000)."
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cc: United First Inc.
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9 Nelly Alvarez
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11 Jose Armando Perez
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