

1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013

4 (213) 576-6982

FILED
SEP - 9 2011
DEPARTMENT OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 To:) No. H-37514 LA
12)
13 MARIA GUADALUPE CARBAJAL.) ORDER TO DESIST
14) AND REFRAIN
15) (B&P Code Section 10086)

16 The Real Estate Commissioner of the State of California ("Commissioner") has
17 caused an investigation to be made of the activities of MARIA GUADALUPE CARBAJAL.
18 Based on that investigation, the Commissioner has determined that MARIA GUADALUPE
19 CARBAJAL has engaged in, is engaging in, or is attempting to engage in, acts or practices
20 constituting violations of the California Business and Professions Code ("Code") including
21 acting in the capacity of, advertising and/or assuming to act as a real estate broker in the State of
22 California within the meaning of Code Sections 10131(d) (advertising, soliciting borrowers for,
23 and offering to perform loan modification services for distressed homeowners) and 10131.2
24 (collecting advance fees in connection with those services). Based on that investigation, the
25 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
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1 Refrain Order under the authority of Section 10086 of the Code.

2 FINDINGS OF FACT

3 1. MARIA GUADALUPE CARBAJAL ("CARBAJAL") is not now and has
4 never been licensed by the Department of Real Estate ("Department") in any capacity.

5 2. At all times relevant herein, CARBAJAL engaged in the business of, acted in
6 the capacity of, advertised or assumed to act as real estate brokers in the State of California
7 within the meaning of Code Sections 10131(d) and 10131.2. Her activities included soliciting
8 borrowers or lenders for and/or negotiating loans, collecting payments and/or performing
9 services for borrowers or lenders in connection with loans secured by liens on real property. Her
10 activities also included claiming, demanding, charging, receiving, collecting or contracting for
11 the collection of an advance fee within the meaning of Code Sections 10026 and 10085.
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13 3. At a time on or before July 17, 2009, CARBAJAL, doing business as Allstate
14 Home Solutions, offered to represent Robert and Melanie N. ("Borrowers") in providing loan
15 modification services in exchange for payment of fees.
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17 4. Between October 28, 2009 and February 13, 2010, Borrowers paid
18 CARBAJAL a total of \$1495.00 in advance fees for loan modification services.

19 5. CARBAJAL failed to perform services as promised and the property went into
20 foreclosure. CARBAJAL refused to refund or account for any of the fees paid.

21 6. As set forth above, CARBAJAL solicited and entered into loan modification
22 agreements with borrowers when she was not licensed by the Department as a real estate broker
23 or licensed by the Department as a salesperson and employed by a real estate broker.
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CONCLUSIONS OF LAW

The conduct, acts and/or omissions of MARIA GUADALUPE CARBAJAL as set forth in the Findings of Fact above, when not licensed by the Department as real estate broker or as a salesperson employed by a real estate broker licensed by the Department, were in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, MARIA GUADALUPE CARBAJAL whether doing business under your own name, or any other names, or fictitious names, 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, including:

(i) soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and

(ii) charging, demanding, or collecting a fee for any of the services you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Commissioner's Regulations relating to charging, collecting, and accounting for fees.

DATED: 8/31, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 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).”

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cc: Maria Guadalupe Carbajal
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