

1 Department of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

3 Telephone: (213) 576-6982

FILED

MAY 13 2010

DEPARTMENT OF REAL ESTATE

BY: *R. [Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

To:)	No. H-36637 LA
)	
DEBT SOLUTIONS, INC.,)	<u>ORDER TO DESIST</u>
FILBERT APODACA and)	<u>AND REFRAIN</u>
ALFRED CLAUSEN)	(B&P Code Section 10086)
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18 The Commissioner ("Commissioner") of the California
19 Department of Real Estate ("Department") caused an investigation
20 to be made of the activities of DEBT SOLUTIONS, INC. ("DSI"),
21 FILBERT APODACA ("APODACA") and ALFRED CLAUSEN ("CLAUSEN").
22 Based on that investigation, the Commissioner has determined
23 that DSI, APODACA and CLAUSEN have engaged in or are engaging in
24 acts or practices constituting violations of the California
25 Business and Professions Code ("Code") and/or Title 10,
26 California Code of Regulations ("Regulations") including
27 engaging in the business of, acting in the capacity of,
advertising, or assuming to act, as real estate brokers in the

1 State of California within the meaning of Code Sections 10131(d)
2 (soliciting borrowers or lenders or negotiating loans). Based
3 on the findings of that investigation, as set forth below, the
4 Commissioner hereby issues the following Findings of Fact and
5 Desist and Refrain Order pursuant to Section 10086 of the Code.

6 FINDINGS OF FACT

7 1. DSI is not now, and has never been, licensed by
8 the Department in any capacity.

9 2. APODACA is not now, and has never been, licensed
10 by the Department in any capacity.

11 3. CLAUSEN is not now, and has never been, licensed
12 by the Department in any capacity.

13 4. At the time set forth below each and every
14 respondent solicited borrowers and negotiated to do one or more
15 of the following acts for another or others, for or in
16 expectation of compensation, engaged in the business of, acted
17 in the capacity of, or advertised a loan modification service
18 and advance fee brokerage under one or more business names
19 including, but not limited to, "Debt Solutions, Inc."
20 soliciting, offering to negotiate or perform loan modification
21 services with respect to loans which were secured by liens on
22 real property for compensation or in expectation of compensation
23 and for fees collected in advance of the transaction.

24 The Benita Lynn Ray matter

25 5. In approximately October 2008, APODACA, as a
26 representative of DSI, solicited Benita Lynn Ray (Ray) in order
27 to provide loan negotiation and/or modification services to save

1 Ray's three residential rental properties from being lost in
2 foreclosure.

3 6. In furtherance of APODACA'S plan and scheme to
4 provide loan negotiation and/or modification services to Ray,
5 APODACA, on behalf of DSI, requested an advance fee of \$2,000
6 from Ray. In reliance on APODACA'S representations, Ray paid
7 DSI \$2,000 on or about October 29, 2008.

8 7. After Ray paid the \$2,000 mentioned above to DSI,
9 she received no further communications or services of any type
10 from APODACA or from anyone connected in any way with DSI.

11 The Ajay R. Dhami matter

12 8. In approximately December 2008, CLAUSEN, as a
13 representative of DSI, solicited Ajay R. Dhami (Dhami) in order
14 to provide loan negotiation and/or modification services to save
15 Dhami's home from being lost in foreclosure.

16 9. In furtherance of CLAUSEN'S plan and scheme to
17 provide loan negotiation and/or modification services to Dhami,
18 CLAUSEN, on behalf of DSI, requested an advance fee of \$3,029
19 from Dhami. In reliance on CLAUSEN'S representations, Dhami
20 paid DSI \$3,029 on or about December 10, 2008.

21 10. After Dhami paid the \$3,029 mentioned above to
22 DSI, he received no further communications or services of any
23 type from CLAUSEN or from anyone connected in any way with DSI.

24 The Thomas Flores and Susan Montes matter

25 11. On or about approximately October 2008, APODACA,
26 as a representative of DSI, solicited Thomas Flores and Susan
27 Montes (Flores and Montes) in order to provide loan negotiation

1 and/or modification services to save Flores' and Montes' home
2 from being lost in foreclosure.

3 12. In furtherance of APODACA'S plan and scheme to
4 provide loan negotiation and/or modification services to Flores
5 and Montes, APODACA, on behalf of DSI, requested an advance fee
6 of \$3,475 from Flores and Montes. In reliance on APODACA'S
7 representations, Flores and Montes paid DSI \$3,475 on or about
8 October 8, 2008.

9 13. After Flores and Montes paid the \$3,475
10 mentioned above to DSI, they received no further communications
11 or services of any type from APODACA or from anyone connected in
12 any way with DSI.

13 14. Based on the information contained in Paragraphs
14 one through thirteen, above, DSI, APODACA and CLAUSEN have
15 performed and/or participated in acts, including loan
16 negotiation and/or modification activities which require a
17 license under the provision of Code Sections 10131(d) during a
18 period of time when DSI, APODACA and CLAUSEN were not licensed
19 by the Department as a real estate broker in violation of Code
20 Section 10130.

21 DESIST AND REFRAIN ORDER

22 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
23 stated herein, IT IS ORDERED THAT:

24 A. DEBT SOLUTIONS, INC., FILBERT APODACA and ALFRED
25 CLAUSEN immediately desist and refrain from performing any acts
26 within the State of California for which a real estate broker
27 license is required, unless or until you are so licensed;

1 B. IT IS FURTHER ORDERED THAT DEBT SOLUTIONS, INC.,
2 FILBERT APODACA and ALFRED CLAUSEN:

3 1. Immediately desist and refrain from charging,
4 demanding, claiming, collecting and/or receiving advance fees,
5 as that term is defined in Section 10026 of the Code, in any
6 form, and under any conditions, with respect to the performance
7 of loan modification or any other form of mortgage loan
8 forbearance services in connection with loans on residential
9 property containing four or fewer dwelling units (Code Section
10 10085.6).
11

12 2. Immediately desist and refrain from charging,
13 demanding, claiming, collecting and/or receiving advance fees,
14 as that term is defined in Section 10026 of the Code, for any
15 other real estate related services offered by them to others.
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19 DATED: _____, 2010.

20 JEFF DAVI
21 Real Estate Commissioner
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1 **Notice:** Business and Professions Code Section 10139 provides
2 that "Any person acting as a real estate broker or real estate
3 salesperson without a license or who advertises using words
4 indicating that he or she is a real estate broker without being
5 so licensed shall be guilty of a public offense punishable by a
6 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)."

7 cc: DEBT SOLUTIONS, INC.
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9 Ontario, CA 91743

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11 Ontario, CA 91761

12 10681 Foothill Blvd. #495
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14 FILBERT APODACA
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17 7828 Daycreek Blvd. #318
18 Rancho Cucamonga, CA 91739

19 10681 Foothill Blvd. #495
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21 ALFRED CLAUSEN
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26
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