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DEPARTMENT OF REAL ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Order to Desist and Refrain of HOPE NOW LAW CENTER, ROSCOE ELLIOTT BRADLEY, and AMBERINA BRADLEY. Respondents.	No. H-37401 LA L-2011080182

DECISION

The Proposed Decision dated September 26, 2011, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on November 1, 2011.

IT IS SO ORDERED 10/7, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Order to Desist and Refrain Against: **HOPE NOW LAW CENTER, ROSCOE ELLIOTT BRADLEY, and AMBERINA BRADLEY,** Respondents.	Case No. H-37401 LA OAH No. 2011080182

PROPOSED DECISION

This matter was previously consolidated with Case Nos. H-37100 LA and H-37400 LA, and all three were heard together by Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, on August 29-30, 2011, in Los Angeles. The record was closed and the matters were submitted for decision at the conclusion of the hearing. At Complainant's request, a separate Proposed Decision is being issued for each of three matters.

Lissete Garcia, Counsel, represented Wayne S. Bell, Chief Counsel (Complainant), California Department of Real Estate (Department).

Respondents Roscoe Elliott Bradley (Elliott Bradley) and Amber Bradley, aka Amberina Bradley (Amber Bradley) were present and represented themselves.

No appearance was made on behalf of Hope Now Law Center, so that Respondent is deemed to be in default in this proceeding.[1]

FACTUAL FINDINGS

Parties and Jurisdiction

1. Complainant brought the Order to Desist and Refrain in his official capacity, on behalf of the Acting Real Estate Commissioner Barbara J. Bigby. Respondents Elliott and Amber Bradley timely submitted requests for a hearing.

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[1] The Bradleys consistently maintained that they own no part of the Hope Now Law Center and do not exercise control over it. Neither Bradley stated on the record that they were appearing on behalf of that Respondent, and no Notice of Defense or Request for Hearing on behalf of that entity was submitted.

2. At no time has any of the three Respondents been licensed in any capacity by the Department. Amber Bradley is the daughter of Elliott Bradley. Amberina is a nickname.

Prior Desist and Refrain Orders

3. On April 16, 2009, in Case No. H-35881 LA, the Real Estate Commissioner found that Elliott Bradley, among other people and entities, violated Business and Professions Code section 10130[2] by engaging in unlicensed activities that require a real estate license under the provisions of sections 10131, subdivision (d), and 10131.2, and served an Order to Desist and Refrain on him. Elliott Bradley did not request a hearing or otherwise appeal that order, and it became final. In that matter, the unlicensed activity consisted of four separate instances, from May through June of 2008, in which Respondent had accepted advance fees from consumers for the purposes of engaging in loan modification services with respect to loans secured by a lien on real property.

4. On September 2, 2009, in Case No. H-36217 LA, the Real Estate Commissioner served a separate Order to Desist and Refrain on both Elliott and Amber Bradley, among other people or entities, for a violation of section 10130 by engaging in unlicensed activities that require a real estate license under the provisions of sections 10131, subdivision (d), and 10131.2. Neither Respondent requested a hearing nor otherwise appealed that order, and it became final. In that matter, the unlicensed activity consisted of several instances, from May through October of 2008, in which Respondents had accepted advance fees from consumers for the purposes of engaging in loan modification services with respect to loans secured by a lien on real property.

5. In December of 2008, Elliott Bradley spoke with an employee of the Department concerning whether a license was required to engage in the above-described activities. The specifics of that discussion were not established.

Activity Subsequent to the Prior Desist and Refrain Orders

6. As a result of being issued the two above-described orders from the Commissioner, Elliott Bradley decided to become affiliated with attorneys in order to continue engaging in loan modification work under the guise of being merely the attorneys' office manager. At first, he became primarily affiliated with attorney Quentinn Simms. From June of 2009 through March of 2010, he became primarily affiliated with Christopher Persaud. Terrell W. Proctor took over the Persaud legal practice sometime after March of 2010. Elliott Bradley was primarily affiliated with Mr. Proctor until approximately June of 2011, just before Mr. Proctor was disbarred and the Hope Now Law Center became defunct.

7. Elliott Bradley contends that his activities from 2009 through 2011 did not require a license from the Department because he was not engaging in loan modification services, and he was working under the auspices of the above-described attorneys. However,

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[2] All further statutory references are to the Business and Professions Code.

there are numerous facts that collectively establish that Elliott Bradley was in fact engaging in loan modification services and that his affiliation with these attorneys was not bona fide but rather an attempt to evade the Real Estate Law as follows:

A. As demonstrated by exhibit J, in addition to the three attorneys with whom Elliott Bradley was primarily affiliated, he also affiliated himself with no less than 14 other attorneys to a lesser degree.

B. The two witnesses who testified in this matter were unequivocal that they never, or rarely, met with an attorney.

C. The promotional materials distributed by the Hope Now Law Center appear to solicit loan modification or foreclosure forbearance services.

D. Although consumers were asked to sign written legal retainers, which describe litigation services, the attorneys generally were not present when the retainers were signed. Even though the retainers described litigation activity, and in some instances a civil legal complaint was drafted, Elliott Bradley admitted that the case strategy in such suits was to initiate litigation so the case could be settled by essentially modifying the terms of the existing loan.

E. The attorneys with whom Elliott Bradley became affiliated were rarely in the office, especially Mr. Proctor, who was frequently in court and not available.

F. Elliott Bradley told one consumer, Ardine Vivian, that Hope Now Law Center was his business and that he "ran the show." Elliott Bradley's testimony that Ms. Vivian misunderstood him and that he was only saying he was the office manager was not persuasive.

G. Perhaps the most compelling evidence is Respondents' exhibit E, the disbarment stipulation executed by Mr. Proctor in July of 2011. In that stipulation, Mr. Proctor admits that he took over the Hope Now Law Center from attorney Persaud in July of 2010, and that Elliott Bradley remained as the office manager. With respect to Ardine Vivian, Mr. Proctor admits that she sought out Hope Now Law Center to modify her three mortgages, that she met with Elliott Bradley for that purpose, that the Bradleys had her sign a retainer agreement outside of his presence, and that the Bradleys accepted advance fees for that purpose. Mr. Proctor admits that by allowing the Bradleys to engage in this activity, he aided persons in the unauthorized practice of law in violation of rule 1-300(A) of the Rules of Professional Conduct. Mr. Proctor also admits that he failed to perform any work of value on Ms. Vivian's matters, indicating that he had abdicated responsibility for Ms. Vivian's file to Elliott Bradley. Finally, Mr. Proctor admits that he similarly aided Mr. Bradley to engage in the unauthorized practice of law with respect to five other clients who requested various types of legal services.

8. At the relevant times, Amber Bradley was a part-time employee of Hope Now Law Center while pursing a college degree. She reported to her father and whichever attorney was affiliated with the office at the time. She mainly handled accounts receivables and did some payroll reporting. In that capacity, Ms. Bradley often obtained advance fees from consumers seeking loan modification services from Hope Now Law Center, or she followed up with those consumers who made down-payments but still owed a remaining portion of an advance fee. Sometimes Ms. Bradley would be involved in meetings with consumers seeking loan modification services, including witnessing them signing the above-described retainer agreements.

9. The order against Ms. Bradley in Department Case No. H-36217 LA was based on conduct similar to that described immediately above. Ms. Bradley continued to engage in the same activity at the Hope Now Law Center after receiving that order, in part, based on the advice of her father that they were no longer violating the law since they were working with attorneys.

10. With respect to Ms. Vivian, it was established that in November of 2010, she sought out the services of Hope Now Law Center for purposes of having loan modifications made to three properties she owned and/or to forestall foreclosures. Her initial meeting was with Elliott Bradley. Amber Bradley was also involved in that meeting, including witnessing Ms. Vivian sign a retainer agreement and signing the agreement herself on behalf of the Hope Now Law Center. But it is clear that Mr. Bradley was the person at Hope Now Law Center primarily responsible for this transaction. Ms. Bradley also collected an advance fee of $3,000 from Ms. Vivian. Ms. Bradley subsequently contacted Ms. Vivian at various times requesting her to pay the remaining advance fee of $6,000. Ms. Vivian ultimately paid only an additional $1,000, for total of $4,000 paid to the Hope Now Law Center.

11. Ms. Vivian only met with Mr. Proctor twice, both times very briefly. The first time was due to her insistence that Mr. Proctor sign the legal retainer agreement, which previously she had signed only in the presence of the Bradleys. The second time was when she demanded that he give her a refund after the first of her three properties was lost in foreclosure. Her other two properties were subsequently lost in foreclosure after she stopped working with Respondents. Some small modicum of work was done for her, but nothing of value. For example, somebody at Hope Now Law Center obtained the lender files for Ms. Vivian's properties, and either Mr. Proctor or his paralegal, Mr. Gamble, drafted a civil complaint against her lender. However, the complaint was never filed. Based on Mr. Proctor's admissions during his disbarment proceeding, it was established that no work of any material value was done for Ms. Vivian. Although there is conflicting evidence concerning whether any refund offers were made to Ms. Vivian, it was established that nobody has refunded any amount to her. Ms. Vivian has filed a civil complaint for damages against Mr. Proctor, Mr. Gamble and Mr. Bradley. That matter is still pending.

LEGAL CONCLUSIONS

1. In this matter, the burden is on Complainant to establish cause to affirm the Order to Desist and Refrain by a preponderance of the evidence. (*Gardner v. Comm. on Prof. Comp.* (1985) 164 Cal.App.3d 1035, 1039-1040.)

2. Pursuant to section 10086, when "the commissioner determines through an investigation that a person has engaged or is engaging in an activity which is a violation of a provision [of the Real Estate Law], the commissioner may direct the person to desist and refrain from such activity by issuance of an order." By this statute, the Commissioner has jurisdiction to issue such an order against Respondents, even though they are not licensed by the Department.

3. It was established by a preponderance of the evidence that the Respondents, Hope Now Law Center, Elliott Bradley and Amber Bradley, have performed and/or participated in loan modification activities which required a license under the provisions of sections 10131, subdivision (d), and 10132.2, during a period of time when none of the Respondents were licensed by the Department in any capacity, in violation of section 10130. Specifically, Elliott Bradley was primarily responsible for the Vivian matter. He met with Ms. Vivian, explained the loan modification services that would be done for her, had her sign a written agreement, requested that she pay an advance fee, and he told Ms. Vivian he was in charge of the office. Amber Bradley facilitated that activity by participating in the meeting, witnessing the written retainer agreement and signing it on behalf of the Hope Now Law Center, and in accepting from and requesting payment of an advance fee from Ms. Vivian. (Factual Findings 1-11.)

4. The exemption from the requirement of having a Department license in order to engage in such activity provided to "[a]n attorney at law in rendering legal services to a client" set forth in section 10133, subdivision (a) (3), is not applicable. First, it was not established that Mr. Proctor engaged in legal services of any value in the Vivian matter. Second, section 10133, subdivision (b), clarifies that such an exemption is not applicable to a person who uses or attempts to use it for the purpose of evading the Real Estate Law. Even if Mr. Proctor was involved in the Vivian matter to a minor extent, it is clear from the evidence that the Bradleys were primarily responsible for the Vivian matter and that Mr. Bradley only affiliated himself with Mr. Proctor to try to evade the requirement to have a Department license. (Factual Findings 1-12.)

ORDER

The Order to Desist and Refrain issued against Respondents is affirmed.

Respondents Hope Now Law Center, Roscoe Elliott Bradley, and Amber Bradley, aka Amberina Bradley, whether doing business under their own names, or any other name, or any fictitious name, are 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 but not limited to (1) 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 (2) charging, demanding, or collecting an advance fee for any of the services they offer to others, unless and until they obtain a real estate broker license issued by the Department, and until they demonstrate and provide evidence satisfactory to the Commissioner that they are in full compliance with all requirements of the Real Estate Law and Regulations relating to charging, collecting, and accounting for advance fees.

DATED: September 26, 2011

ERIC SAWYER,
Administrative Law Judge
Office of Administrative Hearings

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

(213) 576-6982

FILED
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DEPARTMENT OF REAL ESTATE
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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: HOPE NOW LAW CENTER, ROSCOE ELLIOTT BRADLEY, and AMBERINA BRADLEY.	No. H-37401 LA ORDER TO DESIST AND REFRAIN (B&P Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of HOPE NOW LAW CENTER, ROSCOE ELLIOTT BRADLEY aka Elliott Bradley and Elliot Bradley, and AMBERINA BRADLEY, aka Amber Bradley, and has determined that each has engaged in or are engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations") including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate brokers in the State of California within the meaning of Section 10131(d) (soliciting borrowers or lenders or negotiating loans) and Section 10131.2 (claiming advance fees in connection with a loan) of the Code. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain

Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned have HOPE NOW LAW CENTER, ROSCOE ELLIOTT BRADLEY, aka Elliott Bradley and Elliot Bradley ("BRADLEY"), and AMBERINA BRADLEY, aka Amber Bradley ("AMBER BRADLEY") been licensed by the Department in any capacity.

2. At the time set forth below HOPE NOW LAW CENTER, BRADLEY, and AMBER BRADLEY, engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage, offering to perform, and performing loan modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction.

3. On or about November 12, 2010, Ardine V. ("Ardine V.") paid an advance fee of $4,000 to HOPE NOW LAW CENTER. The advance fee was collected pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by HOPE NOW LAW CENTER and BRADLEY with respect to a loan secured by the real property located in Los Angeles, California and West Hills, California. AMBER BRADLEY solicited loan modification and negotiation services and charged and collected advance fees from Ardine V. on behalf of HOPE NOW LAW CENTER and BRADLEY.

4. HOPE NOW LAW CENTER, BRADLEY, and AMBER BRADLEY's activities as described in Paragraph 3, above, in performing or participating in loan modification activities which require a license under the provisions of Code Sections 10131 (d) and 10131.2.

Prior Desist & Refrain Orders

5. On April 16, 2009, in Case No. H-35881 LA, the Commissioner found that BRADLEY, among others, violated Code Section 10130 by engaging in unlicensed activities that require a real estate license under the provisions of Code Sections 10131(d) and 10131.2 and issued an Order to Desist and Refrain against BRADLEY.

6. On September 2, 2009, in Case No. H-36217 LA, the Commissioner issued a separate Order to Desist and Refrain against BRADLEY and AMBER BRADLEY, among others, for a violation of Code Section 10130 for engaging in unlicensed activities that require a real estate license under the provisions of Code Sections 10131(d) and 10131.2. The Order to Desist and Refrain in Case No. H-36217 LA was personally served upon BRADLEY on September 14, 2009.

7. For a period of time beginning no later than May, 2008, and continuing to the present, BRADLEY and AMBER BRADLEY have engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage, offering to perform, and performing loan modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction.

CONCLUSIONS OF LAW

8. Based on the information contained in Paragraph 3, above, HOPE NOW LAW CENTER, BRADLEY, and AMBER BRADLEY have performed and/or participated in loan modification activities which require a license under the provisions of Code Sections 10131(d) and 10131.2 during a period of time when none of them were licensed by the Department in any capacity, in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that HOPE NOW LAW CENTER, BRADLEY, and AMBER BRADLEY, 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) 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 an advance fee for any of the services they offer to others, unless and until they obtain a real estate broker license issued by the Department, and until they demonstrate and provide evidence satisfactory to the Commissioner that they are in full compliance with all requirements of the Code and Regulations relating to charging, collecting, and accounting for advance fees.

DATED: 7/21, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

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

cc: Hope Now Law Center
10840 Paramount Blvd.
Downey, California 90241

Roscoe Elliott Bradley
10840 Paramount Blvd.
Downey, California 90241

Amberina Bradley
10840 Paramount Blvd.
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