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MAY 18 2011

DEPARTMENT OF REAL ESTATE

*R. J. Jarm*  
By \_\_\_\_\_

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
REAL PROPERTY LENDERS, INC.,  
RODNEY VIRGIL JARMIN, and  
TAMMY MARIAN JORDAN,  
  
Respondents.

No. H-2387 FRESNO

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On April 23, 2010, a First Amended Accusation was filed in the above-entitled matter.

On April 11, 2011, Respondent TAMMY MARIAN JORDAN petitioned the Commissioner to voluntarily surrender her real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent TAMMY MARIAN JORDAN's petition for voluntary surrender of her real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent TAMMY MARIAN JORDAN on April 11, 2011 (attached as Exhibit "A" hereto).

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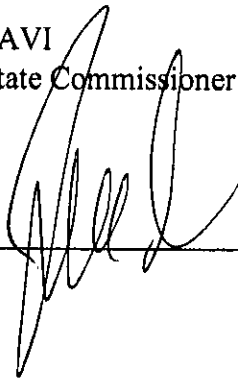
Respondent TAMMY MARIAN JORDAN's license certificate and pocket card shall be sent to the below-listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE  
Attention: Licensing Flag Section  
P. O. Box 187000  
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on JUN - 8 2011

DATED: 6-29-2011

JEFF DAVI  
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized and cursive.

FROM : ROSS E VELASCO CPA

FAX NO: 805 461 3748

Apr. 14 2011 10:53AM P3

03/28/2011 MON 8:11 FAX 9162279459 DRB SAC LEGAL --- FRANK BUDA

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

REAL PROPERTY LENDERS, INC.,  
RODNEY VIRGIL JARMIN, and TAMMY  
MARIAN JORDAN,

No. H- 2387 FR

Respondents.

DECLARATION

My name is TAMMY MARIAN JORDAN and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license(s), that I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to

EXHIBIT  
"A"

1 Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my  
 2 license(s), I agree to the following:

3           The filing of this Declaration shall be deemed as my petition for voluntary  
 4 surrender. It shall also be deemed to be an understanding and agreement by me that I waive all  
 5 rights I have to require the Commissioner to prove the allegations contained in the Accusation  
 6 filed in this matter at a hearing held in accordance with the provisions of the Administrative  
 7 Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights  
 8 afforded to me in connection with the hearing such as the right to discovery, the right to present  
 9 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.  
 10 I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order,  
 11 all affidavits and all relevant evidence obtained by the Department in this matter prior to the  
 12 Commissioner's acceptance, and all allegations contained in the Accusation filed in the  
 13 Department Case No. H-2387 FR, may be considered by the Department to be true and correct  
 14 for the purpose of deciding whether to grant relicensure or reinstatement pursuant to  
 15 Government Code Section 11522.

16           I declare under penalty of perjury under the laws of the State of California that the  
 17 above is true and correct and that I freely and voluntarily surrender all my license(s) and license  
 18 rights under the Real Estate Law.

19  
 20 4-11-11  
 Date and Place Bozeman, MT

Tammy Marian Jordan  
 TAMMY MARIAN JORDAN

FILED

APR 29 2011

DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

REAL PROPERTY LENDERS, INC.,  
RODNEY VIRGIL JARMIN, and  
TAMMY MARIAN JORDAN,  
Respondents.

No. H-2387 FRESNO

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSES

On April 23, 2010, a First Amended Accusation was filed in this matter against the above-entitled case.

On March 29, 2011, Respondents REAL PROPERTY LENDERS, INC. and RODNEY VIRGIL JARMIN petitioned the Commissioner to voluntarily surrender their real estate licenses pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondents REAL PROPERTY LENDERS, INC. and RODNEY VIRGIL JARMIN's petition for voluntary surrender of their real estate licenses is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondents' Declaration dated March 29, 2011 (attached as Exhibit "A" hereto). Respondents' license certificates, pocket cards and any branch

1 office license certificates shall be sent to the below listed address so that they reach the  
2 Department on or before the effective date of this Order:

3  
4 DEPARTMENT OF REAL ESTATE  
5 Attn: Licensing Flag Section  
6 P. O. Box 187000  
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon

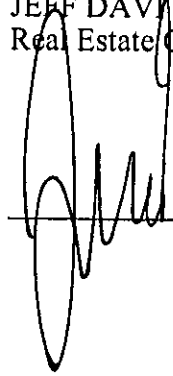
9 **MAY 20 2011**

10 on \_\_\_\_\_

11 DATED: \_\_\_\_\_

12 4/26/2011

13 JEFF DAVIS  
14 Real Estate Commissioner

15 

FROM : ROSS E VELASCO CPA

FAX NO: 1805 461 3748

Apr. 14 2011 10:53AM P3

03/28/2011 MON 8:18 FAX 9162279459 DRB SAC LEGAL --- FRANK BUDA

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of )

REAL PROPERTY LENDERS, INC., )  
RODNEY VIRGIL JARMIN, and TAMMY )  
MARIAN JORDAN, )

No. H- 2387 FR

Respondents.

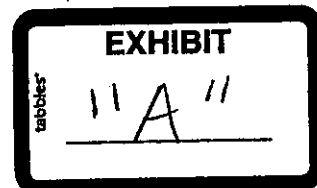
DECLARATION

My name is TAMMY MARIAN JORDAN and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license(s), that I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to

- 1 -



1 (Department) to REAL PROPERTY LENDERS, INC. and to me, pursuant to Business and  
2 Professions Code Section 10100.2.

3 It is understood that by so voluntarily surrendering these license(s), I may be  
4 relicensed as a broker or as a salesperson and REAL PROPERTY LENDERS, INC. may be  
5 relicensed as a broker corporation only by petitioning for reinstatement pursuant to Section  
6 11522 of the Government Code. I also understand that by so voluntarily surrendering said  
7 license(s), both REAL PROPERTY LENDERS, INC. and I agree to the following:

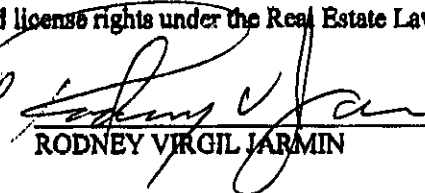
8 The filing of this Declaration shall be deemed as the petition of REAL  
9 PROPERTY LENDERS, INC. and also as my petition for voluntary surrender. It shall also be  
10 deemed to be an understanding and agreement by both REAL PROPERTY LENDERS, INC. and  
11 me that we hereby waive all rights either of us may have to require the Commissioner to prove  
12 the allegations contained in the Accusation filed in this matter at a hearing held in accordance  
13 with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et  
14 seq.), and that REAL PROPERTY LENDERS, INC. and I also waive other rights afforded to us  
15 in connection with the hearing such as the right to discovery, the right to present evidence in  
16 defense of the allegations in the Accusation and the right to cross-examine witnesses. We further  
17 agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all  
18 affidavits and all relevant evidence obtained by the Department in these matters prior to the  
19 Commissioner's acceptance, and all allegations contained in the Accusations heretofore filed in  
20 the Department Case No. H-2387 FR, may be considered by the Department to be true and  
21 correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to  
22 Government Code Section 11522.

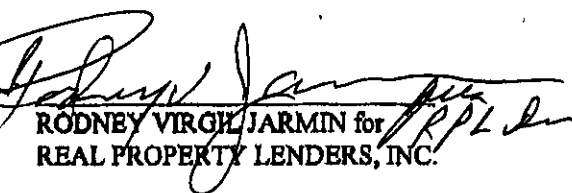
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that REAL PROPERTY LENDERS, INC. and I freely and voluntarily surrender all our license(s) and license rights under the Real Estate Law.

3-29-11 Palm Desert CA   
Date and Place RODNEY VIRGIL JARMIN

3-29-11 Palm Desert CA   
Date and Place RODNEY VIRGIL JARMIN for RPL Inc  
REAL PROPERTY LENDERS, INC.

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789  
7 -or- (916) 227-0781 (Direct)

FILED

APR 23 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-2387 FRESNO  
12 )  
13 REAL PROPERTY LENDERS, INC., ) FIRST AMENDED ACCUSATION  
14 RODNEY VIRGIL JARMIN and )  
15 TAMMY MARIAN JORDAN, )  
16 Respondents. )

17 The Complainant, Luke S. Martin, a Deputy Real Estate Commissioner of the  
18 State of California, for cause of Accusation against REAL PROPERTY LENDERS, INC.  
19 (hereinafter "RPL"), RODNEY VIRGIL JARMIN (hereinafter "JARMIN") and TAMMY  
20 MARIAN JORDAN (hereinafter "JORDAN") is informed and alleges as follows:

21 I

22 The Complainant, Luke S. Martin, a Deputy Real Estate Commissioner of the  
23 State of California, makes this Accusation in his official capacity.

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II

At all times herein mentioned, RPL, JARMIN and JORDAN (hereinafter "Respondents") were and now are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "the Code").

III

At all times herein mentioned, RPL was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker by and through JARMIN as designated broker-officer of RPL to qualify said corporation and to act for said corporation as a real estate broker.

IV

At all times herein mentioned, JARMIN was licensed by the Department as a real estate broker, individually and as designated broker-officer of RPL. As said designated broker-officer, JARMIN was at all times mentioned herein responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of RPL for which a license is required.

V

At all times herein mentioned, JORDAN was licensed by the Department as a real estate broker, and was an officer, director and/or principal shareholder of RPL.

VI

Whenever reference is made in an allegation in this Accusation to an act or omission of RPL, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with RPL committed such act or omission while engaged in the furtherance of the business or operations of RPL, and while acting within the course and scope of their corporate authority and employment.

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///

1 VII

2 At all times herein mentioned, Respondents engaged in the business of, acted in  
3 the capacity of, advertised, or assumed to act as real estate brokers within the State of California  
4 within the meaning of Sections 10131(d) and 10131(e) of the Code, including the operation and  
5 conduct of a mortgage loan brokerage business with the public wherein, on behalf of others, for  
6 compensation or in expectation of compensation, Respondents solicited lenders and borrowers  
7 for loans secured directly or collaterally by liens on real property, wherein Respondents  
8 arranged, negotiated, processed, and consummated such loans, wherein Respondents serviced  
9 and collected payments on such loans, and wherein Respondents sold or offered to sell, bought  
10 or offered to buy, or exchanged or offered to exchange promissory notes secured directly or  
11 collaterally by a lien on real property and performed services for the holders thereof.

12 VIII

13 In so acting as mortgage loan brokers, as described in Paragraph VII(a) above,  
14 Respondents accepted or received funds in trust (hereinafter "trust funds") from or on behalf of  
15 lenders or investors, borrowers, and others in connection with the solicitation, negotiation,  
16 processing, packaging, and consummation of mortgage loans by Respondents, in connection with  
17 the servicing and collection of payments on such loans by Respondents, and in connection with  
18 the sale, purchase, and exchange of secured promissory notes by Respondents, as alleged herein.

19 IX

20 The aforesaid trust funds accepted or received by Respondents were deposited or  
21 caused to be deposited by Respondents into one or more bank accounts (hereinafter "trust fund  
22 accounts") maintained by Respondents for the handling of trust funds, including but not  
23 necessarily limited to the following accounts maintained by Respondents at the Paso Robles,  
24 California, branch of Rabobank:

25 (a) The "Real Property Lenders Inc. Mortgage Brokers Trust Account - Loan  
26 Servicing" account, account number 162067419 (hereinafter "Trust 1"); and

27 ///

1 (b) The "Real Property Lenders Inc. Mortgage Brokers Trust Account –  
2 Construction and Interest Reserves" account, account number 1024223111 (hereinafter  
3 "Trust 2").

4 X

5 During the three year period next preceding the filing of the original Accusation  
6 herein, in connection with the collection and disbursement of said trust funds, RPL caused,  
7 suffered or permitted the aggregate balance of funds in Trust #2 to be reduced to an amount  
8 which, as of November 30, 2007, was more than \$26,345.28 less than the aggregate liability of  
9 RPL to all owners of such funds, without first obtaining the written consent of each and every  
10 owner of such funds.

11 XI

12 Between on or about May 9, 2005 and on or about May 13, 2006, in connection  
13 with the mortgage loan servicing, advance fee brokerage and trust fund handling activities  
14 described above, Respondents solicited and obtained investments by six investors in the  
15 aggregate amount of \$275,000 into Loan Number PP0539, a one-year, 12%, \$510,000 loan  
16 secured by real property to Pat and Kim Pederson, ostensibly to finance the construction of a  
17 single family residence on River View Lot #21, Paso Robles, California. To induce the investors  
18 to invest in the loan, Respondents:

19 (a) Represented to the investors, contrary to fact, that the borrowers already  
20 owned the security property, and concealed and failed to disclose to the investors that  
21 \$253,198.18 of the investment would be used by the borrowers to purchase the security  
22 property;

23 (b) Promised the investors, contrary to fact, that an account would be  
24 established containing a portion of the construction loan investment in order to satisfy monthly  
25 interest payments to investors, but that once that account is depleted, the borrowers would make  
26 monthly interest payments from their own personal funds, and then concealed and failed to  
27 disclose to investors that until May 23, 2007, even after the interest reserve account was

1 depleted, the borrowers continued making the monthly interest payments from a portion of the  
2 construction loan investment; and

3 (c) Promised the investors, contrary to fact, that any extension or renewal of  
4 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
5 would require the consent of a majority in interest of the investors in the loan.

6 XII

7 Between on or about August 13, 2006 and on or about April 5, 2007, after the  
8 stated maturity date of Loan Number PP0539, Respondents solicited and obtained additional  
9 investments into Loan Number PP0539 by concealing and failing to disclose to the new investors  
10 that Respondents had refrained from enforcing the loan agreement without the consent of  
11 majority in interest of the investors.

12 XIII

13 Between on or about August 26, 2005 and on or about August 26, 2006, in  
14 connection with the mortgage loan servicing, advance fee brokerage and trust fund handling  
15 activities described above, Respondents solicited and obtained investments by five investors in  
16 the aggregate amount of \$295,000 into Loan Number RM0584, a one-year, 12%, \$520,000 loan  
17 secured by real property to Robert and Karen McCay, ostensibly to finance the construction of a  
18 single family residence on The Highlands Lot 50, Paso Robles, California. To induce the  
19 investors to invest in the loan, Respondents:

20 (a) Represented to the investors, contrary to fact, that the borrowers already  
21 owned the security property, and concealed and failed to disclose to the investors that  
22 \$262,267.00 of the investment would be used by the borrowers to purchase the security  
23 property;

24 (b) Promised the investors, contrary to fact, that an account would be  
25 established containing a portion of the construction loan investment in order to satisfy monthly  
26 interest payments to investors, but that once that account is depleted, the borrowers would make  
27 monthly interest payments from their own personal funds, and then concealed and failed to

1 disclose to investors that until June 1, 2007, even after the interest reserve account was depleted,  
2 the borrowers continued making the monthly interest payments from a portion of the  
3 construction loan investment; and

4 (c) Promised the investors, contrary to fact, that any extension or renewal of  
5 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
6 would require the consent of a majority in interest of the investors in the loan.

7 XIV

8 Between on or about November 26, 2006 and on or about March 9, 2007, after the  
9 stated maturity date of Loan Number RM0584, Respondents solicited and obtained additional  
10 investments into Loan Number RM0584 by concealing and failing to disclose to the new  
11 investors that Respondents had refrained from enforcing the loan agreement without the consent  
12 of majority in interest of the investors.

13 XV

14 Between on or about September 15, 2005 and on or about October 4, 2005, in  
15 connection with the mortgage loan servicing, advance fee brokerage and trust fund handling  
16 activities described above, Respondents solicited and obtained investments by five investors in  
17 the aggregate amount of \$205,000 into Loan Number DM0591, a one-year, 12%, \$465,000 loan  
18 secured by real property to Duane and Diane McClory, ostensibly to finance the construction of a  
19 single family residence on Lake View Lot 4, Paso Robles, California. To induce the investors to  
20 invest in the loan, Respondents:

21 (a) Represented to the investors, contrary to fact, that the borrowers already  
22 owned the security property, and concealed and failed to disclose to the investors that  
23 \$180,273.33 of the investment would be used by the borrowers to purchase the security  
24 property;

25 (b) Promised the investors, contrary to fact, that an account would be  
26 established containing a portion of the construction loan investment in order to satisfy monthly  
27 interest payments to investors, but that once that account is depleted, the borrowers would make

1 monthly interest payments from their own personal funds, and then concealed and failed to  
2 disclose to investors that until August 7, 2007, even after the interest reserve account was  
3 depleted, the borrowers continued making the monthly interest payments from a portion of the  
4 construction loan investment; and

5 (c) Promised the investors, contrary to fact, that any extension or renewal of  
6 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
7 would require the consent of a majority in interest of the investors in the loan.

8 XVI

9 Between on or about May 6, 2007 and on or about August 7, 2007, after the stated  
10 maturity date of Loan Number DM0591, Respondents solicited and obtained additional  
11 investments into Loan Number DM0591, by concealing and failing to disclose to the new  
12 investors that Respondents had refrained from enforcing the loan agreement without the consent  
13 of majority in interest of the investors.

14 XVII

15 Between on or about March 9, 2006 and on or about March 24, 2006, in  
16 connection with the mortgage loan servicing, advance fee brokerage and trust fund handling  
17 activities described above, Respondents solicited and obtained investments by investors in the  
18 aggregate amount of \$285,000 into Loan Number PN0631, a one-year, 12%, \$675,000 loan  
19 secured by real property to Paul Norton, ostensibly to finance the construction of a single family  
20 residence on Venado Avenue, Atascadero, California. To induce the investors to invest in the  
21 loan, Respondents:

22 (a) Represented to the investors, contrary to fact, that the borrowers already  
23 owned the security property, and concealed and failed to disclose to the investors that  
24 \$288,535.44 of the investment would be used by the borrowers to purchase the security  
25 property;

26 ///

27 ///



1 (b) Promised the investors, contrary to fact, that an account would be  
2 established containing a portion of the construction loan investment in order to satisfy monthly  
3 interest payments to investors, but that once that account is depleted, the borrowers would make  
4 monthly interest payments from their own personal funds, and then concealed and failed to  
5 disclose to investors that until July 9, 2007, even after the interest reserve account was depleted,  
6 the borrowers continued making the monthly interest payments from a portion of the  
7 construction loan investment; and

8 (c) Promised the investors, contrary to fact, that any extension or renewal of  
9 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
10 would require the consent of a majority in interest of the investors in the loan.

11 XVIII

12 Between on or about June 24, 2007 and on or about July 5, 2007, after the stated  
13 maturity date of Loan Number PN0631, Respondents solicited and obtained additional  
14 investments into Loan Number PN0631, by concealing and failing to disclose to the new  
15 investors that Respondents had refrained from enforcing the loan agreement without the consent  
16 of majority in interest of the investors.

17 XIX

18 Between on or about March 21, 2006 and on or about April 6, 2006, in connection  
19 with the mortgage loan servicing, advance fee brokerage and trust fund handling activities  
20 described above, Respondents solicited and obtained investments by five investors in the  
21 aggregate amount of \$225,000 into Loan Number MG063, a one-year, 12%, \$532,000 loan  
22 secured by real property to Mike and Jennifer Gustason, ostensibly to finance the construction of  
23 a single family residence on Ashwood Place, Paso Robles, California. To induce the investors to  
24 invest in the loan, Respondents:

25 (a) Represented to the investors, contrary to fact, that the borrowers already  
26 owned the security property, and concealed and failed to disclose to the investors that  
27 \$201,993.91 of the investment would be used by the borrowers to purchase the security property;

1 (b) Promised the investors, contrary to fact, that an account would be  
2 established containing a portion of the construction loan investment in order to satisfy monthly  
3 interest payments to investors, but that once that account is depleted, the borrowers would make  
4 monthly interest payments from their own personal funds, and then concealed and failed to  
5 disclose to investors that until October 31, 2007, even after the interest reserve account was  
6 depleted, the borrowers continued making the monthly interest payments from a portion of the  
7 construction loan investment; and

8 (c) Promised the investors, contrary to fact, that any extension or renewal of  
9 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
10 would require the consent of a majority in interest of the investors in the loan.

11 XX

12 Between on or about July 6, 2007 and on or about October 31, 2007, after the  
13 stated maturity date of Loan Number MG063, Respondents solicited and obtained additional  
14 investments into Loan Number MG063, by concealing and failing to disclose to the new  
15 investors that Respondents had refrained from enforcing the loan agreement without the consent  
16 of majority in interest of the investors.

17 XXI

18 JARMIN failed to exercise reasonable supervision over the acts of RPL in such a  
19 manner as to allow the acts and events described above, to occur.

20 XXII

21 The acts and omissions of Respondents described in Paragraphs XI(a), XII,  
22 XIII(a), XIV, XV(a), XVI, XVII(a), XVIII, XIX(a), and XX constitute the substantial  
23 misrepresentation of material facts and fraud and dishonest dealing.

24 XXIII

25 The acts and omissions of Respondents described in Paragraphs XI(b), XI(c),  
26 XIII(b), XIII(c), XV(b), XV(c), XVII(b), XVII(c), XIX(b), and XIX(c) constitute false promises  
27 of a character likely to influence, persuade or induce and fraud and dishonest dealing.

1 XXIV

2 The facts alleged above are grounds for the suspension or revocation of the  
3 licenses and license rights of Respondents under the following provisions of the Code and/or the  
4 Regulations:

5 (a) As to Respondent RPL and Paragraph X under Section 10145 of the Code  
6 and Section 2832.1 of Chapter 6, Title 10 of the Regulations, in conjunction with Section  
7 10177(d) of the Code;

8 (c) As to Respondents RPL, JARMIN and JORDAN and Paragraphs XI(a),  
9 XII, XIII(a), XIV, XV(a), XVI, XVII(a), XVIII, XIX(a), and XX under Sections 10176(a),  
10 10176(i), 10177(g), and 10177(j) of the Code;

11 (d) As to Respondents RPL, JARMIN and JORDAN and Paragraphs XI(b),  
12 XI(c), XIII(b), XIII(c), XV(b), XV(c), XVII(b), XVII(c), XIX(b), and XIX(c) under Sections  
13 10176(b), 10176(i), 10177(g), and 10177(j) of the Code; and

14 (e) As to Respondent JARMIN and Paragraph XXIV under Section 10177(g)  
15 and/or Section 10177(h) of the Code and Section 10159.2 of the Code, in conjunction with  
16 Section 10177(d) of the Code.

17 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
18 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary  
19 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of  
20 Division 4 of the Code) and for such other and further relief as may be proper under other  
21 applicable provisions of law.

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24 \_\_\_\_\_  
LUKE S. MARTIN  
Deputy Real Estate Commissioner

25 Dated at Fresno, California  
26 this 20<sup>th</sup> day of April, 2010.

1 JAMES L. BEAVER, SBN 60543  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

**FILED**  
MAY 18 2009  
DEPARTMENT OF REAL ESTATE  
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-2387 FR  
12 REAL PROPERTY LENDERS, INC., ) ACCUSATION  
13 RODNEY VIRGIL JARMIN and )  
14 TAMMY MARIAN JORDAN, )  
15 Respondents. k)

16 The Complainant, John Sweeney, a Deputy Real Estate Commissioner of the State  
17 of California, for cause of Accusation against REAL PROPERTY LENDERS, INC. (hereinafter  
18 "RPL"), RODNEY VIRGIL JARMIN (hereinafter "JARMIN") and TAMMY MARIAN  
19 JORDAN (hereinafter "JORDAN") is informed and alleges as follows:

20 I

21 The Complainant, John Sweeney, a Deputy Real Estate Commissioner of the State  
22 of California, makes this Accusation in his official capacity.

23 II

24 At all times herein mentioned, RPL, JARMIN and JORDAN (hereinafter  
25 "Respondents") were and now are presently licensed and/or have license rights under the Real  
26 Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter  
27 "the Code").

1 III

2 At all times herein mentioned, RPL was and now is licensed by the Department of  
3 Real Estate of the State of California (hereinafter "the Department") as a corporate real estate  
4 broker by and through JARMIN as designated broker-officer of RPL to qualify said corporation  
5 and to act for said corporation as a real estate broker.

6 IV

7 At all times herein mentioned, JARMIN was licensed by the Department as a real  
8 estate broker, individually and as designated broker-officer of RPL. As said designated broker-  
9 officer, JARMIN was at all times mentioned herein responsible pursuant to Section 10159.2 of  
10 the Code for the supervision of the activities of the officers, agents, real estate licensees and  
11 employees of RPL for which a license is required.

12 V

13 At all times herein mentioned, JORDAN was licensed by the Department as a real  
14 estate broker, and was an officer, director and/or principal shareholder of RPL.

15 VI

16 Whenever reference is made in an allegation in this Accusation to an act or  
17 omission of RPL, such allegation shall be deemed to mean that the officers, directors, employees,  
18 agents and real estate licensees employed by or associated with RPL committed such act or  
19 omission while engaged in the furtherance of the business or operations of RPL, and while acting  
20 within the course and scope of their corporate authority and employment.

21 VII

22 At all times herein mentioned, Respondents engaged in the business of, acted in  
23 the capacity of, advertised, or assumed to act as real estate brokers within the State of California  
24 within the meaning of Sections 10131(d), 10131(e) and 10131.2 of the Code, including

25 (a) the operation and conduct of a mortgage loan brokerage business with the  
26 public wherein, on behalf of others, for compensation or in expectation of compensation,  
27 Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on

1 real property, wherein Respondents arranged, negotiated, processed, and consummated such  
2 loans, wherein Respondents serviced and collected payments on such loans, and wherein  
3 Respondents sold or offered to sell, bought or offered to buy, or exchanged or offered to  
4 exchange promissory notes secured directly or collaterally by a lien on real property and  
5 performed services for the holders thereof.

6 (b) an advance fee brokerage business with the public wherein, in connection  
7 with employment undertaken by Respondents to obtain a loan or loans to be secured by liens  
8 upon real property or a business opportunity, Respondents claimed, demanded, charged,  
9 received, collected or contracted for the collection of advance fees within the meaning of  
10 Sections 10026 and 10131.2 of the Code.

#### 11 VIII

12 In so acting as mortgage loan brokers, as described in Paragraph VII(a) above,  
13 Respondents accepted or received funds in trust (hereinafter "trust funds") from or on behalf of  
14 lenders or investors, borrowers, and others in connection with the solicitation, negotiation,  
15 processing, packaging, and consummation of mortgage loans by Respondents, in connection with  
16 the servicing and collection of payments on such loans by Respondents, and in connection with  
17 the sale, purchase, and exchange of secured promissory notes by Respondents, as alleged herein.

#### 18 IX

19 The aforesaid trust funds accepted or received by Respondents were deposited or  
20 caused to be deposited by Respondents into one or more bank accounts (hereinafter "trust fund  
21 accounts") maintained by Respondents for the handling of trust funds, including but not  
22 necessarily limited to the following accounts maintained by Respondents at the Paso Robles,  
23 California, branch of Rabobank:

24 (a) The "Real Property Lenders Inc. Mortgage Brokers Trust Account - Loan  
25 Servicing" account, account number 162067419 (hereinafter "Trust 1");

26 (b) The "Real Property Lenders Inc. Mortgage Brokers Trust Account -  
27 Construction and Interest Reserves" account, account number 1024223111 (hereinafter "Trust 2")

1 X

2 During the three year period next preceding the filing of the original Accusation  
3 herein, in connection with the collection and disbursement of said trust funds, RPL caused,  
4 suffered or permitted the aggregate balance of funds in Trust #2 to be reduced to an amount  
5 which, as of November 30, 2007, was more than \$26,345.28 less than the aggregate liability of  
6 RPL to all owners of such funds, without first obtaining the written consent of each and every  
7 owner of such funds.

8 XI

9 During the three year period next preceding the filing of the original Accusation  
10 herein, in connection with the mortgage loan servicing, advance fee brokerage and trust fund  
11 handling activities described above, Respondents collected advance fees within the meaning of  
12 Section 10026 of the Code in the following amounts:

13	<u>DATE</u>	<u>LOAN</u>	<u>BORROWER</u>	<u>AMOUNT</u>
14	07/06/05	AC0548	Charnley	\$840.00
15	10/04/05	DM0591	McClory	\$645.16
16	09/30/05	DM0592	McClory	\$215.05
17	10/04/05	DM0593	McClory	\$645.16
18	08/31/06	GD0652	Dabrowski	\$475.00
19	09/27/07	JM0646	Martin	\$1020.00
20	08/16/07	LD05103	Dabrowski	\$1650.00
21	09/12/07	MG063	Gustason	\$3630.00
22	08/13/07	MG0684	Gustason	\$569.91
23	04/07/06	MG064	Gustason	\$165.00
24	06/28/06	MW05106	Mills/Wheeler	\$585.00
25	06/21/06	PE0564	Paul/Erwin	\$2210.00
26	09/19/07	PN0707	Nagy	\$3000.00
27	05/11/06	PP0539	Pederson	\$2025.00

1	08/17/05	PW0553	Winslow	\$200.00
2	01/03/07	PW0556	Winslow	\$300.00
3	07/03/06	PW0559	Winslow	\$600.00
4	12/11/06	PW0562	Winslow	\$1850.00
5	12/21/06	RM0584	McCoy	\$1300.00
6	09/12/07	TG618	Gaspar	\$1660.00
7	02/05/07	TG0611	Gaspar	\$850.00
8	07/13/06	TG067	Gaspar	\$1910.00

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XII

11

Said advance fees were collected pursuant to written agreements which constitute advance fee agreements within the meaning of Section 10085 of the Code.

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XIII

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In each of the transactions described in Paragraph XII, above, Respondents:

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(a) failed to submit the advance fee agreement referred to in Paragraph XII,

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above, to the Commissioner ten days prior to use as Required by Section 10085 of the Code and Section 2970 of Chapter 6, Title 10, California Code of Regulations (hereinafter "the Regulations"); and

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19

(b) failed to furnish the principal borrower the verified accounting required by

20

Section 10146 of the Code and Section 2972 of the Regulations.

21

XIV

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Between on or about May 9, 2005 and on or about May 13, 2006, in connection with the mortgage loan servicing, advance fee brokerage and trust fund handling activities described above, Respondents solicited and obtained investments by six investors in the aggregate amount of \$275,000 into Loan Number PP0539, a one-year, 12%, \$510,000 loan secured by real property to Pat and Kim Pederson, ostensibly to finance the construction of a

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1 single family residence on River View Lot #21, Paso Robles, California. To induce the investors  
2 to invest in the loan, Respondents

3 (a) represented to the investors, contrary to fact, that the borrowers already  
4 owned the security property, and concealed and failed to disclose to the investors that  
5 \$253,198.18 of the investment would be used by the borrowers to purchase the security property.

6 (b) promised the investors, contrary to fact, that an account would be  
7 established containing a portion of the construction loan investment in order to satisfy monthly  
8 interest payments to investors, but that once that account is depleted, the borrowers would make  
9 monthly interest payments from their own personal funds, and then concealed and failed to  
10 disclose to investors that until May 23, 2007, even after the interest reserve account was  
11 depleted, the borrowers continued making the monthly interest payments from a portion of the  
12 construction loan investment; and

13 (c) promised the investors, contrary to fact, that any extension or renewal of  
14 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
15 would require the consent of a majority in interest of the investors in the loan.

16 XV

17 Between on or about August 13, 2006 and on or about April 5, 2007, after the  
18 stated maturity date of Loan Number PP0539, Respondents solicited and obtained additional  
19 investments into Loan Number PP0539 by concealing and failing to disclose to the new investors  
20 that Respondents had refrained from enforcing the loan agreement without the consent of  
21 majority in interest of the investors.

22 XVI

23 Between on or about August 26, 2005 and on or about August 26, 2006, in  
24 connection with the mortgage loan servicing, advance fee brokerage and trust fund handling  
25 activities described above, Respondents solicited and obtained investments by five investors in  
26 the aggregate amount of \$295,000 into Loan Number RM0584, a one-year, 12%, \$520,000 loan  
27 secured by real property to Robert and Karen McCay, ostensibly to finance the construction of a

1 single family residence on The Highlands Lot 50, Paso Robles, California. To induce the  
2 investors to invest in the loan, Respondents

3 (a) represented to the investors, contrary to fact, that the borrowers already  
4 owned the security property, and concealed and failed to disclose to the investors that  
5 \$262,267.00 of the investment would be used by the borrowers to purchase the security property.

6 (b) promised the investors, contrary to fact, that an account would be  
7 established containing a portion of the construction loan investment in order to satisfy monthly  
8 interest payments to investors, but that once that account is depleted; the borrowers would make  
9 monthly interest payments from their own personal funds, and then concealed and failed to  
10 disclose to investors that until June 1, 2007, even after the interest reserve account was depleted,  
11 the borrowers continued making the monthly interest payments from a portion of the construction  
12 loan investment; and

13 (c) promised the investors, contrary to fact, that any extension or renewal of  
14 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
15 would require the consent of a majority in interest of the investors in the loan.

16 XVII

17 Between on or about November 26, 2006 and on or about March 9, 2007, after the  
18 stated maturity date of Loan Number RM0584, Respondents solicited and obtained additional  
19 investments into Loan Number RM0584 by concealing and failing to disclose to the new  
20 investors that Respondents had refrained from enforcing the loan agreement without the consent  
21 of majority in interest of the investors.

22 XVIII

23 Between on or about September 15, 2005 and on or about October 4, 2005, in  
24 connection with the mortgage loan servicing, advance fee brokerage and trust fund handling  
25 activities described above, Respondents solicited and obtained investments by five investors in  
26 the aggregate amount of \$205,000 into Loan Number DM0591, a one-year, 12%, \$465,000 loan  
27 secured by real property to Duane and Diane McClory, ostensibly to finance the construction of a

1 single family residence on Lake View Lot 4, Paso Robles, California. To induce the investors to  
2 invest in the loan, Respondents

3 (a) represented to the investors, contrary to fact, that the borrowers already  
4 owned the security property, and concealed and failed to disclose to the investors that  
5 \$180,273.33 of the investment would be used by the borrowers to purchase the security property.

6 (b) promised the investors, contrary to fact, that an account would be  
7 established containing a portion of the construction loan investment in order to satisfy monthly  
8 interest payments to investors, but that once that account is depleted, the borrowers would make  
9 monthly interest payments from their own personal funds, and then concealed and failed to  
10 disclose to investors that until August 7, 2007, even after the interest reserve account was  
11 depleted, the borrowers continued making the monthly interest payments from a portion of the  
12 construction loan investment; and

13 (c) promised the investors, contrary to fact, that any extension or renewal of  
14 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
15 would require the consent of a majority in interest of the investors in the loan.

16 XIX

17 Between on or about May 6, 2007 and on or about August 7, 2007, after the stated  
18 maturity date of Loan Number DM0591, Respondents solicited and obtained additional  
19 investments into Loan Number DM0591, by concealing and failing to disclose to the new  
20 investors that Respondents had refrained from enforcing the loan agreement without the consent  
21 of majority in interest of the investors.

22 XX

23 Between on or about March 9, 2006 and on or about March 24, 2006, in  
24 connection with the mortgage loan servicing, advance fee brokerage and trust fund handling  
25 activities described above, Respondents solicited and obtained investments by investors in the  
26 aggregate amount of \$285,000 into Loan Number PN0631, a one-year, 12%, \$675,000 loan  
27 secured by real property to Paul Norton, ostensibly to finance the construction of a single family

1 residence on Venado Avenue, Atascadero, California. To induce the investors to invest in the  
2 loan, Respondents

3 (a) represented to the investors, contrary to fact, that the borrowers already  
4 owned the security property, and concealed and failed to disclose to the investors that  
5 \$288,535.44 of the investment would be used by the borrowers to purchase the security property.

6 (b) promised the investors, contrary to fact, that an account would be  
7 established containing a portion of the construction loan investment in order to satisfy monthly  
8 interest payments to investors, but that once that account is depleted, the borrowers would make  
9 monthly interest payments from their own personal funds, and then concealed and failed to  
10 disclose to investors that until July 9, 2007, even after the interest reserve account was depleted,  
11 the borrowers continued making the monthly interest payments from a portion of the construction  
12 loan investment; and

13 (c) promised the investors, contrary to fact, that any extension or renewal of  
14 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
15 would require the consent of a majority in interest of the investors in the loan.

16 XXI

17 Between on or about June 24, 2007 and on or about July 5, 2007, after the stated  
18 maturity date of Loan Number PN0631, Respondents solicited and obtained additional  
19 investments into Loan Number PN0631, by concealing and failing to disclose to the new  
20 investors that Respondents had refrained from enforcing the loan agreement without the consent  
21 of majority in interest of the investors.

22 XXII

23 Between on or about March 21, 2006 and on or about April 6, 2006, in connection  
24 with the mortgage loan servicing, advance fee brokerage and trust fund handling activities  
25 described above, Respondents solicited and obtained investments by five investors in the  
26 aggregate amount of \$225,000 into Loan Number MG063, a one-year, 12%, \$532,000 loan  
27 secured by real property to Mike and Jennifer Gustason, ostensibly to finance the construction of

1 a single family residence on Ashwood Place, Paso Robles, California. To induce the investors to  
2 invest in the loan, Respondents

3 (a) represented to the investors, contrary to fact, that the borrowers already  
4 owned the security property, and concealed and failed to disclose to the investors that  
5 \$201,993.91 of the investment would be used by the borrowers to purchase the security property.

6 (b) promised the investors, contrary to fact, that an account would be  
7 established containing a portion of the construction loan investment in order to satisfy monthly  
8 interest payments to investors, but that once that account is depleted, the borrowers would make  
9 monthly interest payments from their own personal funds, and then concealed and failed to  
10 disclose to investors that until October 31, 2007, even after the interest reserve account was  
11 depleted, the borrowers continued making the monthly interest payments from a portion of the  
12 construction loan investment; and

13 (c) promised the investors, contrary to fact, that any extension or renewal of  
14 the loan beyond the stated maturity date, other than a forbearance not exceeding ninety days,  
15 would require the consent of a majority in interest of the investors in the loan.

16 XXIII

17 Between on or about July 6, 2007 and on or about October 31, 2007, after the  
18 stated maturity date of Loan Number MG063, Respondents solicited and obtained additional  
19 investments into Loan Number MG063, by concealing and failing to disclose to the new  
20 investors that Respondents had refrained from enforcing the loan agreement without the consent  
21 of majority in interest of the investors.

22 XXIV

23 JARMIN failed to exercise reasonable supervision over the acts of RPL in such a  
24 manner as to allow the acts and events described above, to occur.

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XXV

The acts and omissions of Respondents described in Paragraphs XIV(a), XV, XVI(a), XVIII(a), XIX, XX(a), XXI and XXI(a) constitute the substantial misrepresentation of material facts and fraud and dishonest dealing.

XXVI

The acts and omissions of Respondents described in Paragraphs XIV(b), XIV(c), XVI(b), XVI(c), XVIII(b), XVIII(c), XX(b), XX(c), XXII(b) and XXII(c) constitute false promises of a character likely to influence, persuade or induce and fraud and dishonest dealing.

XXVII

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code and/or the Regulations:

(a) As to Respondent RPL and Paragraph X under Section 10145 of the Code and Section 2832.1 of Chapter 6, Title 10 of the Regulations, in conjunction with Section 10177(d) of the Code;

(b) As to Respondent RPL and Paragraph XIII(a) under Section 10085 of the Code and Section 2970 of the Regulations, in conjunction with Section 10177(d) of the Code;

(c) As to Respondent RPL and Paragraph XIII(b) under Section 10146 of the Code and Section 2972 of the Regulations, in conjunction with Section 10177(d) of the Code;

(d) As to Respondents RPL, JARMIN and JORDAN and Paragraphs XIV(a), XV, XVI(a), XVIII(a), XIX, XX(a), XXI and XXI(a) under Sections 10176(a) and 10176(i) of the Code;

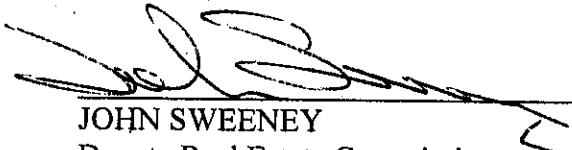
(e) As to Respondents RPL, JARMIN and JORDAN and Paragraphs XIV(b), XIV(c), XVI(b), XVI(c), XVIII(b), XVIII(c), XX(b), XX(c), XXII(b) and XXII(c) under Sections 10176(b) and 10176(i) of the Code;

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1 (f) As to Respondent JARMIN and Paragraph XXIV under Section 10177(g)  
2 and/or Section 10177(h) of the Code and Section 10159.2 of the Code, in conjunction with  
3 Section 10177(d) of the Code.

4 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
5 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary  
6 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of  
7 Division 4 of the Code) and for such other and further relief as may be proper under other  
8 applicable provisions of law.

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10   
11 JOHN SWEENEY  
Deputy Real Estate Commissioner

12 Dated at Fresno, California

13 this 5<sup>th</sup> day of May, 2009:  
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