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**FILED**  
APR 26 2011

DEPARTMENT OF REAL ESTATE  
By R. Mar

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-2621 FR  
13 S.F.D., INC., BRADLEY L. MAASKE )  
14 and JOSEPHINE SOUZA, ) ACCUSATION  
15 Respondents. )

16 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the  
17 State of California (hereafter "Complainant"), for Accusation against Respondents S.F.D., INC.,  
18 individually and doing business as "California Loan Support", "Investors Property  
19 Management" and "Realty World-Investors Realty" (hereafter "SFD"); BRADLEY L.  
20 MAASKE (hereafter "MAASKE"); and JOSEPHINE SOUZA (hereafter "SOUZA"),  
21 (collectively "Respondents"), is informed and alleges as follows:

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23 Complainant makes this Accusation against Respondents in his official capacity.

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25 At all times mentioned, SFD was and now is licensed by the State of California  
26 Department of Real Estate (hereafter "the Department") as a corporate real estate broker.

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At all times mentioned, MAASKE was and now is licensed by the Department as a real estate broker.

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At all times mentioned, MAASKE was and now is the designated broker/officer for SFD. As the designated broker/officer, MAASKE was and is responsible pursuant to Section 10159.2 of the California Business and Professions Code (hereafter "the Code") for the supervision of the activities of the officers, agents, real estate licensees and employees of SFD for which a license is required.

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At all times mentioned, SOUZA was and now is licensed as a real estate salesperson. At all times mentioned, SOUZA was employed by Century 21 C. Watson Real Estate, Inc., and not SFD.

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At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code (performing services for borrowers and/or lenders in connection with loans secured by real property), including performing services for one or more borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders with respect to the collection of advance fees and loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for any of the services offered.

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1 FIRST CAUSE OF ACTION

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3 In connection with the activities described in Paragraph 6, above, Respondents  
4 collected advance fees within the meaning of Sections 10026 and 10131.2 (hereafter "advance  
5 fee") of the Code in exchange for providing loan modification services, including, but not  
6 limited to, the following:

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<u>Date</u>	<u>Homeowner</u>	<u>Amount</u>	<u>Property</u>
8 03/19/09	Heidi Wichert	\$1,500	Barstow Avenue 9 Clovis, CA
10 05/01/09	Monica Vasquez	\$ 900	Sequoia Avenue 11 Fowler, CA
12 05/27/09	Roberto Castaneda	\$ 900	Magnolia Street 13 Sanger, CA
14 06/01/09	Linda Alanis	\$1,000	Adobe Way 15 Madera, CA
16 06/03/09	Gary Smith	\$1,000	Toulouse Lane 17 Clovis, CA
18 09/16/09	Arlene Gonzales	\$ 900	School Avenue 19 Visalia, CA

20 Such acts and/or omissions by Respondents violate Sections 10085.5 (failure to comply with  
21 advance fees collection regulations) and 10085.6 (collection of advance fees prior to  
22 performance of services) of the Code.

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24 After receiving advance fee payments from each of the borrowers listed in  
25 Paragraph 7, above, Respondents failed to obtain loan modifications for them and did not repay  
26 the advance fees received from those borrowers. Respondents' failure to provide the services  
27 promised or to refund the borrowers' funds constitutes dishonest dealing.

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The acts and/or omissions of Respondents as alleged in Paragraphs 7 and 8, above, are grounds for the revocation or suspension of Respondents' real estate licenses or license rights under Sections 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud or dishonest dealing), 10177d) (willful disregard or violation of Real Estate Law) and 10177(g) (negligence or incompetence).

SECOND CAUSE OF ACTION

In connection with the collection and handling of advance fees as alleged in Paragraph 7, above, Respondents SFD and MAASKE failed to submit the advance fee contract and all materials used in obtaining those advance fee agreements to the Department of Real Estate for approval prior to their use in obtaining advance fees from, but not limited to, the following clients:

- Heidi Wichert;
- Monica Vasquez; and
- Roberto Castaneda

The acts and/or omissions of Respondents SFD and MAASKE described above violate Sections 10085.5 (collection of advance fees) and 10177(d) in conjunction with Section 10085 (submission of advance fee agreements and materials) of the Code, and Sections 2970 (submission of advance fee agreements and materials) and 2972 (content requirements of verified accounting) of Title 10, Chapter 6, California Code of Regulations (hereafter "the Regulations"), and are grounds for the suspension or revocation of Respondents SFD's and MAASKE's licenses and license rights under Sections 10177(d) and 10177(g) of the Code.

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1 THIRD CAUSE OF ACTION

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3 On or about April 20, 2009, SOUZA was hired by MAASKE to solicit distressed  
4 homeowners for loan modification services.

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6 On behalf of MAASKE, SOUZA collected advance fees for loan modification  
7 services from, but not limited to, the following homeowners:

8 -Robert Castaneda;

9 -Linda Alanis;

10 -Monica N. Vasquez; and

11 -Gary Smith.

12 In addition, SOUZA was paid \$250 to \$350 (total of \$1,250) by MAASKE for every client she  
13 referred to him for loan modification services.

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15 While performing the activities alleged in Paragraphs 12 and 13, above, SOUZA  
16 was employed as a real estate salesperson by Century 21 C. Watson Real Estate, Inc., a licensed  
17 real estate corporate broker.

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19 The acts and/or omissions by SOUZA as alleged in Paragraphs 12 through 14,  
20 above, violate Section 10137 (employment by and/or acceptance of compensation from someone  
21 other than employing broker) of the Code and are grounds for the suspension or revocation of  
22 SOUZA's licenses and license rights under Sections 10177(d) and 10177(g) of the Code.

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24 The acts and/or omissions by MAASKE as alleged in Paragraphs 12 and 13,  
25 above, violate Section 10137 (payment of compensation to salesperson not employed under  
26 broker's license) of the Code and are grounds for the suspension or revocation of MAASKE's  
27 licenses and license rights under Sections 10177(d) and 10177(g) of the Code.

1 FOURTH CAUSE OF ACTION

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3 At all times mentioned, MAASKE failed to exercise reasonable supervision over  
4 the acts of SFD and its agents and employees in such a manner as to allow the acts and  
5 omissions as set forth in Paragraphs 7 through 16 above, to occur.

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7 The acts and/or omissions by MAASKE as alleged in Paragraph 17, above,  
8 violate Section 10159.2 (supervision responsibility of designated broker/officer) of the Code  
9 and Section 2725 (reasonable supervision by broker) of the Regulations, and are grounds for the  
10 suspension or revocation of the license or license rights of MAASKE under Sections 10177(d),  
11 10177(g) and 10177(h) (reasonable supervision by broker) of the Code.

12 WHEREFORE, Complainant prays that a hearing be conducted on the  
13 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
14 disciplinary action against all licenses and license rights of Respondents under the Code and for  
15 such other and further relief as may be proper under other provisions of law.

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18 LUKE MARTIN  
19 Deputy Real Estate Commissioner

20 Dated at Fresno, California,  
21 this 22<sup>nd</sup> day of April, 2011.