

PAG

1 JASON D. LAZARK, Counsel (SBN 263714)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Office: (916) 227-0789
6 Direct: (916) 227-0822

FILED

OCT 11 2011

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)
12 JONATHAN RYAN OWENS,)
13 Respondent.)

No. H-4236 SD

ACCUSATION

14
15
16 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as
17 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against
18 JONATHAN RYAN OWENS (herein "Respondent"), is informed and alleges as follows:

19 1

20 Respondent is presently licensed and/or has license rights under the Real Estate
21 Law, Part 1 of Division 4 of the Business and Professions Code (herein "the Code") as a real
22 estate salesperson. At no time mentioned herein was Respondent licensed by the Department as
23 a real estate broker.

24 2

25 At all times mentioned, Respondent engaged in the business of, acted in the
26 capacity of, advertised, or assumed to act as a real estate broker in the State of California, within
27 the meaning of section 10131(d) of the Code, including the negotiation of one or more loans for,

1 or in expectation of compensation; performing services for borrowers and/or lenders in
2 connection with loans secured directly or collaterally by one or more liens on real property; and
3 charging, demanding or collecting an advance fee for the services offered.

4 3

5 On or about November 12, 2008, Respondent solicited and collected an advance
6 fee in the amount of \$2,995 from Frank Priefler and Gloria Priefler (herein "the Prieflers") for
7 loan modification services related to property located at 842 Genoa Way, San Marcos, California,
8 92078. In exchange for the advance fee, Respondent promised the Prieflers they would provide
9 them with loan modification services. Respondent never obtained a loan modification for and
10 has never refunded the advance fees paid by the Prieflers.

11 4

12 By the commission of the acts alleged above in Paragraph 3, Respondent engaged
13 in the business and acted in the capacity of a real estate broker within the State of California as
14 defined by sections 10130 (license requirement to act as real estate broker) and 10131(d)
15 (performing services for borrowers and/or lenders in connection with loans secured by real
16 property) of the Code.

17 5

18 The facts alleged in Paragraph 3, above, are grounds for the suspension or
19 revocation of the license and license rights of Respondent under sections 10085 (prior approval
20 of advance fee agreement materials), 10085.5 (collection of advance fee by someone other than
21 real estate broker), 10085.6 (collection of unauthorized advance fees), 10130, 10131(d), 10131.2
22 (collection of advance fees), 10137 (acceptance of compensation from someone other than
23 employing broker), 10177(d) (willful violation of real estate law) and 10177(j) (other conduct
24 which constitutes fraud or dishonest dealing) of the Code, and section 2970 (submission of
25 advance fee materials) and 2972 (content of verified accounting) of title 10, chapter 6, California
26 Code of Regulations.

27 ///

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

5
6 
7 TRICIA D. SOMMERS
8 Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 11th day of October, 2011.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27