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1 JASON D. LAZARK, Counsel (SBN 263714)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Fax: (916) 227-9458  
6 Telephone: (916) 227-0789  
7 -or- (916) 227-0822 (Direct)

**FILED**

MAR 07 2012

DEPARTMENT OF REAL ESTATE

By A. Just

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of	)	NO. H-4309 SD
	)	
12 SECURITY ONE LENDING and	)	<u>ACCUSATION</u>
13 DACIA LAURA MCCOMB,	)	
	)	
14 Respondents.	)	
	)	

16 The Complainant, DOLORES WEEKS, in her official capacity as a Deputy Real  
17 Estate Commissioner of the State of California, for cause of Accusation against SECURITY ONE  
18 LENDING (herein "SECURITY ONE") and DACIA LAURA MCCOMB (herein "MCCOMB")  
19 (collectively referred to herein as "Respondents") is informed and alleges as follows:

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21 SECURITY ONE is presently licensed by the Department of Real Estate (herein "the  
22 Department") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the  
23 Business and Professions Code (herein "the Code"), as a corporate real estate broker, and at all  
24 times relevant herein was acting by and through MCCOMB as its designated broker officer.

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26 MCCOMB is presently licensed by the Department and/or has license rights under  
27 Part 1 of Division 4 of the Code (herein "the Real Estate Law") as a real estate broker.

At all times relevant herein, MCCOMB was licensed by the Department as the designated broker officer of SECURITY ONE, and in that capacity was 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 SECURITY ONE for which a real estate license is required.

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

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a corporate real estate broker within the State of California on behalf of others, for compensation or in expectation of compensation within the meaning of:

- (a) Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage that included the sale or offer of sale, purchase or offer of purchase, solicitation of prospective sellers and purchasers of, solicitation or obtaining listings of, or negotiations of the purchase, sale or exchange of real property or a business opportunity; and
- (b) Section 10131(d) of the Code in the operation of a mortgage loan brokerage, wherein Respondents solicited borrowers or lenders for or negotiated loans or collected payments or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, and wherein Respondents arranged, negotiated, processed, and consummated such loans.

Thomas Joseph O'Meara (herein "O'Meara") was licensed by the Department and/or had license right under the Real Estate Law as a real estate broker. On September 15, 2008, in Case No. H-2259 FR, all licenses and/or license rights of O'Meara issued by the Department under the Real Estate Law were revoked.

Beginning December 5, 2008 and continuing until November 9, 2009, SECURITY ONE employed O'Meara as a loan officer. During his employment with SECURITY ONE, O'Meara closed the following twenty one (21) loans:

<b>Borrower</b>	<b>Loan Number</b>	<b>Date Closed</b>
Goldner	R200812018	January 13, 2009
Eperthener	R200901002	January 23, 2009
Hutchens	R200903001	March 19, 2009
Acosta	R200901064	March 25, 2009
Kiesel	R200903032	March 26, 2009
Pomeroy	R2009040034	May 12, 2009
Eperthener	R200903055	May 14, 2009
Robinson	R200903102	May 18, 2009
Killingsworth	R2009040096	May 28, 2009
Taylor	R2009050003	June 8, 2009
Craft	R2009060034	June 26, 2009
Gold	R2009050086	June 29, 2009
Buckner	R2009040112	July 15, 2009
Vilhelmsen	R2009060080	July 23, 2009
Desjours-Kirshner	R2009050042	July 24, 2009
Goldner	R200903056	July 27, 2009
Johnson	R2009070010	August 17, 2009
Parry	R2009040038	August 28, 2009
Acuna	R2009060127	September 2, 2009
Westphal	R200903007	September 16, 2009
Ballesteros	R2009090093	October 23, 2009

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At all times during his employment with SECURITY ONE, O'Meara worked from his home office in Palm Desert, California which was over one hundred (100) miles from San Diego, California, the location of SECURITY ONE's main office. At no time during O'Meara's employment with SECURITY ONE was O'Meara's home office designated as a branch office under SECURITY ONE's Department of Corporations California Financial Lender's license.

Beginning on or about October 21, 2009 and continuing intermittently until January 20, 2010, an audit was conducted by the Department at SECURITY ONE's main office located at 3131 Camino Del Rio North, Suite 400, San Diego, California, 92108 wherein the Auditor examined SECURITY ONE's records for the period of December 1, 2008 through October 31, 2009.

FIRST CAUSE OF ACTION  
Written Disclosure Statement Violations  
(As Against SECURITY ONE)

Each and every allegation in Paragraphs 1 through 9, inclusive, above, is incorporated by this reference as if fully set forth herein.

In connection with the mortgage loan brokerage described above in Paragraph 6, SECURITY ONE violated and/or willfully failed to comply with section 10240 of the Code by:

- (a) Failing to disclose to borrowers the total amount of the brokerage or commissions contracted for, or received by, the real estate broker for services rendered by the broker as required by section 10241 of the Code; and/or
- (b) Failing to disclose to borrowers the general loan information including, but not limited to, the terms of prepayment privileges and penalties, if any, anticipated liens, whether the loan may be made wholly or in part from broker-controlled funds; the name of the real estate broker negotiating the loan, his or her license

1 number, and the address of his or her place of business, as required by section  
2 10241 of the Code; and/or

3 (c) Failing to disclose to borrowers the Yield Spread Premiums and origination fees  
4 associated with particular loans as required by section 10241 of the Code.

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6 The acts and/or omissions of SECURITY ONE as alleged in Paragraph 11, above,  
7 constitute grounds for the discipline of all licenses and license rights of SECURITY ONE pursuant  
8 to section 10240 of the Code in conjunction with 10177(d) of the Code.

9 SECOND CAUSE OF ACTION

10 Unlicensed Fictitious Business Name  
11 (As Against SECURITY ONE)

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13 Each and every allegation in Paragraphs 1 through 12, inclusive, above, is  
14 incorporated by this reference as if fully set forth herein.

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16 SECURITY ONE conducted real estate business under the fictitious business name  
17 of "Security 1 Lending" without obtaining a license bearing said fictitious business name in  
18 violation of section 2731 of the Regulations.

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20 The acts and/or omissions of SECURITY ONE as alleged above in Paragraph 14,  
21 above, constitute grounds for the discipline of all licenses and license rights of SECURITY ONE  
22 pursuant to section 10159.5 of the Code.

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1 THIRD CAUSE OF ACTION

2 Failure to Supervise  
3 (As Against MCCOMB)

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5 Each and every allegation in Paragraphs 1 through 15, inclusive, above, is  
6 incorporated by this reference as if fully set forth herein.

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8 MCCOMB, as the designated officer broker of SECURITY ONE, was required to  
9 exercise reasonable supervision and control over the activities of SECURITY ONE. MCCOMB  
10 failed to exercise reasonable supervision over the acts and/or omissions of SECURITY ONE in  
11 such a manner as to allow the acts and/or omissions as described in Paragraphs 1 through 15, above,  
12 to occur, all in violation of section 10159.2 of the Code and section 2725 of the Regulations.

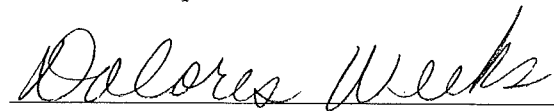
13 18

14 The facts described above as to the Third Cause of Action constitutes cause for the  
15 discipline of all licenses and license rights of MCCOMB under section 10177(g) of the Code and/or  
16 section 10177(h) of the Code in conjunction with section 10177(d) of the Code.

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18 Pursuant to section 10106 of the Code, the Department seeks reimbursement for the  
19 reasonable costs of the investigation and prosecution of this case upon proof thereof.

20 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of  
21 this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action  
22 against all licenses and license rights of all Respondents named herein under the Real Estate Law,  
23 and for such other and further relief as may be proper under other provisions of law.

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25 DOLORES WEEKS  
26 Deputy Real Estate Commissioner

27 Dated at Los Angeles, California,

this 27th day of February, 2012.