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FILED

JAN 30 2013

DEPARTMENT OF REAL ESTATE
By *R. Mar*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

WILLIAM ANTHONY JAMES,

Respondent.

No. H-5950 SAC
ACCUSATION

The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
of the State of California, for cause of Accusation against WILLIAM ANTHONY JAMES
("Respondent"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

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The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
of the State of California, makes this Accusation in her official capacity.

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Respondent is presently licensed and/or has license rights under the Real Estate
Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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Respondent also holds individual mortgage loan originator license endorsement number 356528.

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At all times mentioned, Respondent was and is licensed by the Department as a real estate salesperson. From on or about October 20, 2006 through April 3, 2012, Respondent was licensed as a real estate salesperson under First Priority Financial Inc., a corporate real estate broker. From on or about April 4, 2012, to the present, Respondent is licensed as a real estate salesperson under Excel Realty Inc., a corporate real estate broker.

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At no time mentioned was Faith & Integrity Financial Services & Insurance Inc. licensed by the Department in any capacity. Faith & Integrity Financial Services & Insurance Inc. is a California corporation selling insurance in which Respondent serves as both a corporate officer and director.

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

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At all times mentioned herein, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate licensee, in the State of California, within the meaning of:

Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein Respondent solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services

1 for borrowers or lenders or note owners in connection with loans secured directly or collaterally
2 by liens on real property for or in expectation of compensation; and,

3 Section 10131.2 of the Code, including the claiming, demanding, charging,
4 receiving, collecting or contracting for the collection of an advance fee in connection with any
5 employment undertaken to promote the sale or lease of real property or of a business opportunity
6 by advance fee listing, advertisement or other offering to sell, lease, exchange or rent property or
7 a business opportunity, or to obtain a loan or loans thereon.

8 FIRST CAUSE OF ACTION

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10 Each and every allegation in Paragraphs 1 through 7, inclusive, above is
11 incorporated by this reference as if fully set forth herein.

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13 While acting in the course and scope of a real estate licensee as described in
14 Paragraph 7, Respondent, using the business name Faith & Integrity Financial Services &
15 Insurance Inc., claimed, demanded, charged, collected, and/or received advance fees in
16 connection with loan modification services after October 10, 2009, in violation of Section
17 10085.6 (unlawful collection of advance fees related to loan modifications) of the Code and
18 Section 2945.4 (unlawful collection of advance fees related to loan modifications) of the
19 California Civil Code (Civil Code), for transactions, including but not limited to the following:

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Date	Borrower	Property	Advance Fee	Status of Loan Modification
2/4/2010	Renee E.	2000 Reseda Way, Antioch CA 94509 & 2948 Rosewood Ct. Yuba City, CA 95993	\$250	Not Completed

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Date	Borrower	Property	Advance Fee	Status of Loan Modification
5/4/2010	Renee E.	2000 Reseda Way, Antioch CA 94509 & 2948 Rosewood Ct. Yuba City, CA 95993	\$250	Not Completed
5/28/2010	Renee E.	2000 Reseda Way, Antioch CA 94509 & 2948 Rosewood Ct. Yuba City, CA 95993	\$250	Not Completed

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In connection with the operation and conduct of the activities and transactions described in Paragraph 9, Respondent:

(a) Claimed, demanded, charged, received, collected and/or contracted for advance fees in connection with loan modification services and failed to submit the advance fee agreements and all materials used in obtaining the advance fee agreements to the Department prior to use, without first obtaining a "No Objection Letter" as required by Sections 10085 (failure to submit materials used in collection of advance fees to Department) of the Code, and Section 2970 (materials used in collection of advance fees must be approved by Department prior to use) of title 10 of the California Code of Regulations (Regulations);

(b) Failed to immediately deliver said trust funds to his broker, or at the broker's direction into the hands of the broker's principal, into a neutral escrow depository, or into his broker's trust fund account in violation of Section 10145(c) of the Code.

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The acts and/or omissions of Respondent as alleged above constitute grounds for the suspension or revocation of all licenses, license rights, endorsements and endorsement rights of Respondent, pursuant to the following provisions of the Code and Regulations:

1 (a) As to Paragraph 9, under Section 10177(d) (willful disregard or violation
2 of Real Estate Law) in conjunction with Section 10085.6 (unlawful collection of advance fees
3 related to loan modifications) of the Code, and/or 10177(g) (negligence or incompetence in
4 performing licensed act) of the Code, and/or Section 10177(q) (violation of Civil Code) of the
5 Code, in conjunction with Section 2945.4 (unlawful collection of advance fees related to loan
6 modifications) of the Civil Code;

7 (b) As to Paragraph 10(a), under Sections 10177(d) (willful disregard or
8 violation of Real Estate Law) in conjunction with Section 10085 (failure to submit materials
9 used in collection of advance fees to Department) of the Code and Section 2970 (materials used
10 in collection of advance fees must be approved by Department prior to use) of the Regulations,
11 and/or 10177(g) (negligence or incompetence in performing licensed act) of the Code; and

12 (c) As to Paragraph 10(b), under Sections 10177(d) (willful disregard or
13 violation of Real Estate Law) in conjunction with Sections 10145(c) (trust fund handling) of the
14 Code.

15 SECOND CAUSE OF ACTION

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17 Each and every allegation in Paragraphs 1 through 11, inclusive, is incorporated
18 by this reference as if fully set forth herein.

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20 Beginning on or about January 22, 2010, Respondent, in the course of the real
21 estate activities described in Paragraph 7, without the knowledge and consent of his employing
22 real estate broker and using the corporation business name Faith & Integrity Financial Services &
23 Insurance Inc., solicited lenders and borrowers for or negotiated loans or collected payments
24 and/or performed services for borrowers or lenders or note owners, in connection with loans
25 secured directly or collaterally by liens on real property for or in expectation of compensation,
26 including but not limited to the following:
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Borrower	Property
Renee E.	2000 Reseda Way, Antioch CA 94509
Renee E.	2948 Rosewood Ct., Yuba City, CA 95993

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By the commission of the acts alleged above, Respondent engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(d) of the Code.

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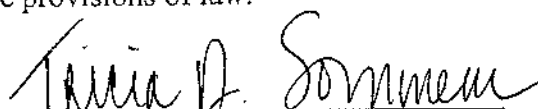
The facts alleged in the Second Cause of Action are grounds for the suspension or revocation of the licenses, license rights, endorsements and endorsement rights of Respondent under Section 10130 of the Code in conjunction with 10177(d) of the Code.

COST RECOVERY

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses, license rights, endorsements and endorsement rights of Respondent under the Code, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under the provisions of law.


TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 30th day of January, 2013

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DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.