

1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013

FILED
JUNE 25, 2009
DEPARTMENT OF REAL ESTATE

4 (213) 576-6982

By C.A.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-36083 LA
)	
12 GREEN CREDIT SOLUTIONS INC., a)	<u>ORDER TO DESIST AND</u>
13 corporate real estate broker,)	<u>REFRAIN</u>
14 JEFFREY ALAN CHIUMINATTA,)	
15 Individually and as former designated broker-)	(B&P Code Section 10086)
16 officer of Green Credit Solutions Inc., and)	
17 CURTIS JAMES MELONE,)	
18 CHRISTOPHER FOX, and)	
19 BRIAN LA RUFFA.)	

20 The Real Estate Commissioner of the State of California ("Commissioner") has
21 caused an investigation to be made of the activities of GREEN CREDIT SOLUTIONS INC.,
22 JEFFREY ALAN CHIUMINATTA, CURTIS JAMES MELONE, CHRISTOPHER FOX, and
23 BRIAN LA RUFFA. Based on that investigation, the Commissioner has determined that
24 GREEN CREDIT SOLUTIONS INC., JEFFREY ALAN CHIUMINATTA, CURTIS JAMES
25 MELONE, CHRISTOPHER FOX, and BRIAN LA RUFFA have engaged in, are engaging in, or
26 are attempting to engage in, acts or practices constituting violations of the California Business
27 and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations

1 ("Regulations"). Based on that investigation, the Commissioner hereby issues the following
2 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of
3 Section 10086 of the Code.

4 Whenever acts referred to below are attributed to GREEN CREDIT SOLUTIONS
5 INC., those acts are alleged to have been done by GREEN CREDIT SOLUTIONS INC. and/or
6 by its officers, directors, employees, agents, affiliates and real estate licensees employed by or
7 associated with that party who at all times mentioned were engaged in the furtherance of its
8 business or operations and were acting within the course and scope of their authority and
9 employment. Whenever acts referred to below are attributed to JEFFREY ALAN
10 CHIUMINATTA, those acts are alleged to have been done by JEFFREY ALAN
11 CHIUMINATTA in his capacity as former designated broker-officer of GREEN CREDIT
12 SOLUTIONS INC. and/or in his individual capacity.
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14

15 FINDINGS OF FACT

16 1. GREEN CREDIT SOLUTIONS INC. ("GREEN CREDIT") is a California
17 corporation. CURTIS JAMES MELONE is the Chief Executive Officer and President of
18 GREEN CREDIT. CHRISTOPHER FOX and BRIAN LA RUFFA are also corporate officers of
19 GREEN CREDIT, which has its offices at 7525 Irvine Center Drive, Suite 200, Irvine, CA
20 92618.
21

22 2. GREEN CREDIT is licensed by the Department as a corporate real estate
23 broker. GREEN CREDIT was first licensed by the Department as a corporate real estate broker
24 on August 14, 2008. JEFFREY ALAN CHIUMINATTA was the broker-officer designated
25 pursuant to Code Section 10159.2 to be responsible for ensuring GREEN CREDIT's compliance
26 with the Real Estate Law until he cancelled his designated broker status on November 10, 2008.
27

1 Since November 10, 2008, GREEN CREDIT has not had a designated broker-officer, and its
2 license is therefore inactive.

3 3. JEFFREY ALAN CHIUMINATTA ("CHIUMINATTA") is licensed by the
4 Department as a real estate broker. CHIUMINATTA has been licensed by the Department as a
5 broker since September 14, 2007. Between August 14, 2008 and November 10, 2008,
6 CHIUMINATTA was the designated broker-officer of GREEN CREDIT. CHIUMINATTA is
7 currently the designated broker-officer of Pacwest Funding, a corporate real estate broker with
8 offices at the same location as GREEN CREDIT. CHIUMINATTA's address of record with the
9 Department is 7525 Irvine Center Drive, Suite 200, Irvine, CA 92618.
10

11 4. CURTIS JAMES MELONE, aka Curtis James Stanfield, and aka Curtis Kubat,
12 ("MELONE") is licensed by the Department as a real estate salesperson. MELONE was
13 originally licensed by the Department on November 20, 2003. His license expired on November
14 19, 2007, and was renewed on December 19, 2008. MELONE's current employing broker is
15 CHIUMINATTA.
16

17 5. MELONE is the Chief Executive Officer of real estate licensees GREEN
18 CREDIT, Pacwest Funding, and Green Residential. He is also the CEO of unlicensed
19 corporation Green Credit, Inc., formerly Get Green Credit. MELONE'S address of record with
20 the Department is 7525 Irvine Center Dr., Suite 200, Irvine, CA 92618.
21

22 6. CHRISTOPHER FOX ("FOX") is not now and has never been licensed by the
23 Department in any capacity. FOX is an officer of GREEN CREDIT, Pacwest Funding and Green
24 Residential.
25

26 7. BRIAN LA RUFFA ("LA RUFFA") is not now and has never been licensed by
27 the Department in any capacity. LA RUFFA is an officer of GREEN CREDIT, Pacwest

1 Funding, and Green Residential.

2 8. MELONE, FOX and LA RUFFA are officers of GREEN CREDIT, Pacwest
3 Funding, and Green Residential, licensed real estate corporate brokers which also share the same
4 address of record with the Department: 7525 Irvine Center Dr., Suite 200, Irvine, CA 92618.

5 9. The parties and entities listed above also have engaged in real estate activities
6 under the following unlicensed business names:

- 7 a) www.getgreencredit.com
8
9 b) www.greencreditsolutions.com
10
11 c) www.gogreencredit.com
12
13 d) www.yournewcreditcompany.com
14
15 e) Green Credit Advisors
16
17 f) Green Credit Holdings
18
19 g) Green Credit Collections and Servicing
20
21 h) Leads2Green.

22 10. All further references to the parties listed in Paragraphs 1 through 9 above,
23 include those parties and entities themselves, as well as the officers, agents and employees of the
24 parties listed in Paragraphs 1 through 9 above.

25 11. At all times relevant herein, the parties and entities listed in Paragraphs 1
26 though 9 above engaged in the business of, acted in the capacity of, advertised or assumed to act
27 as real estate brokers in the State of California within the meaning of Code Sections 10131(d)
and 10131.2. Their activities included soliciting borrowers or lenders for and/or negotiating
loans, collecting payments and/or performing services for borrowers or lenders in connection
with loans secured by liens on real property. Their activities also included claiming, demanding,

1 charging, receiving, collecting or contracting for the collection of an advance fee within the
2 meaning of Code Sections 10026 and 10085.

3 Advance Fee Violations

4 12. During a period of time between August 14, 2008 and November 10, 2008,
5 and continuing through the present time, GREEN CREDIT and CHIUMINATTA solicited,
6 advertised and collected advance fees from mortgage loan clients in connection with loan
7 modification services. These funds were not placed into a trust account, and trust accounting
8 records were not properly maintained.
9

10 13. On April 29, 2009, the Department completed an audit examination of the
11 books and records of GREEN CREDIT pertaining to loan modification and related mortgage
12 lending activities. The audit examination, Audit No. LA 080185, found that GREEN CREDIT
13 and then designated-officer CHIUMINATTA, violated the Code and Regulations, as follows:
14

15 a) Collected advance fees of between \$1,500.00 and \$3,495.00 per borrower from
16 Willard Branch, Troy Nichols, Kamerin Mc Afee, Tenisi Piliu, Lamarr Banks, Richard Hatter,
17 Dennis Espinoza, and Tiffany Honeycutt, and other borrowers pursuant to an agreement which
18 was not approved by the Department, in violation of Code Sections 10085 and 10085.5, and
19 Regulation 2970.
20

21 b) Deposited said advance fees into a general business account, did not maintain
22 a trust account for advance fees, and commingled borrower funds with general funds, in violation
23 of Code Sections 10145, 10146, and 10176(e) and Regulation 2832.

24 c) Did not maintain proper trust fund records of receipts and disbursements, did
25 not maintain separate records for each beneficiary, and did not maintain monthly reconciliations
26 in relation to said advance fees, in violation of Code Section 10145 and Regulations 2831,
27

2831.1 and 2831.2.

d) Received advance fees from borrowers without maintaining and providing an accounting identifying the name of the agent, name of the principal, services to be rendered, identity of the trust fund account into which the advance fees were deposited, the amount of the fee collected, and the allocation of money disbursed from the advance fee to cover services, commission and overhead, in violation of Code Section 10146 and Regulation 2972.

e) CHIUMINATTA did not exercise adequate supervision over the activities of GREEN CREDIT to ensure compliance with the Code and Regulations, in violation of Code Sections 10159.2 and 10177(h), and Regulation 2725.

f) GREEN CREDIT collected advance fees from borrowers Espinoza and Honeycutt to perform loan modification services after CHIUMINATTA resigned as designated broker-officer, and the company's license was therefore not active.

14. Additional examples of advance fees collected by GREEN CREDIT through its agents, officers and employees, include:

<u>Borrower</u>	<u>Date of Deposit</u>	<u>Total Amount</u>
Purewal, Tajinder	9/2/08 and 9/30/08	\$ 3,495.00
Bell, Vickie	9/17/08	\$ 1,747.50
Fuentes, Wm.	11/03/08	\$ 3,495.00
Rostran, Martha	6/20/08 and 7/21/08	\$ 3,495.00

15. The Department did not issue a "no objection" letter related to the advance fee agreements between GREEN CREDIT and the borrowers prior to use, as required by Business and Professions Code Sections 10085 and 10085.5 and Regulations 2970 and 2972. The agreements did not contain a specific, complete description of services rendered for the

1 advance fee. The agreements did not set forth the total amount of the advance fee and when it
2 would become payable. The agreements did not set forth a specific date for full performance of
3 the services promised.

4 16. At all times relevant herein, GREEN CREDIT, CHIUMINATTA, MELONE,
5 FOX and LA RUFFA have operated without an advance fee agreement and/or advance fee
6 advertising material approved by the Department.

7 17. GREEN CREDIT, CHIUMINATTA, MELONE, FOX and LA RUFFA failed
8 to place any of the advance fees collected above into trust accounts, and did not provide
9 accountings to the consumers for disbursement of fees and/or services provided.
10

11 Unlicensed Activities

12 18. Beginning at a time no later than July 1, 2008 and continuing to the present
13 time, GREEN CREDIT, CHIUMINATTA, MELONE, FOX and LA RUFFA solicited borrowers
14 for loan modification and related financial services through one or more websites in various print
15 and electronic media, including websites located at: www.getgreencredit.com,
16 www.greencreditsolutions.com, www.gogreencredit.com, and
17 www.yournewcreditcompany.com. Those advertisements solicited, and continue to solicit,
18 borrowers, offering loan modification services in exchange for payment of advance fees.
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21 19. Prior to August 14, 2008, GREEN CREDIT was not licensed by the
22 Department in any capacity, as a corporate broker, or as a registered "dba" of a corporate broker.
23 CHIUMINATTA cancelled his broker-officer status affiliation with GREEN CREDIT, effective
24 November 10, 2008. GREEN CREDIT has not been licensed to conduct licensed activities
25 through a licensed broker officer since that time.

26 20. GREEN CREDIT advertised, solicited and entered into loan modification
27

1 agreements with borrowers Martha Rostran and Carlos Mayoral, William and Angela Lee, and
2 Vickie Bell prior to August 14, 2008. GREEN CREDIT was not licensed by the Department and
3 therefore was unlawfully engaging in activities requiring a real estate license.

4 21. GREEN CREDIT continued to advertise, solicit borrowers, collect advance
5 fees, and enter into loan modification agreements with borrowers after CHIUMINATTA resigned
6 as designated broker-officer and GREEN CREDIT was no longer broker-affiliated. Examples of
7 borrowers from whom GREEN CREDIT collected advance fees for loan modification services
8 after November 10, 2008 include Dennis Espinoza and Tiffany Honeycutt. In addition, GREEN
9 CREDIT, MELONE and LA RUFFA offered to negotiate with and/or on behalf of borrowers
10 William and Angela Lee after November 10, 2008.
11

12 22. Between November 11, 2008 and on or after February 1, 2009, GREEN
13 CREDIT, CHIUMINATTA, MELONE, FOX and LA RUFFA continued to advertise loan
14 modification and related mortgage services through the internet and various other advertising
15 media when they were not broker affiliated and/or were not licensed to do so.
16

17 CONCLUSIONS OF LAW

18 1. The conduct, acts and/or omissions of GREEN CREDIT, CHIUMINATTA and
19 MELONE, as set forth in the Findings of Fact above, in collecting advance fees pursuant to a
20 written fee agreement which the Department did not review and issue a no objection letter, and in
21 failing to maintain a proper accounting for the fees collected, was in violation of Code Sections
22 10085 10085.5 and Regulation 2970 and 2972.
23

24 2. GREEN CREDIT and CHIUMINATTA's failure to place advance fees
25 collected into a trust account and to maintain proper trust fund records, as set forth in the
26 Findings of Fact above, was in violation of Code Sections 10145, 10146, 10176(e) and 10176(i),
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1 and Regulations 2831, 2831.1, 283.2, 2970 and 2972 .

2 3. CHIUMINATTA's failure to exercise supervision over the activities of
3 GREEN CREDIT when he was its designated broker-officer was in violation of Code Sections
4 10159.2 and 10177(d), and Regulation 2725.

5 4. GREEN CREDIT's conduct of loan modification and advance fee activities
6 prior to being licensed by the Department, and then subsequent to the cancellation of its
7 designated broker-officer affiliation was in violation of Code Sections 10130, 10177(d) and/or
8 10177(j).
9

10 5. MELONE's conduct of advertising and/or performing loan modification
11 services and collecting advance fees when his real estate license had expired, and when GREEN
12 CREDIT was no longer affiliated with a designated broker-officer was in violation of Code
13 Sections 10130, 10177(d) and/or 10177(j).
14

15 6. The conduct, acts and/or omissions of CHRISTOPHER FOX and BRIAN LA
16 RUFFA in advertising, soliciting, and negotiating on behalf of borrowers when they were not
17 licensed by the Department was in violation of Code Section 10130, 10177(d), and/or 10177(j).
18

19 DESIST AND REFRAIN ORDER

20 1. Based on the Findings of Fact and Conclusions of Law stated herein, you,
21 GREEN CREDIT SOLUTIONS INC., CURTIS JAMES MELONE, CHRISTOPHER FOX, and
22 BRIAN LA RUFFA, whether doing business under your own names, or any other names, or
23 fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from:

24 (i) soliciting borrowers and/or performing services for borrowers or lenders in
25 connection with loans secured directly or collaterally by one or more liens on real property, and
26

27 (ii) charging, demanding, or collecting an advance fee for any of the services you

1 offer to others, unless and until you obtain a real estate broker license issued by the Department,
2 and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in
3 full compliance with all of the requirements of the Code and Regulations relating to charging,
4 collecting, and accounting for advance fees.

5 2. Based on the Findings of Fact and Conclusions of Law stated herein, you,
6 GREEN CREDIT SOLUTIONS INC. and you, JEFFREY ALAN CHIUMINATTA, as an
7 individual broker and as the designated broker officer of any real estate corporation, whether
8 doing business under your own names, or any other fictitious names, ARE HEREBY
9 ORDERED to:
10

11 Immediately desist and refrain from performing any acts requiring a real estate
12 license in California unless and until you are in compliance with Code Sections 10085, 10145,
13 10146, 10176(e) and 10176(i) and Regulations 2831, 2831.1, 2831.2, 2970 and 2972.
14

15 In particular, you are ordered to desist and refrain from charging or collecting
16 advance fees, as that term is defined in Code 10026, in any form and particularly with respect to
17 loan modification, forbearance agreements, loan refinance, principal/interest reduction,
18 foreclosure abatement or short sale services, unless and until you demonstrate and provide
19 evidence satisfactory to the Commissioner that you have:
20

21 (i) an advance fee agreement which has been submitted to the Department and
22 which is in compliance with Code Sections 10085 and 10146 and Regulations 2970 and 2972.

23 (ii) placed all previously collected advance fees into a trust account for that
24 purpose and are in compliance with Code Section 10146; and

25 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to Code
26 Section 10146 and Regulation 2972.
27

1 3. Based on the Findings of Fact and Conclusions of Law set forth herein, you,
2 GREEN CREDIT SOLUTIONS INC., ARE HEREBY ORDERED to:

3 Immediately desist and refrain from performing any acts within the State of
4 California for which a real estate broker license is required until there is a broker officer
5 designated pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the
6 real estate laws by and through whom you are licensed to perform activities requiring a license.
7

8 DATED: 6/19, 2009
9

10 JEFF DAVI
Real Estate Commissioner

11 By 
12

13 BY: Barbara J. Bigby
14 Chief Deputy Commissioner
15

16 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
17 real estate broker or real estate salesperson without a license or who advertises using words
18 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
19 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
20 imprisonment in the county jail for a term not to exceed six months, or by both fine and
21 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
22 (\$60,000)."
23

24 cc: Green Credit Solutions Inc.
7525 Irvine Center Drive, Suite 200
Irvine, CA 92618
25

26 Jeffrey Chiuminatta
7525 Irvine Center Drive, Suite 200
Irvine, CA 92618
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