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1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013
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DEPARTMENT OF REAL ESTATE
BY: *Guadalupe Valencia*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37735 LA
MARIAN ANTOUN,)	2012021130
Respondent.)	<u>FIRST AMENDED</u>
)	<u>ACCUSATION</u>

This Accusation amends the Accusation filed on December 13, 2011. The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARIAN ANTOUN is informed and alleges as follows:

1.

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

2.

MARIAN ANTOUN, (hereinafter "Respondent") is presently licensed and/or has license rights under the Real

1 Estate Law (Part 1 of Division 4 of the Business and
2 Professions Code, hereinafter "Code"), as a real estate
3 salesperson.

4 3.

5 Home Savers Elite (hereinafter "HSE"), is not now and
6 has never been, licensed by the Department in any capacity. On
7 or about November 20, 2008, Respondent filed a fictitious
8 business name statement, which named Respondent as the
9 registered owner of HSE with the Los Angeles County Recorder's
10 Office.

11 4.

12 Respondent engaged in the business of a real estate
13 broker in the State of California within the meaning of Code
14 Sections 10131(d) and 10131.2, including brokering mortgage
15 loans and performing loan modification activities and claiming,
16 demanding, charging, receiving, collecting or contracting for
17 the collection of an advance fee, within the meaning of Code
18 Section 10026, including, but not limited to, the following
19 loan modification activity, with respect to a loan which was
20 secured by a lien on real property.

21 5.

22 On or about January 19, 2009, Helmy H. and Magda E.
23 submitted a \$3,000 check to HSE as an advance fee for the
24 negotiation by HSE of a modification of their loan, which was
25 secured by real property.

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27 ///

1 6.

2 Between August 21, 2009 and December 23, 2009, Amad
3 S. submitted \$3,000 in checks to HSE as an advance fee for the
4 negotiation by HSE of a modification of two loans, which were
5 secured by real property.

6 7.

7 The agreements described in Paragraphs 5 and 6 above,
8 constitute advance fee agreements within the meaning of Code
9 Section 10026. Respondent failed to submit the advance fee
10 agreements referred to in Paragraphs 5 and 6 to the
11 Commissioner ten days before using them, in violation of Code
12 Section 10085 and Section 2970 of Title 10, California Code of
13 Regulations ("Regulations").

14 8.

15 Under Code Section 10137, no salesperson shall be
16 employed by, or accept compensation, from any person other than
17 the broker under who she is at the time employed. At the time
18 of the transaction described in paragraph 5 above, Respondent
19 was employed by Octagon International Business Investments Inc.
20 At the time of the transaction described in paragraph 6 above,
21 Respondent was employed by Robert L. Stallings Inc. Respondent
22 was not entitled to receive compensation through HSE.

23 9.

24 The conduct, acts and/or omissions of Respondent, as
25 set forth above, are cause for the suspension or revocation of
26 the licenses and license rights of Respondent, pursuant to
27

1 Regulation 2970 and Code Sections 10085, 10137, 10177(d) and/or
2 10177(g).

3 WHEREFORE, Complainant prays that a hearing be
4 conducted on the allegations of this Accusation and that upon
5 proof thereof, a decision be rendered imposing disciplinary
6 action against all the licenses and license rights of
7 Respondent MARIAN ANTOUN under the Real Estate Law, that
8 Complainant be awarded its costs of investigation and
9 prosecution of this case, and for such other and further relief
10 as may be proper under other applicable provisions of law.

11 Dated at Los Angeles, California

12 this 15 day of June, 2012.

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15 Robin Trujillo
16 Deputy Real Estate Commissioner

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25 cc: MARIAN ANTOUN
26 Robert Stallings Inc.
27 Robin Trujillo
Sacto.