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FILED

MAR 27 2012

DEPARTMENT OF REAL ESTATE

BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 To:) No. H-38002 LA
13)
14 YOUR MORTGAGE LENDER, and) ACCUSATION
15 MICHAEL ANTHONY COLEMAN,)
16 individually, and as)
17 designated officer for)
Your Mortgage Lender,)
_____)

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against YOUR MORTGAGE LENDER ("MORTGAGE") and MICHAEL ANTHONY
21 COLEMAN ("COLEMAN") is informed and alleges as follows:

22 1.

23 The Complainant, Robin Trujillo, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation in
25 her official capacity.
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2.

MORTGAGE is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business & Professions Code ("Code")) as a real estate corporation. The license of MORTGAGE expired on February 21, 2012. Pursuant to Code Section 10201 Respondent retains renewal rights. Pursuant to Section 10103 of the Code the Department retains jurisdiction.

3.

COLEMAN is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. COLEMAN was at all times relevant herein the designated broker officer of MORTGAGE. The license of COLEMAN expired on February 23, 2011. Pursuant to Code Section 10201 Respondent retains renewal rights. Pursuant to Section 10103 of the Code the Department retains jurisdiction.

4.

Whenever acts referred to below are attributed to MORTGAGE, those acts are alleged to have been done by MORTGAGE, acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including but not limited to COLEMAN, and using the name MORTGAGE or any fictitious name unknown at this time.

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FIRST CAUSE OF ACCUSATION

(Advance Fee Violations pursuant to Section 10085 of the Code)

5.

MORTGAGE and COLEMAN engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, including but not limited to the activities described in Paragraph 6, below.

6.

At the times set forth below MORTGAGE and COLEMAN engaged in the business of, acted in the capacity of, or advertised a real estate loan service and advance fee brokerage offering to perform solicitation, negotiation and modification of loans secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance including, but not limited to, the following:

a. On or about October 21, 2009, Judy J. paid MORTGAGE and COLEMAN an advance fee of \$1,747.50. On or about December 4, 2009, Judy J. paid MORTGAGE and COLEMAN an additional advance fee of \$1,748.00. The advance fees were collected pursuant to the provisions of an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by MORTGAGE and COLEMAN with respect to a loan secured by real property at 5501 Lakemont Boulevard SE, #102, Bellevue, Washington 98006.

b. On or about May 1, 2009, Dabelus D. paid MORTGAGE and COLEMAN two advance fees, each totaling \$1,745. The advance

1 fees were collected pursuant to the provisions of an agreement
2 pertaining to loan solicitation, negotiation, and modification
3 services to be provided by MORTGAGE and COLEMAN with respect to a
4 loan secured by real property at 570 East 87th Street, Brooklyn,
5 New York 11236.

6 7.

7 Respondents collected the advance fees described in
8 Paragraph 6, above, pursuant to the provisions of agreements
9 which constitute advance fee agreements within the meaning of
10 Code Sections 10026 and 10085.

11 8.

12 Respondents failed to submit the agreements referred to
13 in Paragraph 6, above, to the Commissioner ten days before using
14 them in violation of Code Section 10085 and Section 2970, Title
15 10, Chapter 6, Code of Regulations ("Regulations").
16

17 9.

18 The conduct, acts and/or omissions of Respondents, as
19 set forth above, are cause for the suspension or revocation of
20 the licenses and license rights of Respondents pursuant to Code
21 Sections 10085, 10177(d) and/or 10177(g).

22 SECOND CAUSE OF ACCUSATION
23 (Violation of Code Section 10085.6)

24 10.

25 Complainant hereby incorporates by reference the
26 allegations set forth in Paragraphs 1 through 9, above.

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11.

On or about October 11, 2009, Code Section 10085.6 went into effect. By its terms Section 10085.6 prohibits any real estate licensee who negotiates, attempts to negotiate, arranges, attempts to arrange, or otherwise offers to perform a loan modification with respect to residential property to "claim, demand, charge, collect, or receive any compensation until after the licensee has fully performed each and every service the licensee contracted to perform or represented that he, she, or it would perform."

12.

By virtue of the application of newly enacted Code Section 10085.6 to the advance fee transactions described in Paragraph 6(a), above, Respondents additionally violated the statute's provisions when on or about October 21, 2009, and on December 4, 2009, Respondents collected advance fees after such fees were prohibited by Code Section 10085.6.

13.

The conduct, acts and/or omissions of Respondents, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondents pursuant to Code Sections 10177(d) and/or 10177(g).

THIRD CAUSE OF ACCUSATION
(Audit Violations)

14.

Complainant hereby incorporates by reference the

allegations set forth in Paragraphs 1 through 13, above.

15.

On or about December 6, 2010, the Department attempted to perform an audit examination of the books and records of Respondent MORTGAGE pertaining to the real estate activities described in Paragraphs 5 and 6, above, covering a period from February 21, 2008, to September 30, 2010.

16.

The auditor was unable to determine whether MORTGAGE maintained a trust account during the audit period because Respondents made no records available to the auditor.

17.

The audit examination revealed a violation of the Code and the Regulations, as set forth in the following paragraph, and more fully discussed in Audit Report No. LA 100060 along with the exhibits and work papers attached to the audit report.

18.

At all times relevant herein the current business address and mailing address maintained by Respondent MORTGAGE with the Department was 21800 Oxnard Street, Suite 1195, Woodland Hills, California 91367.

19.

On or about November 10, 2010, the auditor went to the address of Respondent's current business and mailing address, as indicated in Paragraph 18, above, to attempt to serve a subpoena on MORTGAGE. At that time the Department auditor determined that

1 Respondent MORTGAGE did not occupy or maintain a place of
2 business at 21800 Oxnard Street, Suite 1195, Woodland Hills,
3 California 91367.

4 20.

5 At a time known to Respondent MORTGAGE, but unknown to
6 the Department, Respondent left and/or abandoned its business and
7 mailing address, as set forth in Paragraph 18, above; and
8 thereafter, Respondent failed to maintain on file with the
9 Commissioner of the Department a new address for the principal
10 place of business for its real estate brokerage activities, in
11 violation of Code Section 10162 and Section 2715 of the
12 Regulations.

13 21.

14 The conduct, acts and/or omissions of Respondent
15 MORTGAGE, as set forth above, is cause for the suspension or
16 revocation of the licenses and license rights of Respondent
17 MORTGAGE pursuant to Code Sections 10165, 10177(d), and/or
18 10177(g).
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of Respondent
5 YOUR MORTGAGE LENDER and Respondent MICHAEL ANTHONY COLEMAN under
6 the Real Estate Law (Part 1 of Division 4 of the Business and
7 Professions Code), and for such other and further relief as may
8 be proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 13 day of March, 2012.

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15 Robin Trujillo
16 Deputy Real Estate Commissioner
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25 cc: YOUR MORTGAGE LENDER
26 MICHAEL ANTHONY COLEMAN
27 Robin Trujillo
Sacto.