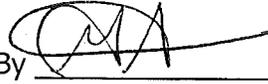


**FILED**

**May 24, 2012**

DEPARTMENT OF REAL ESTATE

By  \_\_\_\_\_

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of )  
JOSEPH DENNIS SPEAKMAN, )  
Respondent. ) NO. H-2645 FR

---

DECISION

This Decision is being issued in accordance with the provisions of section 11520 of the Government Code, on evidence of compliance with section 11505 of the Government Code and pursuant to the Order of Default filed on August 29, 2011, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes the real estate license of JOSEPH DENNIS SPEAKMAN, on the grounds set forth below.

The right to reinstatement of a revoked real estate license is controlled by section 11522 of the Government Code. A copy of section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On June 9, 2011, LUKE MARTIN made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent and Notice of Defense were mailed, by regular and certified mail, to Respondent's last known mailing address on file with the California Department of Real Estate (hereinafter "the Department") on June 20, 2011.

On August 29, 2011, no Notice of Defense having been filed herein within the time prescribed by section 11506 of the Government Code, Respondent's default was entered herein.

2

At all times herein mentioned, Respondent was and is licensed by the Department as a real estate broker.

3

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate broker in the State of California within the meaning of section 10131(d) of the Business and Professions Code ("Code"), including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public using the fictitious business name of Castle Home Loans and Realty (herein "Castle") wherein he solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

4

At all times herein mentioned, Respondent employed LISA MUNDY (herein "MUNDY") at Castle. At all times herein mentioned, MUNDY is not and was not licensed by the Department in any capacity.

5

On or about September 14, 2009, Respondent notified the Department that his office address was 1400 Calloway Drive #201, Bakersfield, CA 93312.

6

On or about July 1, 2010, a former client of Respondent (hereinafter "Complainant") filed a complaint with the Department claiming MUNDY, acting for Respondent dba Castle Home Loans and Realty, took an upfront fee from the Complainant to modify Complainant's home loan and MUNDY failed to provide certain documents and information to the lender in a timely manner causing Complainant's loan modification to be denied without proper consideration.

7

On or about July 22, 2010, a Deputy Commissioner from the Department's Fresno office mailed Respondent a subpoena and affidavit requesting a copy of Complainant's transaction file. On or about August 23, 2010, the subpoena and affidavit were returned to the Deputy Commissioner with "Return to Sender - Unclaimed - Unable to Forward" stamped on the envelope. On or about September 13, 2010, the Deputy Commissioner drove to 1400 Calloway Drive #201, Bakersfield, CA 93312 and noticed that the suite was empty. On the same date, as the Deputy Commissioner headed back to his car, a man and woman from a neighboring suite told the Deputy Commissioner that Respondent had not been at

the location for about two months.

8

At no time from on or about September 14, 2009, to the filing of the Accusation had the Department received notice from Respondent that Respondent's main office has changed from 1400 Calloway Drive #201, Bakersfield, CA 93312.

9

The acts and or omission of Respondent as alleged above violate section 10162 of the Code and title 10, section 2715, California Code of Regulations ("Regulations") and are grounds for the revocation or suspension of Respondent's licenses and/or license rights under section 10177(d) of the Code.

10

On or about April 18, 2009, Complainant met with MUNDY at Castle to have MUNDY and Castle obtain a modification of Complainant's home loan. At that time, Complainant provided MUNDY with a check for \$495.00 made out to Castle to perform loan modification services.

11

From April 18, 2009 through August, 2009, MUNDY, on behalf of Respondent dba Castle Home Loans and Realty, performed several services for Complainant in connection with her home loan which require a real estate license including, but not limited to, providing advice to Complainant, collecting documents and information from Complainant, and contacting, communicating with and providing documents to the lender on Complainant's behalf in order to obtain a modification of Complainant's home.

#### DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists pursuant to Sections 10177(d) and 10177(g) of the Code, for violations of Sections 10137 and 10162 of the Code and Title 10, Section 2715 of the California Code of Regulations.

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The Department having met its burden of proof, it is hereby ordered that all licenses and licensing rights of Respondent JOSEPH DENNIS SPEAKMAN, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

**JUN 12 2012**

DATED: May 22, 2012

Real Estate Commissioner



By WAYNE S. BELL  
Chief Counsel

1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

**FILED**

AUG 29 2011

DEPARTMENT OF REAL ESTATE

By *L. Frost*

5  
6  
7  
8  
9 BEFORE THE  
10 DEPARTMENT OF REAL ESTATE  
11 STATE OF CALIFORNIA

12 \* \* \*

13 In the Matter of the Accusation of

14 JOSEPH DENNIS SPEAKMAN,

15 Respondent.

No. H-2645 FR

DEFAULT ORDER

16  
17 Respondent, JOSEPH DENNIS SPEAKMAN, having failed to file a Notice of  
18 Defense within the time required by Section 11506 of the Government Code, is now in default.

19 It is, therefore, ordered that a default be entered on the record in this matter.

20  
21 IT IS SO ORDERED AUGUST 29, 2011.

22  
23 BARBARA J. BIGBY  
24 Acting Real Estate Commissioner

25 By:

*Phillip Ihde*  
26 PHILLIP IHDE  
27 Regional Manager

FLAG

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

**FILED**  
JUN 20 2011  
DEPARTMENT OF REAL ESTATE  
By *[Signature]*

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) No. H-2645 FR  
13 JOSEPH DENNIS SPEAKMAN, ) ACCUSATION  
14 Respondent. )  
15 )

16 The Complainant, LUKE MARTIN, acting in his official capacity as a Deputy  
17 Real Estate Commissioner of the State of California, for cause of Accusation against JOSEPH  
18 DENNIS SPEAKMAN (herein "Respondent"), is informed and alleges as follows:

19 GENERAL ALLEGATIONS

20 1.

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

23 2.

24 At all times herein mentioned, Respondent was and is licensed by the  
25 Department of Real Estate (herein "the Department") as a real estate broker and, at all times  
26 herein mentioned was doing business as Castle Home Loans and Realty.

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

3.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate broker 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 using the fictitious business name of Castle Home Loans and Realty (herein "Castle") wherein he solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

4.

At all times herein mentioned, Respondent employed LISA MUNDY (herein "MUNDY") at Castle. At all times herein mentioned, MUNDY is not and was not licensed by the Department in any capacity.

FIRST CAUSE OF ACTION  
Office Abandonment

5.

There is hereby incorporated in this first, separate and distinct cause of action, all of the allegations contained in Paragraphs 1 through 4, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

6.

On or about September 14, 2009, Respondent notified the Department that his office address was 1400 Calloway Drive #201, Bakersfield, CA 93312.

7.

On or about July 1, 2010, a former client of Respondent (hereinafter "Complainant") filed a complaint with the Department claiming MUNDY, acting for Respondent dba Castle Home Loans and Realty, took an upfront fee from the Complainant to

1 modify Complainant's home loan and MUNDY failed to provide certain documents and  
2 information to the lender in a timely manner causing Complainant's loan modification to be  
3 denied without proper consideration.

4 8.

5 On or about July 22, 2010, a Deputy Commissioner from the Department's  
6 Fresno office mailed Respondent a subpoena and affidavit requesting a copy of Complainant's  
7 transaction file. On or about August 23, 2010, the subpoena and affidavit were returned to the  
8 Deputy Commissioner-with "Return to Sender - Unclaimed - Unable to Forward" stamped on  
9 the envelope. On or about September 13, 2010, the Deputy Commissioner drove to 1400  
10 Calloway Drive #201, Bakersfield, CA 93312 and noticed that the suite was empty. On the  
11 same date, as the Deputy Commissioner headed back to his car, a man and woman from a  
12 neighboring suite told the Deputy Commissioner that Respondent had not been at the location  
13 for about two months.

14 9.

15 At no time from on or about September 14, 2009, to the filing of this Accusation  
16 has the Department received notice from Respondent that Respondent's main office has  
17 changed from 1400 Calloway Drive #201, Bakersfield, CA 93312.

18 10.

19 The acts and or omission of Respondent as alleged above violate section 10162  
20 of the Code and title 10, section 2715, California Code of Regulations and are grounds for the  
21 revocation or suspension of Respondent's licenses and/or license rights under section 10177(d)  
22 of the Code.

23 SECOND CAUSE OF ACTION  
24 Unlawful Employment of an Unlicensed Individual

25 11.

26 There is hereby incorporated in this second, separate and distinct cause of action,  
27 all of the allegations contained in Paragraphs 1 through 10, inclusive, of the Accusation with the  
same force and effect as if herein fully set forth.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

12.

On or about April 18, 2009, Complainant met with MUNDY at Castle to have MUNDY and Castle obtain a modification of Complainant's home loan. At that time, Complainant provided MUNDY with a check for \$495.00 made out to Castle to perform loan modification services.

13.

From April 18, 2009 through August, 2009, MUNDY, on behalf of Respondent dba Castle Home Loans and Realty, performed several services for Complainant in connection with her home loan which require a real estate license including, but not limited to, providing advice to Complainant, collecting documents and information from Complainant, and contacting, communicating with and providing documents to the lender on Complainant's behalf in order to obtain a modification of Complainant's home.

14.

The facts alleged in Paragraphs 10 through 13, above, constitute violations of sections 10137 (employing/compensating an unlicensed person) and 10177(g) (negligence) of the Code.

15.

The facts alleged above in paragraphs 10 through 14 are grounds for suspension or revocation of the license and license rights of Respondent under sections 10137 and 10177(g) of the Code.

PRIOR DISCIPLINARY ACTIONS

16.

On or about March 23, 2010, pursuant to stipulation and agreement in Case Number H-2405 FR, Respondent's real estate broker license was suspended for 30 days, stayed for two years, for:

- 1) collecting an advance fee from clients without first obtaining prior approval from the Department;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

- 2) failing to deliver clients' advance fees into a trust fund account; and
- 3) failing to furnish the principal borrower a verified accounting.

17.

On or about September 26, 2009, in Case Number H-2408 FR, Respondent was ordered to Desist and Refrain from collecting advance fees from clients without obtaining prior approval from the Department.

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 and license rights of Respondent under the Real Estate Law, and for such other and further relief as may be proper under the provisions of law.

  
\_\_\_\_\_  
LUKE MARTIN  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 9<sup>th</sup> day of JUNE, 2011.