FILED

JUN 11 2013

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JONATHAN RYAN OWENS, Respondent.	))))))	No. H-4236 SD

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 December 9, 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.

FINDINGS OF FACT

1.

On October 11, 2011, Tricia D. Sommers, made the Accusation in her 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 certified mail and regular mail, to Jonathan Ryan Owens' (herein "Respondent") last known mailing address on file with the Department on October 11, 2011.

On November 30, 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.

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 (herein "the Code") as a real estate salesperson.

3.

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 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 business with the public wherein Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on behalf of others for compensation or in expectation of a compensation.

4.

On or about November 12, 2008, Respondent solicited and collected an advance fee in the amount of $2,995 from Frank P. and Gloria P. for loan modification services related to property located at 842 Genoa Way, San Marcos, California, 92078. In exchange for the advance fee, Respondent promised Frank P. and Gloria P. they would provide them with loan modification services. Respondent never obtained a loan modification for and has never refunded the advance fees paid by Frank P. and Gloria P.

5.

By the commission of the acts alleged above in Paragraph 4, Respondent engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by sections 10130 (license requirement to act as real estate broker) and 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) of the Code.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists with reference to the acts and/or omissions set out in Paragraph 4, above, pursuant to Business and Professions Code Sections 10085 (prior approval of advance fee agreement materials), 10085.5 (collection of advance fee by someone other than real estate broker), 10085.6 (collection of unauthorized advance fees), 10130, 10131(d), 10131.2 (collection of advance fees), 10137 (acceptance of compensation from someone other than employing broker), 10177(d) (willful violation of real estate law) and 10177(j) (other conduct which constitutes fraud or dishonest dealing) of the Code, and Sections 2970 (submission of advance fee materials) and 2972 (content of verified accounting) of Title 10, Chapter 6, California Code of Regulations.

2.

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

ORDER

All licenses and licensing rights of Respondent JONATHAN RYAN OWENS 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 JUL 02 2013.

DATED: May 16, 2013

REAL ESTATE COMMISSIONER

By: Jeffrey Mason
Chief Deputy Commissioner

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

Telephone: (916) 227-0789

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DEPARTMENT OF REAL ESTATE
By L. Ernst

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JONATHAN RYAN OWENS, Respondent.	No. H-4236 SD DEFAULT ORDER

Respondent, JONATHAN RYAN OWENS, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED November 30, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: Phillip Ihde
PHILLIP IHDE
Regional Manager

FLAG

JASON D. LAZARK, Counsel (SBN 263714)
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OCT 11 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JONATHAN RYAN OWENS, Respondent.	No. H-4236 SD ACCUSATION

The Complainant, TRICIA D. SOMMERS, acting in her official capacity as Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JONATHAN RYAN OWENS (herein "Respondent"), is informed and alleges as follows:

1

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 (herein "the Code") as a real estate salesperson. At no time mentioned herein was Respondent licensed by the Department as a real estate broker.

2

At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker in the State of California, within the meaning of section 10131(d) of the Code, including the negotiation of one or more loans for,

or in expectation of compensation; performing services for borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charging, demanding or collecting an advance fee for the services offered.

3

On or about November 12, 2008, Respondent solicited and collected an advance fee in the amount of $2,995 from Frank Priefler and Gloria Priefler (herein "the Prieflers") for loan modification services related to property located at 842 Genoa Way, San Marcos, California, 92078. In exchange for the advance fee, Respondent promised the Prieflers they would provide them with loan modification services. Respondent never obtained a loan modification for and has never refunded the advance fees paid by the Prieflers.

4

By the commission of the acts alleged above in Paragraph 3, Respondent engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by sections 10130 (license requirement to act as real estate broker) and 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) of the Code.

5

The facts alleged in Paragraph 3, above, are grounds for the suspension or revocation of the license and license rights of Respondent under sections 10085 (prior approval of advance fee agreement materials), 10085.5 (collection of advance fee by someone other than real estate broker), 10085.6 (collection of unauthorized advance fees), 10130, 10131(d), 10131.2 (collection of advance fees), 10137 (acceptance of compensation from someone other than employing broker), 10177(d) (willful violation of real estate law) and 10177(j) (other conduct which constitutes fraud or dishonest dealing) of the Code, and section 2970 (submission of advance fee materials) and 2972 (content of verified accounting) of title 10, chapter 6, California Code of Regulations.

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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 Code, 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 11th day of October, 2011.