Flag

FILED

OCT 14 2016

BUREAU OF REAL ESTATE

By S. Black

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of RAUL FERNANDEZ SAMSON, Respondent.	No. H-10985 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 29, 2010, in Case No. H-10985 SF, a Decision was rendered revoking the real estate broker license of Respondent effective October 28, 2010, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 15, 2010, and Respondent has held a restricted license since that time.

On October 15, 2015, Respondent petitioned for reinstatement of Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

///

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that a real estate broker license be issued to Respondent if Respondent satisfies the following requirements:

1. Submits a completed application and pays the fee for a real estate salesperson license within the 12 month period following the date of this Order; and

2. Submits proof that Respondent has completed the continuing education requirements for renewal of the license sought. The continuing education courses must be completed either (i) within the 12 month period preceding the filing of the completed application, or (ii) within the 12 month period following the date of this Order.

This Order shall become effective immediately.

DATED: 10/8/2016

REAL ESTATE COMMISSIONER

Wayne S. Bell

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

Telephone: (916) 227-0781

FILED

OCT - 7 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REZN8 SYSTEMS INCORPORATED, and RAUL FERNANDEZ SAMSON, Respondents.	No. H-10985 SF STIPULATION AND AGREEMENT

It is hereby stipulated by and between RAUL FERNANDEZ SAMSON, (hereinafter "Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on August 17, 2010 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent have received, read and understand the Statement to Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in this proceeding.

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his rights to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This stipulation is based on the factual allegations contained in the Accusation. In the interest of expediency and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and Respondent's decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate (herein "the Department"), the state or federal government, an agency of this state, or an agency of another state is involved.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondent as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusations under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

* * *

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

I

The acts and omissions of Respondent as described in the Fourth Cause of Action of the Accusation are grounds for the suspension or revocation of Respondent licenses and license rights under Section 10177(h) and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

* * *

ORDER

I

All licenses and licensing rights of Respondent under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Any restricted license issued to Respondent pursuant to this Decision shall be suspended for a period of one (1) year from the issuance of the restricted license.

4. Respondent, during the period of restriction, cannot serve as the Designated Officer of a real estate corporation unless he owns at least 50 percent of the outstanding stock of the corporation.

5. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until three (3) years have elapsed from the effective date of this Decision.

6. Respondent shall, within nine (9) months from the effective date of this Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the Administrative Procedure Act to present such evidence.

7. Respondent shall, within six (6) months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the

Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of the license until Respondent passes the examination.

31-Aug-10
DATED

TRULY SUGHRUE
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

8-31-10
DATED

RAUL FERNANDEZ SAMSON
Respondent

***

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on OCT 28 2010.

IT IS SO ORDERED 9/29, 2010.

JEFF DAVI
Real estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED

OCT - 7 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REZN8 SYSTEMS INCORPORATED, Respondent.	No. H-10985 SF

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On September 7, 2010, a First Amended Accusation was filed in this matter against the above-entitled matter.

On September 9, 2010, Respondent REZN8 SYSTEMS INCORPORATED petitioned the Commissioner to voluntarily surrender its real estate corporation license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondent REZN8 SYSTEMS INCORPORATED for voluntary surrender of its real estate corporation license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent REZN8 SYSTEMS INCORPORATED on September 9, 2010 (attached as Exhibit "A" hereto).

///

///

Respondent REZN8 SYSTEMS INCORPORATED's license certificate and pocket card shall be sent to the below-listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on OCT 28 2010.

DATED: 9/22/2010

JEFF DAVI
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

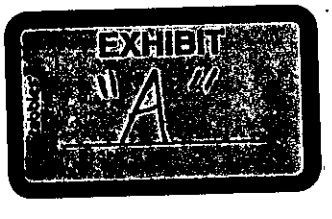
* * *

In the Matter of the Accusation of REZN8 SYSTEMS INCORPORATED, and RAUL FERNANDEZ SAMSON, Respondents.	)	No. H-10985 SF

DECLARATION

REZN8 SYSTEMS INCORPORATED is licensed as a corporate real estate broker and/or has license rights with respect to said license. My name is Mirza Zulfiqar Ali and I am an officer of REZN8 SYSTEMS INCORPORATED, and I am authorized to sign this declaration on behalf of REZN8 SYSTEMS INCORPORATED. I am acting on behalf of REZN8 SYSTEMS INCORPORATED.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender the real estate license(s) issued by the Department of Real Estate ("Department") to REZN8 SYSTEMS INCORPORATED, pursuant to Business and Professions Code Section 10100.2.



MA 9/9/10

It is understood that by so voluntarily surrendering this license, REZN8 SYSTEMS INCORPORATED may be relicensed as a broker corporation only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering said license, REZN8 SYSTEMS INCORPORATED agrees to the following:

The filing of this Declaration shall be deemed as the petition of REZN8 SYSTEMS INCORPORATED for voluntary surrender. It shall also be deemed to be an understanding and agreement by REZN8 SYSTEMS INCORPORATED that it hereby waives all rights it may have to require the Commissioner to prove the allegations contained in the Accusations filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that REZN8 SYSTEMS INCORPORATED also waives other rights afforded to it in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses. REZN8 SYSTEMS INCORPORATED further agrees that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusations heretofore filed in the Department Case No. H-10985 SF, may be considered exclusively by the Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that REZN8 SYSTEMS INCORPORATED freely and voluntarily surrender all license(s) and license rights under the Real Estate Law.

9/9/10, Dublin, CA
Date and Place

Mirza Zulfiqar Ali for
REZN8 SYSTEMS INCORPORATED

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
(916) 227-0781 (Direct)

FILED

SEP - 7 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REZN8 SYSTEMS INCORPORATED, and RAUL FERNANDEZ SAMSON, Respondents.	No. H-10985 SF FIRST AMENDED ACCUSATION

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against REZN8 SYSTEMS INCORPORATED, and RAUL FERNANDEZ SAMSON (hereinafter "Respondents"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

3

At all times mentioned from and after, Respondent REZN8 SYSTEMS INCORPORATED, (hereinafter "REZN8") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

4

At all times mentioned, Respondent RAUL FERNANDEZ SAMSON, (hereinafter "SAMSON") was and is licensed by the Department individually as a real estate broker. At all times mention from September 16, 2009 to June 21, 2010 SAMSON was licensed by the Department as the designated officer of REZN8. As said designated officer-broker, SAMSON was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of REZN8 for which a license is required.

5

Whenever reference is made in an allegation in this Accusation to an act or omission of REZN8, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with REZN8 committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondent and while acting within the course and scope of their authority and employment.

6

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers 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 wherein each of them 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.

FIRST CAUSE OF ACTION

7

Each and every allegation in Paragraphs 1 through 6, are incorporated by this reference as if fully set forth herein.

8

Beginning on or about February 2009, REZN8, in course of the real estate resale brokerage activities described in Paragraph 6, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

PROPERTY OWNER	PROPERTY ADDRESS
Mufid S.	150 Tiptoe Lane, Burlingame, California
Anthony B.	900 Corsair Lance, Foster City, California
Anthony B.	16881 Genevieve Place, San Lorenzo, California
Anthony B.	1256 Sierra Boulevard, South Lake Tahoe, California
George A.	5177 Fern Ridge Circle, Discovery Bay, California

9

By the commission of the acts alleged above, REZN8 engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(a) of the Business and Professions Code.

10

The facts alleged in the First Cause of Action are grounds for the suspension or revocation of the licenses of REZN8 under Section 10130 of the Code in conjunction with 10177(d) of the Code.

///

SECOND CAUSE OF ACTION

11

Each and every allegation in Paragraphs 1 through 6, are incorporated by this reference as if fully set forth herein.

12

In connection with the operation and conduct of the real estate activities described in Paragraph 6, REZN8, engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code including but not limited to the following:

PROPERTY OWNER	PROPERTY ADDRESS(ES)	DATE	ADVANCE FEE
Mufid S.	150 Tiptoe Lane, Burlingame, California	3/20/09	$6,000
Anthony B.	900 Corsair Lance, Foster City, California;	5/9/09	$6,250
	16881 Genevieve Place, San Lorenzo, California; and		
	1256 Sierra Boulevard, South Lake Tahoe, California		
George A.	5177 Fern Ridge Circle, Discovery Bay, California	7/28/09	$3995

13

In connection with the collection and handling of said advance fee, REZN8 failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

///

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14

The acts and/or omissions of REZN8 described in the Second Cause of Action, constitute violation of Section 10177(d) of the Code in conjunction with Section 10085 of the Code and Section 2970 of the Regulations, and are cause for the suspension or revocation of REZN8 license and license rights.

THIRD CAUSE OF ACTION

15

Each and every allegation in Paragraphs 1 through 14, inclusive, above, are incorporated by this reference as if fully set forth herein.

16

In the course of activities described in Paragraph 6, REZN8 caused to be mailed to R. Walker-Zarlingo and Sylvester L. Mosley advertisements which included statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are not in compliance with advertising statements, including but not limited to:

(a) The advertisement was false, misleading, and/or deceptive, in that the use of an expiration date creates a false sense of urgency and is in violation of Section 10235 of the Code;

(b) The advertisement was false, misleading, and/or deceptive, in that the use of verbiage such as "Mortgage Bailout Notification", "Notice of Eligibility", and "modification pre-approval" implies the consumer has already been approved for a loan modification and is in violation of Section 10235 of the Code;

(c) The advertisement quotes an interest rate, such as 3.0%, without an equally prominent APR in violation of Section 2848(16) of the Regulations;

(d) The advertisement failed to disclose within the printed text the license under which the loan would be made or arranged in violation of Sections 10235.5 and 10236.4 of the Code;

///

(e) The advertisements used the names "Loan Modification Department" which is not properly licensed fictitious business names of REZN8, in violation of Section 10159.5 of the Code and Section 2731 of the Regulations;

(f) The required statement, "Real Estate Broker, California Department of Real Estate" is not included in the advertisements, and is in violation of Section 2847.3 of the Regulations;

(g) The advertisement failed to include a designation that REZN8 was performing acts for which a real estate license is required in violation of Section 10140.6 of the Code and Section 2770.1 of the Regulations;

(h) The advertisements contained superlatives and comparatives such as "low" without further explanation, which render them unambiguous in the context they are used, and are in violation of Section 2848(2) of the Regulations;

(i) The advertisements provide, "without the traditional restrictions of credit history, income requirements or employment status," without a statement that these products may have a higher rate, more points, or more fees than other products requiring documentation, and is in violation of Section 2848(18) of the Regulations;

(j) The advertisements imply it is from a lender in violation of Section 2848(4) of the Regulations; and

(k) The advertisements implied that there is an official government endorsement or approval in violation of Section 2848(12) of the Regulations.

17

REZN8 operated its real estate business under the fictitious business names of "REZN8 Financial Services", without REZN8 obtaining a license bearing said fictitious business name as required by Section 2731 of the Regulations.

18

The acts and/or omissions of REZN8 as alleged above constitute grounds for disciplinary action under the following provisions:

(a) As to Paragraphs 16(a) and 16(b) under Section 10235 of the Code in conjunction with Section 10177(d) of the Code;

(b) As to Paragraph 16(c) under Section 2848(16) of the Regulations in conjunction with Section 10177(d) of the Code;

(c) As to Paragraph 16(d) under Sections 10235.5 and 10236.4 of the Code in conjunction with Section 10177(d) of the Code;

(d) As to Paragraphs 16(e) and 17 under Sections 10159.5 of the Code and Section 2731 of the Regulations in conjunction with Section 10177(d) of the Code;

(e) As to Paragraph 16(f) under Section 2847.3 of the Regulations in conjunction with Section 10177(d) of the Code;

(f) As to Paragraph 16(g) under Section 10140.6 of the Code and Section 2770.1 of the Regulations in conjunction with Section 10177(d) of the Code;

(g) As to Paragraph 16(h) under Section 2848(2) of the Regulations in conjunction with Section 10177(d) of the Code;

(h) As to Paragraph 16(i) under Section 2848(18) of the Regulations in conjunction with Section 10177(d) of the Code;

(i) As to Paragraph 16(j) under Section 2848(4) of the Regulations in conjunction with Section 10177(d) of the Code; and

(j) As to Paragraph 16(k) under Section 2848(12) of the Regulations in conjunction with Section 10177(d) of the Code.

FOURTH CAUSE OF ACTION

19

Each and every allegation in Paragraphs 1 through 18, inclusive, above, are incorporated by this reference as if fully set forth herein.

///

20

Respondent SAMSON failed to exercise reasonable supervision over the acts of Respondent REZN8 in such a manner as to allow the acts and events described above to occur.

21

The acts and/or omissions of SAMSON described in Paragraph 20, constitute failure on the part of SAMSON, as designated broker-officer for REZN8, to exercise reasonable supervision and control over the licensed activities of REZN8 required by Section 10159.2 of the Code.

22

The facts described above as to the Fourth Cause of Accusation constitute cause for the suspension or revocation of the licenses and license rights of Respondent SAMSON under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

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 under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) of Respondents, and for such other and further relief as may be proper under applicable provisions of law.

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 31st day of August, 2010

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
(916) 227-0781 (Direct)

FILED

AUG 17 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REZN8 SYSTEMS INCORPORATED, and PAUL FERNANDEZ SAMSON, Respondents.	No. H-10985 SF ACCUSATION

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against REZN8 SYSTEMS INCORPORATED, and PAUL FERNANDEZ SAMSON (hereinafter "Respondents"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

3

At all times mentioned from and after, Respondent REZN8 SYSTEMS INCORPORATED, (hereinafter "REZN8") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

4

At all times mentioned, Respondent PAUL FERNANDEZ SAMSON, (hereinafter "SAMSON") was and is licensed by the Department individually as a real estate broker. At all times mention from September 16, 2009 to June 21, 2010 SAMSON was licensed by the Department as the designated officer of REZN8. As said designated officer-broker, SAMSON was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of REZN8 for which a license is required.

5

Whenever reference is made in an allegation in this Accusation to an act or omission of REZN8, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with REZN8 committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondent and while acting within the course and scope of their authority and employment.

6

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers 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 wherein each of them 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.

FIRST CAUSE OF ACTION

7

Each and every allegation in Paragraphs 1 through 6, are incorporated by this reference as if fully set forth herein.

8

Beginning on or about February 2009, REZN8, in course of the real estate resale brokerage activities described in Paragraph 6, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

PROPERTY OWNER	PROPERTY ADDRESS
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Anthony B.	16881 Genevieve Place, San Lorenzo, California
Anthony B.	1256 Sierra Boulevard, South Lake Tahoe, California
George A.	5177 Fern Ridge Circle, Discovery Bay, California

9

By the commission of the acts alleged above, REZN8 engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(a) of the Business and Professions Code.

10

The facts alleged in the First Cause of Action are grounds for the suspension or revocation of the licenses of REZN8 under Section 10130 of the Code in conjunction with 10177(d) of the Code.

///

SECOND CAUSE OF ACTION

11

Each and every allegation in Paragraphs 1 through 6, are incorporated by this reference as if fully set forth herein.

12

In connection with the operation and conduct of the real estate activities described in Paragraph 6, REZN8, engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code including but not limited to the following:

PROPERTY OWNER	PROPERTY ADDRESS(ES)	DATE	ADVANCE FEE
Mufid S.	150 Tiptoe Lane, Burlingame, California	3/20/09	$6,000
Anthony B.	900 Corsair Lance, Foster City, California;	5/9/09	$6,250
	16881 Genevieve Place, San Lorenzo, California; and		
	1256 Sierra Boulevard, South Lake Tahoe, California		
George A.	5177 Fern Ridge Circle, Discovery Bay, California	7/28/09	$3995

13

In connection with the collection and handling of said advance fee, REZN8 failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

///

///

14

The acts and/or omissions of REZN8 described in the Second Cause of Action, constitute violation of Section 10177(d) of the Code in conjunction with Section 10085 of the Code and Section 2970 of the Regulations, and are cause for the suspension or revocation of REZN8 license and license rights.

THIRD CAUSE OF ACTION

15

Each and every allegation in Paragraphs 1 through 14, inclusive, above, are incorporated by this reference as if fully set forth herein.

16

In the course of activities described in Paragraph 6, REZN8 caused to be mailed to R. Walker-Zarlingo and Sylvester L. Mosley advertisements which included statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are not in compliance with advertising statements, including but not limited to:

(a) The advertisement was false, misleading, and/or deceptive, in that the use of an expiration date creates a false sense of urgency and is in violation of Section 10235 of the Code;

(b) The advertisement was false, misleading, and/or deceptive, in that the use of verbiage such as "Mortgage Bailout Notification", "Notice of Eligibility", and "modification pre-approval" implies the consumer has already been approved for a loan modification and is in violation of Section 10235 of the Code;

(c) The advertisement quotes an interest rate, such as 3.0%, without an equally prominent APR in violation of Section 2848(16) of the Regulations;

(d) The advertisement failed to disclose within the printed text the license under which the loan would be made or arranged in violation of Sections 10235.5 and 10236.4 of the Code;

///

(e) The advertisements used the names "Loan Modification Department" which is not properly licensed fictitious business names of REZN8, in violation of Section 10159.5 of the Code and Section 2731 of the Regulations;

(f) The required statement, "Real Estate Broker, California Department of Real Estate" is not included in the advertisements, and is in violation of Section 2847.3 of the Regulations;

(g) The advertisement failed to include a designation that REZN8 was performing acts for which a real estate license is required in violation of Section 10140.6 of the Code and Section 2770.1 of the Regulations;

(h) The advertisements contained superlatives and comparatives such as "low" without further explanation, which render them unambiguous in the context they are used, and are in violation of Section 2848(2) of the Regulations;

(i) The advertisements provide, "without the traditional restrictions of credit history, income requirements or employment status," without a statement that these products may have a higher rate, more points, or more fees than other products requiring documentation, and is in violation of Section 2848(18) of the Regulations;

(j) The advertisements imply it is from a lender in violation of Section 2848(4) of the Regulations; and

(k) The advertisements implied that there is an official government endorsement or approval in violation of Section 2848(12) of the Regulations.

17

REZN8 operated its real estate business under the fictitious business names of "REZN8 Financial Services", without REZN8 obtaining a license bearing said fictitious business name as required by Section 2731 of the Regulations.

18

The acts and/or omissions of REZN8 as alleged above constitute grounds for disciplinary action under the following provisions:

(a) As to Paragraphs 16(a) and 16(b) under Section 10235 of the Code in conjunction with Section 10177(d) of the Code;

(b) As to Paragraph 16(c) under Section 2848(16) of the Regulations in conjunction with Section 10177(d) of the Code;

(c) As to Paragraph 16(d) under Sections 10235.5 and 10236.4 of the Code in conjunction with Section 10177(d) of the Code;

(d) As to Paragraphs 16(e) and 17 under Sections 10159.5 of the Code and Section 2731 of the Regulations in conjunction with Section 10177(d) of the Code;

(e) As to Paragraph 16(f) under Section 2847.3 of the Regulations in conjunction with Section 10177(d) of the Code;

(f) As to Paragraph 16(g) under Section 10140.6 of the Code and Section 2770.1 of the Regulations in conjunction with Section 10177(d) of the Code;

(g) As to Paragraph 16(h) under Section 2848(2) of the Regulations in conjunction with Section 10177(d) of the Code;

(h) As to Paragraph 16(i) under Section 2848(18) of the Regulations in conjunction with Section 10177(d) of the Code;

(i) As to Paragraph 16(j) under Section 2848(4) of the Regulations in conjunction with Section 10177(d) of the Code; and

(j) As to Paragraph 16(k) under Section 2848(12) of the Regulations in conjunction with Section 10177(d) of the Code.

FOURTH CAUSE OF ACTION

19

Each and every allegation in Paragraphs 1 through 18, inclusive, above, are incorporated by this reference as if fully set forth herein.

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20

Respondent SAMSON failed to exercise reasonable supervision over the acts of Respondent REZN8 in such a manner as to allow the acts and events described above to occur.

21

The acts and/or omissions of SAMSON described in Paragraph 20, constitute failure on the part of SAMSON, as designated broker-officer for REZN8, to exercise reasonable supervision and control over the licensed activities of REZN8 required by Section 10159.2 of the Code.

22

The facts described above as to the Fourth Cause of Accusation constitute cause for the suspension or revocation of the licenses and license rights of Respondent SAMSON under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

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 under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) of Respondents, and for such other and further relief as may be proper under applicable provisions of law.

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 5th day of August, 2010