DEPARTMENT OF REAL ESTATE
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FILED

OCT 27 2010

DEPARTMENT OF REAL ESTATE

By _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: OF LENDING GROUP INC., and WILLIAM RICHARD HOGARTY	No. H-11018 SF ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (hereinafter "Commissioner") of the California Department of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of OF LENDING GROUP INC. (hereinafter "OLG"), and WILLIAM RICHARD HOGARTY (hereinafter "HOGARTY"). Based on that investigation, the Commissioner has determined that OLG and HOGARTY, have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "the Regulations"). Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to OLG those acts are alleged to have been done by HOGARTY, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators.

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FINDINGS OF FACT

1. OLG is a corporation registered with the California Secretary of State's Office.

2. At all times mentioned OLG was and is licensed by the Department as a real estate corporation.

3. At all times mentioned HOGARTY is licensed by the Department as the designated broker officer of OLG. HOGARTY is also the Chief Executive Officer and 100 percent shareholder of OLG. HOGARTY has been licensed as the designated officer of OLG since February 17, 2009.

4. During the period of time set forth below, HOGARTY, and/or other agents or employees of OLG whose identifies are unknown at this time, on behalf of OLG solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation; negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charge, demand or collect an advance fee for any of the services offered.

5. On or about October 15, 2009, HOGARTY, Anthony Weinch, and/or other agents or employees of OLG whose identifies are unknown at this time, on behalf of OLG, solicited Michael and Regina L. (hereinafter "Michael") in order to provide a "short pay refinance" on behalf of Michael in connection with a loan secured by real property located at 2912 W. Castle Pines Trce., Dublin, California. In furtherance of OLG's plan and scheme to provide "short pay refinance" services to Michael, OLG requested and received an advance fee of $3,850 from Michael on October 20, 2009.

6. On or about January 26 2010, HOGARTY, Jason Bleier, James Rivera, and/or other agents or employees of OLG whose identifies are unknown at this time, on behalf of OLG, solicited Brian J. (hereinafter "Brian") in order to provide a "short pay refinance" on behalf of Brian in connection with a loan secured by real property located at 5450 Concord

Blvd., Concord, California. In furtherance of OLG's plan and scheme to provide "short pay refinance" services to Brian, OLG requested and received an advance fee of $8,000 from Brian on February 8, 2010 and February 12, 2010.

7. On or about January 18, 2010, HOGARTY, Anthony Weinch, and/or other agents or employees of OLG whose identifies are unknown at this time, on behalf of OLG, solicited Werener and Katheryn H. (hereinafter "Werener") in order to provide a "short pay refinance" on behalf of Werener in connection with a loan secured by real property located at 1068 Central Blvd., Hayward, California. In furtherance of OLG's plan and scheme to provide "short pay refinance" services to Werener, OLG requested and received an advance fee of $8,400 from Werener on January 25, 2010.

8. On or about January 18, 2010, HOGARTY, Greg Lomba, and/or other agents or employees of OLG whose identifies are unknown at this time, on behalf of OLG, solicited Janice N. (hereinafter "Janice") in order to provide a "short pay refinance" on behalf of Janice in connection with a loan secured by real property located at 431 Russell Street, Vallejo, California. In furtherance of OLG's plan and scheme to provide "short pay refinance" services to Janice, OLG requested and received an advance fee of $8,000 from Janice on January 18, 2010.

9. On or about October 2009, HOGARTY, and/or other agents or employees of OLG whose identifies are unknown at this time, on behalf of OLG, solicited Christopher and Shelia M. (hereinafter "Christopher") in order to provide a "short pay refinance" on behalf of Christopher in connection with a loan secured by real property located at 1457 Pinegrove Way, Brentwood, California. In furtherance of OLG's plan and scheme to provide "short pay refinance" services to Christopher, OLG requested and received an advance fee of $6,000 from Christopher on November 11, 2009.

CONCLUSIONS OF LAW

10. Based on the findings of fact contained in paragraphs 1 through 10, OLG and/or HOGARTY, used a form of advance fee agreement which had not been provided to the

Department for its prior review and consideration, in violation of Section 10085 of the Code (prior submission of advance fee materials required) and Section 2970 (details for prior submission of advance fee materials) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, OLG and HOGARTY, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that OLG and/or HOGARTY:

(A) Have an advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(B) Have placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code;

(C) Have provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and

(D) Are in compliance with California law, as amended effective as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the amended law, you can only collect advance fees for loan modification or other mortgage loan forbearance services related to commercial loans and loans for residential properties containing five or more dwelling units.

DATED: 10/26/10

JEFF DAVI
Real Estate Commissioner

By

By WAYNE S. BELL
Chief Counsel