Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED

FEB - 9 2010

DEPARTMENT OF REAL ESTATE
BY: [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TRUWEST FINANCIAL INC., and JASON MICHAEL JONES, individually, and as designated officer of TruWest Financial, Inc., Respondents.	NO. H-35740 LA L-2009040872 STIPULATION AND AGREEMENT

It is hereby stipulated by and between JASON MICHAEL JONES (sometimes referred to as "Respondent") and the Complainant, acting by and through Cheryl Keily, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the First Amended Accusation filed on July 22, 2009, 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 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has received, read and understood the Statement to Respondent, the Discovery Provisions of the APA and the First Amended Accusation filed by the Department of Real Estate ("Department") in this proceeding.

3. On April 14, 2009, Respondent filed a Notice of Defense, pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the First Amended 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 right to require the Commissioner to prove the allegations in the First Amended 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 First Amended 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 expedience and economy, Respondent chooses not to contest these allegations, but to remain silent and understands that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), the state or federal government, or any agency of this state, another state or federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceedings.

6. 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.

7. 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, or another licensing agency of this state, another state or the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

8. Respondent has received, read and understand the "Notice Concerning Costs of Audits." Respondent understands that by agreeing to this Stipulation and Agreement, the findings set forth below in the Determinations of Issues become final, and that the Commissioner may charge Respondent for the costs of the audit which lead to the disciplinary action. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the original audit. The total cost of the original audit is $2,053.15.

DETERMINATION OF ISSUES

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

The conduct, acts or omissions of Respondent JASON MICHAEL JONES, as set forth in the First Amended Accusation, constitute cause to suspend or revoke the real estate license and license rights of Respondent JASON MICHAEL JONES under the provisions of Code Sections 10085, 10177(d) and 10177(g) for violation of Code Sections 10085, 10145, 10146 and 10159.2 in conjunction with Sections 2831.2, 2832, 2972 of Title 10, Chapter 6, California Code of Regulations ("Regulations").

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. All licenses and license rights of Respondent JASON MICHAEL JONES under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision.

A. Provided, however, that if Respondent requests, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Code at the rate of $100.00 per day for each day of the suspension for a total monetary penalty of $3,000.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the

Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event the Respondent shall not be entitled to any repayment or credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent JASON MICHAEL JONES shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California;

2. Respondent JASON MICHAEL JONES shall retain custody and control of all those documents described in Code Section 10148(a) for TruWest Financial Inc.; and

3. No final subsequent determination is made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

II. All licenses and licensing rights of Respondent JASON MICHAEL JONES are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days from the effective date of the Decision in this matter.

III. Respondent shall, within six 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 Respondent's license until Respondent passes the examination.

IV. Respondent shall, within nine (9) months from the effective date of this Decision, 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 a hearing pursuant to the Administrative Procedure Act to present such evidence.

V. Pursuant to Section 10148 of the Code, Respondent JASON MICHAEL JONES shall (a) pay the Commissioner's reasonable cost for the audit which led to this disciplinary action, and (b) the Commissioner's reasonable cost for an audit to ensure that Respondent JASON MICHAEL JONES is in compliance with the Real Estate Law, including that pertaining to the handling of trust funds. The cost of the audit which led to this disciplinary action is $2,053.15. The maximum cost of a subsequent audit will not exceed $2,053.15. Total audit costs will not exceed $4,106.30. In calculating the amount of the

Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work.

Respondent JASON MICHAEL JONES shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

The Commissioner may suspend the license of Respondent JASON MICHAEL JONES pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondent JASON MICHAEL JONES and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondent JASON MICHAEL JONES enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: December 8, 2009

CHERYL D. KEILY, Counsel
DEPARTMENT OF REAL ESTATE

* * *

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 (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number (213) 576-5917. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 12/8/09

JASON MICHAEL JONES,
Respondent

///

///

me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: _____

_____
JASON MICHAEL JONES,
Respondent

///

///

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: 12/8/2009

(87742)
JEFFREY SKLAN,
Attorney for Respondent
JASON MICHAEL JONES

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____, 2009.

IT IS SO ORDERED _____, 2009.

JEFF DAVI
Real Estate Commissioner

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: _____ _____

JEFFREY SKLAN,
Attorney for Respondent
JASON MICHAEL JONES

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on MAR 11 2010

IT IS SO ORDERED 2-2-2010

JEFF DAVI
Real Estate Commissioner

FILED

FEB - 9 2010

DEPARTMENT OF REAL ESTATE

BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TRUWEST FINANCIAL INC., and JASON MICHAEL JONES, individually, and as designated officer of TruWest Financial Inc., Respondent.	No. H-35740 LA L-2009040872

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On March 3, 2009, an Accusation was filed in this matter against Respondent TRUWEST FINANCIAL INC., and First Amended Accusation filed on July 22, 2009.

On December 8, 2009, Respondent petitioned the Commissioner to voluntarily surrender its real estate license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent TRUWEST FINANCIAL INC.'s petition for voluntary surrender of its real estate salesperson license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated

December 8, 2009 (attached as Exhibit "A" hereto). Respondent's license certificate(s), pocket card(s) and any branch office license certificate(s) 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
Attn: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on MAR - 1 2010.

DATED: 2-2-2010

JEFF DAVI
Real Estate Commissioner

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of TRUWEST FINANCIAL INC., and JASON MICHAEL JONES, individually, and as designated officer of TruWest Financial, Inc., Respondents.	No. H-35740 LA

DECLARATION

My name is Jason Michael Jones. TRUWEST FINANCIAL INC. is licensed as a real estate corporation and/or has license rights with respect to said license. I am currently an officer of TRUWEST FINANCIAL INC., and am authorized and empowered to sign this declaration on behalf of TRUWEST FINANCIAL INC.

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) TRUWEST FINANCIAL INC.

wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department"), pursuant to the provisions of Business and Professions Code Section 10100.2.

I understand that TRUWEST FINANCIAL INC., by so voluntarily surrendering its license, can only have it reinstated in accordance with the provisions of Section 11522 of the Government Code. I also understand that by so voluntarily surrendering its license, TRUWEST FINANCIAL INC. agrees to the following:

1. The filing of this Declaration shall be deemed as the petition of TRUWEST FINANCIAL INC. for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by TRUWEST FINANCIAL INC. that it waives all rights it has to require the Commissioner to prove the allegations contained in the Accusation 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 TRUWEST FINANCIAL INC. 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.

3. TRUWEST FINANCIAL INC. 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 Accusation filed by the Department in Case No. H-35740 LA, may be considered by the

Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement of TRIWEST FINANCIAL INC.'s license pursuant to Government Code Section 11522.

4. I am acting freely and voluntarily on behalf of TRIWEST FINANCIAL INC. to surrender its license and all license rights attached thereto.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

12/8/2009 Van Nuys
Date and Place

Joseph Michael Jordan,
Designated Officer for
TriWest Financial Inc.

Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement of TRUWEST FINANCIAL INC.'s license pursuant to Government Code Section 11522.

4. I am acting freely and voluntarily on behalf of TRUWEST FINANCIAL INC. to surrender its license and all license rights attached thereto.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Date and Place	Jason Michael Jones, Designated Officer for TruWest Financial Inc.

CHERYL D. KEILY SBN# 94008
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-5770

FILED
JUL 22 2009
DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TRUWEST FINANCIAL INC., and JASON MICHAEL JONES, individually, and as designated officer of TruWest Financial, Inc., Respondents.	No. H-35740 LA FIRST AMENDED ACCUSATION

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TRUWEST FINANCIAL INC. ("Respondent TRUWEST") and JASON MICHAEL JONES ("Respondent JONES"), individually, and as designated broker-officer of TRUWEST FINANCIAL INC., is informed and alleges as follows:

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1.

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

2.

Respondent TRUWEST is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate corporation acting by and through Respondent JONES as its designated broker-officer.

3.

Respondent JONES is presently licensed and/or has license rights under the Real Estate Law as a real estate broker and designated broker-officer of Respondent TRUWEST.

4.

All further references to respondents herein include Respondents TRUWEST and JONES, and also include officers, directors, employees, agents and real estate licensees employed by or associated with TRUWEST and JONES, and who at all times herein mentioned were engaged in the furtherance of the business or operations of Respondents TRUWEST and JONES, and who were acting within the course and scope of their authority and employment.

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5.

From May 22, 2006, to the present Respondent JONES, as the officer designated by Respondent TRUWEST pursuant to Section 10211 of the Code, was responsible for the supervision and control of the activities conducted on behalf of Respondent TRUWEST by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

6.

At all times herein mentioned, Respondents TRUWEST and JONES engaged in the business of an advance fee brokerage, within the definition of Code Section 10131.2, in that, for fees received in advance, as well as at the conclusion of transactions, Respondents performed loan modification services with respect to loans which were secured by liens on real property, including, but not limited to, the following:

a. On or about May 15, 2008, Respondents contracted to collect and/or collected an advance fee of $1,500 from Martha and Saul Aguilera pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 13009 Correnti Street, Arleta, California 91331.

b. On or about June 21, 2008, Respondents contracted to collect and/or collected an advance fee of $1,500 for one loan and $2,000 for two loans from Silvia Cabrera pursuant to

the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 11909 Cheshire Street, Norwalk, California 90650.

c. On or about July 16, 2008, Respondents contracted to collect and/or collected an advance fee of $2,000 for one loan and $2,500 for two loans from William Andrade pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 436 East 42nd Place, Los Angeles, California 90011.

d. On or about July 20, 2008, Respondents contracted to collect and/or collected an advance fee of $2,000 from Jose L. Orozco pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 12214 Pinney Street, Lakeview Terrace, California 91342.

7.

Respondents contracted to collect and/or collected the above described advance fees pursuant to the provisions of a document entitled "Loan Modification Fee Contract," the written agreement described in Paragraph 6, above, which document constitutes an advance fee agreement within the meaning of Code Section 10085.

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8.

Respondent JONES ordered, caused, authorized or participated in the conduct of Respondent TRUWEST, as is alleged in this Accusation.

9.

Respondents failed to submit the written agreements referred to in Paragraph 6, above, to the Commissioner ten days before using them in violation of Code Section 10085 and Regulation 2970.

10.

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

11.

The conduct, acts and/or omissions of Respondent JONES, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent JONES pursuant to Code sections 10159.2 and/or 10177(d) and (h).

SECOND CAUSE OF ACCUSATION

(Trust Fund Violations)

12.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 11, above.

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On or about January 20, 2009, the Department completed an audit examination of the books and records of TRUWEST pertaining to the real estate activities described in Paragraphs 6 and 7, above, covering a period from July 1, 2007, through December 31, 2008. The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. LA 080174 along with the exhibits and work papers attached to the audit report:

(a) Failed to establish and maintain a trust account at a bank or other recognized financial institution in the name of the broker for deposit of advance fees collected by TRUWEST, in violation of Code Section 10146.

(b) Failed to deposit the advance fees described in Paragraphs 6 and 7, above, into a real estate broker trust account in violation of Code Section 10146.

(c) Commingled trust funds with general funds in violation of Code Sections 10176(e) and 10145, and Sections 2832 and 2835 of the Regulations.

(d) Failed to maintain a control record in the form of a columnar record in chronological order of all trust funds including advance fees received, deposited and disbursed, in violation of Code Section 10145 and Section 2831 of the Regulations.

(e) Failed to maintain a separate record for each beneficiary of trust funds or transaction, thereby failing to account for all advance fees collected, in violation of Code Section 10145 and Section 2831.1 of the Regulations.

(f) Failed to perform a monthly reconciliation of the total balance of separate beneficiary or transaction records in violation of Code Section 10145 and Section 2831.2 of the Regulations.

(g) Failed to provide a complete description of the services to be rendered to each borrower in ten (10) point type font and failed to provide an allocation and disbursement of the amount collected as an advance fee in violation of Code Section 10146 and Section 2972 of the Regulations.

(h) Failed to maintain a copy of the Mortgage Loan Disclosure Statement in the Deborah Westgate loan file signed by the broker and/or his agent and by the borrower in violation of Code Section 10240 and Section 2840 of the Regulations.

(i) Failed to disclose to borrower Svetlana Babchuk additional compensation received by Respondent TRUWEST in the form of the yield spread premium or rebate from the lender in violation of Code Section 10240 and Section 2840 of the Regulations.

(j) Failed to include the license number of Respondent TRUWEST on the Mortgage Loan Disclosure Statement of borrower Deborah Westgate in violation of Code Section 10236.4.

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DISCIPLINE STATUTES AND REGULATIONS

14.

The conduct of Respondents TRUWEST and JONES described in Paragraph 13, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
13(a)	Code Section 10146
13(b)	Code Section 10146
13(c)	Code Sections 10145 and 10176(e) and Sections 2832 and 2835 of the Regulations
13(d)	Code Section 10145 and Section 2831 of the Regulations
13(e)	Code Sections 10145 and Section 2831.1 of the Regulations
13(f)	Code Section 10146 and Section 2831.2 of the Regulations
13(g)	Code Section 10146 and Section 2972 of the Regulations
13(h)	Code Section 10240 and Section 2840 of the Regulations
13(i)	Code Section 10240 and Section 2840 of the Regulations
13(j)	Code Section 10236.4

The foregoing violations constitutes cause for the suspension or revocation of the real estate license and license rights of TRUWEST and JONES under the provisions of Code Sections 10177(d) for violation of the Real Estate Law and/or 10177(g) for negligence or incompetence.

THIRD CAUSE OF ACCUSATION

(Failure to Supervise)

15.

Complainant hereby incorporates the allegations set forth in Paragraphs 1 through 14, above.

16.

Respondent JONES ordered, caused, authorized or participated in the conduct of Respondent TRUWEST, as is alleged in this Accusation.

17.

The conduct, acts and/or omissions, of Respondent JONES, in allowing Respondent TRUWEST to violate the Real Estate Law, as set forth above, constitutes a failure by JONES, as the officer designated by a corporate broker licensee, to exercise the supervision and control over the activities of TRUWEST, as required by Code Section 10159.2, and is cause to suspend or revoke the real estate licenses and license rights of JONES under Code Sections 10177(d), 10177(g) and/or 10177(h).

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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 the licenses and license rights of Respondent TRUWEST FINANCIAL INC. and Respondent JASON MICHAEL JONES, individually, and as designated broker-officer of Respondent TRUWEST FINANCIAL INC., under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 22 day of July, 2009.

Robin Trujillo
Deputy Real Estate Commissioner

cc: TRUWEST FINANCIAL INC.
JASON MICHAEL JONES
Robin Trujillo
Sacto.
Jeffrey Sklan, Esq.
OAH

CHERYL D. KEILY SBN# 94008
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-5770

FILED
MAR - 3 2009
DEPARTMENT OF REAL ESTATE
BY:

RECEIVED
MAR 04 2009
Office of Administrative Hearings
LOS ANGELES

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of TRUWEST FINANCIAL INC., and JASON MICHAEL JONES, individually, and as designated officer of TruWest Financial, Inc., Respondents.	No. H- 35740 LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TRUWEST FINANCIAL INC. ("Respondent TRUWEST") and JASON MICHAEL JONES ("Respondent JONES"), individually, and as designated broker-officer of TRUWEST FINANCIAL INC., is informed and alleges as follows:

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RECEIVED
Department of Real Estate
APR 23 2009
Legal-L.A.D.O.

1.

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

2.

Respondent TRUWEST is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate corporation acting by and through Respondent JONES as its designated broker-officer.

3.

Respondent JONES is presently licensed and/or has license rights under the Real Estate Law as a real estate broker and designated broker-officer of Respondent TRUWEST.

4.

All further references to respondents herein include Respondents TRUWEST and JONES, and also include officers, directors, employees, agents and real estate licensees employed by or associated with TRUWEST and JONES, and who at all times herein mentioned were engaged in the furtherance of the business or operations of Respondents TRUWEST and JONES, and who were acting within the course and scope of their authority and employment.

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5.

From May 22, 2006, to the present Respondent JONES, as the officer designated by Respondent TRUWEST pursuant to Section 10211 of the Code, was responsible for the supervision and control of the activities conducted on behalf of Respondent TRUWEST by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

6.

At all times herein mentioned, Respondents TRUWEST and JONES engaged in the business of an advance fee brokerage, within the definition of Code Section 10131.2, in that, for fees received in advance, as well as at the conclusion of transactions, Respondents performed loan modification services with respect to loans which were secured by liens on real property, including, but not limited to, the following:

a. On or about May 15, 2008, Respondents contracted to collect and/or collected an advance fee of $1,500 from Martha and Saul Aguilera pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 13009 Correnti Street, Arleta, California 91331.

b. On or about June 21, 2008, Respondents contracted to collect and/or collected an advance fee of $1,500 for one loan and $2,000 for two loans from Silvia Cabrera pursuant to

the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 11909 Cheshire Street, Norwalk, California 90650.

c. On or about July 16, 2008, Respondents contracted to collect and/or collected an advance fee of $2,000 for one loan and $2,500 for two loans from William Andrade pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 436 East 42nd Place, Los Angeles, California 90011.

d. On or about July 20, 2008, Respondents contracted to collect and/or collected an advance fee of $2,000 from Jose L. Orozco pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to a loan secured by the real property located at 12214 Pinney Street, Lakeview Terrace, California 91342.

7.

Respondents contracted to collect and/or collected the above described advance fees pursuant to the provisions of a document entitled "Loan Modification Fee Contract," the written agreement described in Paragraph 6, above, which document constitutes an advance fee agreement within the meaning of Code Section 10085.

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8.

Respondent JONES ordered, caused, authorized or participated in the conduct of Respondent TRUWEST, as is alleged in this Accusation.

9.

Respondents failed to submit the written agreements referred to in Paragraph 6, above, to the Commissioner ten days before using them in violation of Code Section 10085 and Regulation 2970.

10.

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

11.

The conduct, acts and/or omissions of Respondent JONES, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent JONES pursuant to Code sections 10159.2 and/or 10177(d) and (h).

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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 the licenses and license rights of Respondent TRUWEST FINANCIAL INC. and Respondent JASON MICHAEL JONES, individually, and as designated broker-officer of Respondent TRUWEST FINANCIAL INC., under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 26 day of February, 2009.

Robin Trujillo
Deputy Real Estate Commissioner

cc: TRUWEST FINANCIAL INC.
JASON MICHAEL JONES
Robin Trujillo
Sacto.