FILED

JAN 23 2014

BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NEWPORT LENDING CORPORATION and MATT SHANE GREEN, individually and as designated officer of Newport Lending Corporation, Respondents.	No. H-36161 LA

ORDER VACATING SUSPENSION ORDER

An ORDER SUSPENDING REAL ESTATE LICENSE was filed on October 30, 2012, which suspended the real estate licenses of NEWPORT LENDING CORPORATION and MATT SHANE GREEN (collectively "Respondents") for failure to comply with the terms of the agreement specified in the Real Estate Commissioner's Decision in Case No. H-36161 LA. On or about April 25, 2013, the suspension of Respondents' licenses was terminated.

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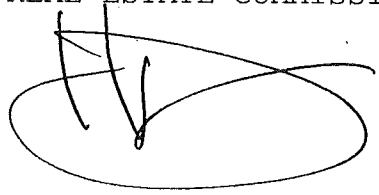
Good cause appearing therefor, the suspension order of October 30, 2012 is hereby vacated.

IT IS SO ORDERED this 22nd day of January, 2014.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

SPC

FILED

OCT 30 2012

DEPARTMENT OF REAL ESTATE
BY: [illegible]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NEWPORT LENDING CORPORATION and MATT SHANE GREEN, individually and as designated officer of Newport Lending Corporation, Respondents.	No. H-36161 LA

ORDER SUSPENDING REAL ESTATE LICENSE

To: NEWPORT LENDING CORPORATION and MATT SHANE GREEN
3 San Joaquin Plaza, Ste. 255
Newport Beach, CA 92660

518 Westminster Ave.
Newport Beach, CA 92663

On March 3, 2010, Respondents NEWPORT LENDING CORPORATION and MATT SHANE GREEN ("Respondents") entered into a Stipulation and Agreement with the Department of Real Estate ("Department"). The terms of the Agreement required Respondents to pay for the audit as set forth in the Real Estate Commissioner's Decision in Case No. H-36161 LA, effective July 28, 2010. The Commissioner has determined that Respondents have

failed to satisfy this condition by not paying for the total cost of the audit in the amount of $4,295.33. Respondents still owe a balance of $3,840.35 for the audit.

NOW, THEREFORE, IT IS ORDERED that the real estate broker licenses heretofore issued to Respondents and the exercise of any privileges thereunder are hereby suspended until such time as Respondents provide proof satisfactory to the Department of having paid for the audit referred to above, or until Respondents enter into an agreement satisfactory to the Commissioner to provide for payment, or pending final determination made after hearing (see "Hearing Rights" set forth below).

IT IS FURTHER ORDERED that all license certificates and identification cards issued by the Department of Real Estate which are in the possession of Respondents be immediately surrendered by personal delivery or by mailing in the enclosed self-addressed envelope to:

DEPARTMENT OF REAL ESTATE
Attention: Flag Section
Post Office Box 187000
Sacramento, CA 95818-7000

HEARING RIGHTS: you have the right to a hearing to contest the Commissioner's determination that you are in violation of the condition that you pay for the audit. If you desire a hearing, you must submit a written request. The request may be in any form as long as it is in writing and indicates that you want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the Department at 320 West Fourth Street, Suite 350, Los Angeles,

California 90013, within 20 days after the date that this Order was mailed to or served on you, the Department will not be obligated or required to provide you with a hearing.

This Order shall be effective immediately.

DATED: 10/22/2012

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

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

Telephone: (213) 576-6982

FILED

JUN 28 2010

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NEWPORT LENDING CORPORATION, and MATT SHANE GREEN, individually, and as designated officer of Newport Lending Corporation, Respondents.	NO. H-36161 LA L-2009091020 STIPULATION AND AGREEMENT

It is hereby stipulated by and between NEWPORT LENDING CORPORATION ("NEWPORT") and MATT SHANE GREEN ("GREEN"), individually, and as designated broker-officer of Newport Lending Corporation, (sometimes collectively referred to as "Respondents") 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 Accusation filed on August 6, 2009, in this matter.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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. Respondents have received, read and understood the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate ("Department") in this proceeding.

3. On September 3, 2009, Respondents 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 Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense they will thereby waive their right 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 they will waive other rights afforded to them 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 expedience and economy, Respondents choose not to contest these allegations, but to remain silent and understand 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 Respondents' 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. Respondents have received, read and understand the "Notice Concerning Costs of Audits." Respondents understand 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 Respondents for the costs of the audit which lead to the disciplinary action. Respondents understands that by agreeing to this Stipulation, Respondents agree 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 $4,295.35.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions 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:

1. The conduct, acts or omissions of Respondent NEWPORT LENDING CORPORATION, as set forth in the Accusation, constitute cause to suspend or revoke the real estate license and license rights of Respondent NEWPORT under the provisions of Code Sections 10177(d) and 10177(g) for violation of Sections 10145 and 10146 in conjunction with Title 10, Chapter 6 of the California Code of Regulations ("Regulations"), Sections 2831, 2831.1, 2831.2 and 2972.

2. The conduct, acts or omissions of Respondent MATT SHANE GREEN, as set forth in the Accusation, constitute cause to suspend or revoke the real estate license and license right of Respondent MATT SHANE GREEN under the provisions of Code Sections 10177(d) and 10177(h) for violation of Code Sections 10145 and 10159.2 in conjunction with Sections 2831, 2831.1, 2831.2 of the Regulations.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. All licenses and license rights of Respondent NEWPORT LENDING CORPORATION and Respondent MATT SHANE GREEN under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that the entire period of said suspension shall be

stayed for two (2) years upon the following terms and conditions:

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

2. That no final subsequent determination be 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 MATT SHANE GREEN 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. Pursuant to Section 10148 of the Code, Respondent MATT SHANE GREEN and Respondent NEWPORT LENDING CORPORATION shall pay the Commissioner's reasonable cost for (a) the audit

which led to the disciplinary action, and (b) a subsequent audit to determine if Respondent NEWPORT LENDING CORPORATION has corrected the trust fund violations found in the Determination of Issues. In calculating the amount of the Commissioner' 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. Respondents 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 licenses of Respondent MATT SHANE GREEN and NEWPORT LENDING CORPORATION 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 Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondents 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: June 9, 2010

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

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.

Respondents 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 Respondents, 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: 3/3/2010

MATT SHANE GREEN,
Respondent

DATED: 3/3/2010

MATT SHANE GREEN, as
designated broker-officer,
on behalf of Respondent
NEWPORT LENDING CORPORATION

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.

Respondents 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 Respondents, 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: _____ _____

MATT SHANE GREEN,
Respondent

DATED: _____ _____

MATT SHANE GREEN, as
designated broker-officer,
on behalf of Respondent
NEWPORT LENDING CORPORATION

* * *

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

IT IS SO ORDERED 6/23, 2010.

JEFF DAVI
Real Estate Commissioner

CHERYL D. KEILY, SNB# 94008
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013

Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED
AUG - 6 2009
DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation

No. H-36161 LA

A C C U S A T I O N

NEWPORT LENDING CORPORATION, and MATT SHANE GREEN, individually, and as designated broker officer for Newport Lending Corporation,

Respondents.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against NEWPORT LENDING CORPORATION ("NEWPORT LENDING") and MATT SHANE GREEN ("GREEN"), individually, and as designated broker officer for NEWPORT, is informed and alleges as follows:

1.

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

2.

NEWPORT LENDING is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate corporation.

3.

GREEN is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. GREEN is the designated broker officer of NEWPORT LENDING.

4.

Whenever acts referred to below are attributed to NEWPORT LENDING, those acts are alleged to have been done by NEWPORT LENDING, acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including but not limited to GREEN, and using the name NEWPORT LENDING or any fictitious name unknown at this time.

FIRST CAUSE OF ACCUSATION

(Advance Fee Violation)

5.

NEWPORT LENDING and GREEN engaged in the business of real estate brokers in the State of California within the meaning of Code Sections 10131(d) and 10131.2 including brokering mortgage loans and performing loan modification activities and claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, including, but not limited to, the

following loan modification activities with respect to loans which were secured by liens on real property.

6.

On or about June 6, 2008, NEWPORT LENDING and GREEN entered into an agreement with Timothy Doran ("Doran") to negotiate a loan modification with respect to a loan secured by a lien(s) on the real property located at 1826 Lancewood Avenue, Hacienda Heights, California 91745 in exchange for an advance fee payment by Doran of $2,995.

7.

NEWPORT LENDING and GREEN collected the advance fees described in Paragraphs 5 and 6, above, pursuant to the provisions of a document entitled "Loan Modification - Home Saver Program," which constitutes an advance fee agreement within the meaning of Code Section 10026.

8.

NEWPORT LENDING and GREEN failed to submit the advance fee agreement referred to in Paragraphs 6 and 7, above, to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970 of Title 10, California Code of Regulations ("Regulations").

9.

The conduct, acts and/or omissions of Respondents NEWPORT LENDING and GREEN, as set forth above, are cause for the suspension or revocation of the licenses and license rights of

Respondent NEWPORT LENDING and Respondent GREEN pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION

(Trust Fund Violations)

10.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 9, above.

11.

On or about March 11, 2009, the Department completed an audit examination of the books and records of NEWPORT LENDING pertaining to the real estate activities described in Paragraphs 5 and 6, above, covering a period from March 1, 2006, to February 28, 2009. 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 080213 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 NEWPORT LENDING, in violation of Code Section 10146.

(b) Failed to deposit the advance fees described in Paragraphs 5 and 6, above, into a real estate broker trust account in violation of Code Section 10146.

(c) 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.

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

(e) Failed to maintain a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Section 2831.1 of the Regulations with the record of all trust funds received and disbursed from the general account for loan modification services, in violation of Code Section 10145 and Section 2831.2 of the Regulations.

(f) Failed to provide a complete description and accounting 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.

DISCIPLINE STATUTES AND REGULATIONS

12.

The conduct of Respondents NEWPORT LENDING and GREEN described in Paragraph 11, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
11(a)	Code Section 10146

11(b)	Code Section 10146
11(c)	Code Section 10145 and Section 2831 of the Regulations
11(d)	Code Section 10145 and Section 2831.1 of the Regulations
11(e)	Code Sections 10145 and Section 2831.2 of the Regulations
11(f)	Code Section 10146 and Section 2972 of the Regulations

The foregoing violations constitutes cause for the suspension or revocation of the real estate license and license rights of NEWPORT LENDING and GREEN 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)

13.

Respondent GREEN ordered, caused, authorized or participated in the conduct of Respondent NEWPORT LENDING, as is alleged in this Accusation.

14.

The conduct, acts and/or omissions, of Respondent GREEN, in allowing Respondent NEWPORT LENDING to violate the Real Estate Law, as set forth above, constitutes a failure by GREEN,

as the officer designated by a corporate broker licensee, to exercise the supervision and control over the activities of NEWPORT LENDING, as required by Code Section 10159.2, and is cause to suspend or revoke the real estate licenses and license rights of GREEN under Code Sections 10177(d), 10177(g) and/or 10177(h).

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 NEWPORT LENDING CORPORATION, and Respondent MATT SHANE GREEN, individually, and as designated broker-officer of Respondent NEWPORT LENDING CORPORATION, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 3 day of August, 2009.

Robin Trujillo
Deputy Real Estate Commissioner

cc: NEWPORT LENDING CORPORATION
MATT SHANE GREEN
Robin Trujillo
Sacto.