FLAG

Department of Real Estate
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Los Angeles, California 90013

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FILED

JAN 29 2010

DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-36443 LA
THOMAS JOSEPH O'MEARA	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of THOMAS JOSEPH O'MEARA ("O'MEARA"), and has determined that O'MEARA has engaged in or is engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations") including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate broker in the State of California within the meaning of Section 10131(d) (soliciting borrowers or lenders or negotiating loans). Based on

the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned has O'MEARA been licensed by the Department in any capacity. On or about June 16, 1988, a real estate broker license was issued to O'MEARA. Thereafter, on or about June 13, 2008, the Department filed an Accusation in Case No. H-02269 FR (the "Accusation") against O'MEARA seeking the suspension or revocation of Respondent's real estate broker license. On or about August 25, 2008, an Order was made by the Commissioner of Real Estate revoking the real estate broker license of O'MEARA, effective September 15, 2008, pursuant to Sections 10176(a) and 10176(i) and/or 10177(d),(h) and (j) of the Code.

2. Including but not limited to the time set forth below, O'MEARA engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate broker in the State of California, within the meaning of Code Section 10131(d) of the Code. Said activity included soliciting borrowers and lenders and negotiating the terms of loans secured by real property between borrowers and third party lenders for or in expectation of compensation.

3. On or after July, 2009, O'MEARA, using the fictitious name "Desert Resource Group," placed advertisements, distributed business cards and engaged in written and telephonic

communications which solicited borrowers for participation in reverse mortgage programs for senior citizens offering to negotiate and negotiating the terms of reverse mortgages on behalf of such borrowers.

CONCLUSIONS OF LAW

4. Based on the information contained in Paragraph 3, above, O'MEARA performed and/or participated in mortgage broker activities which require a real estate broker license under the provisions of Code Sections 10131(d) during a period of time when O'MEARA was not licensed by the Department as a real estate broker nor employed as a real estate salesperson by the broker on whose behalf the activities were performed in violation of Section 10130 of the Code.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that THOMAS JOSEPH O'MEARA, whether doing business as Desert Resource Group, doing business under his own name, or any other name, or any fictitious name, IS HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular THOMAS JOSEPH O'MEARA is ORDERED TO DESIST AND REFRAIN from engaging in activities as a

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mortgage broker soliciting borrowers and lenders and negotiating the terms of loans secured by real property between borrowers and third party lenders for or in expectation of compensation.

DATED: 1-27, 2010.

JEFF DAVI
Real Estate Commissioner

Notice: Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)."

cc: Thomas Joseph O'Meara
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