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DEPARTMENT OF REAL ESTATE

BY: *R. Meder*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

BARAK VOLNER,

Respondent.

No. H-36474 LA

ORDER DENYING REINSTATEMENT OF LICENSE AND
GRANTING RIGHT TO A RESTRICTED LICENSE

On August 24, 2010, a Decision was rendered providing for the surrender of the real estate broker license of Respondent.

On October 12, 2011, Respondent petitioned for reinstatement of Respondent's real estate broker license. 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 and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license, in that:

///

///

1 I

2 In 2009, the Department conducted an Audit of a licensed real estate corporation
3 for which Respondent was the designated officer. The audit found numerous violations of the
4 Real Estate Law.

5 II

6 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
7 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
8 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
9 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

10 The Department has developed criteria in Section 2911 of Title 10, California
11 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
12 reinstatement of a license. Among the criteria relevant in this proceeding are:

13 Regulation 2911(a) - passage of sufficient time to show rehabilitation

14 Respondent has not provided such proof.

15 Regulation 2911(k) - correction of business practices

16 Respondent has not provided such proof.

17 Regulation 2911(l) – significant or conscientious involvement in community,
18 church or social programs

19 Respondent has not provided proof of involvement in such activities.

20 Given the violations found and the fact that Respondent has not established that
21 Respondent has complied with Regulation 2911(a), (k), and (l), I am not satisfied that
22 Respondent is sufficiently rehabilitated to receive an unrestricted real estate license.

23 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
24 reinstatement of Respondent's real estate broker license is denied.

25 I am satisfied, however, that it will not be against the public interest to issue a
26 restricted real estate salesperson license to Respondent so that Respondent can work under the
27 supervision of a broker and demonstrate his understanding of and compliance with appropriate

1 business practices.

2 A restricted real estate salesperson license shall be issued to Respondent pursuant
3 to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof
4 providing Respondent:

5 (a) qualifies for, takes and passes the written examination required to obtain a real
6 estate salesperson license;

7 (b) makes application and pays the appropriate fee for said license;

8 The restricted license issued to Respondent shall be subject to all of the provisions
9 of Code Section 10156.7 and to the following limitations, conditions and restrictions imposed
10 under authority of Code Section 10156.6:

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

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

19 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
20 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
21 restricted license until two (2) years have elapsed from the effective date of this Decision.

22 4. Respondent shall submit with any application for license under an employing
23 broker, or any application for transfer to a new employing broker, a statement signed by the
24 prospective employing real estate broker on a form approved by the Department of Real Estate
25 which shall certify:

26 ///

27 ///

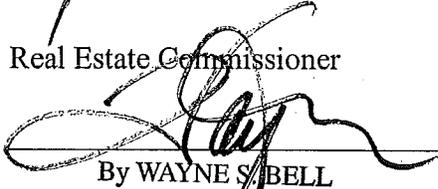
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(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

This Order shall become effective at 12 o'clock noon on DEC - 4 2012

IT IS SO ORDERED 7/20/2012

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

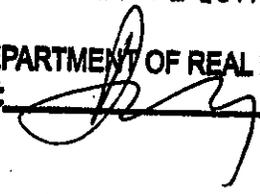
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DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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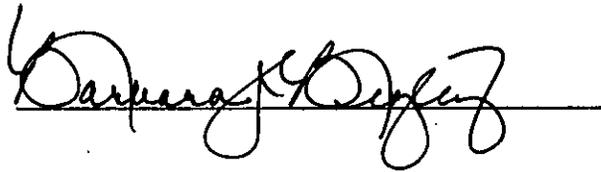
In the Matter of the Accusation of)	No. H-36474 LA
)	
DIAMOND FUNDING CORPORATION;)	
and BARAK VOLNER, individually)	
and as designated officer of)	
Diamond Funding Corporation; and)	
<u>ROBERT DOMENIC LONARDO,</u>)	
)	
Respondent.)	

DISMISSAL

Respondent's conditional salesperson license was suspended on May 17, 2007. On November 15, 2009, Respondent's conditional license rights expired without renewal rights, pursuant to Business and Professions Code Section 10154. Based thereon, the Accusation filed against ROBERT DOMENIC LONARDO, on February 26, 2010, is DISMISSED.

IT IS SO ORDERED this 5th day of December, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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NOV - 1 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36474 LA
)	
<u>DIAMOND FUNDING CORPORATION;</u>)	
and BARAK VOLNER, individually)	
and as designated officer of)	
Diamond Funding Corporation;)	
and ROBERT DOMENIC LONARDO,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 26, 2010, an Accusation was filed in this matter against Respondent DIAMOND FUNDING CORPORATION

On August 16, 2010, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

///
///

1 IT IS HEREBY ORDERED that Respondent DIAMOND FUNDING
2 CORPORATION's petition for voluntary surrender of its real estate
3 broker license rights is accepted as of the effective date of
4 this Order as set forth below, based upon the understanding and
5 agreement expressed in Respondent's Declaration dated August 16,
6 2010, (attached as Exhibit "A" hereto). Respondent's license
7 certificate, pocket card and any branch office license
8 certificate shall be sent to the below listed address so that
9 they reach the Department on or before the effective date of this
10 Order:

11
12 Department of Real Estate
13 Atten: Licensing, Flag Section
14 P.O. Box 187000
15 Sacramento, CA 95818-7000

16 This Order shall become effective at 12 o'clock noon on
17 November 22, 2010.

18 DATED: 10/20, 2010

19 JEFF DAVI
20 Real Estate Commissioner

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1 estate license issued by the Department of Real Estate
2 ("Department"), pursuant to Business and Professions Code
3 Section 10100.2.

4 I understand that DIAMOND FUNDING CORPORATION, by so
5 voluntarily surrendering its license, can only have it
6 reinstated in accordance with the provisions of Section 11522 of
7 the Government Code. I also understand that by so voluntarily
8 surrendering its license rights, DIAMOND FUNDING CORPORATION
9 agrees to the following:

10 The filing of this Declaration shall be deemed as its
11 petition for voluntary surrender. It shall also be deemed to be
12 an understanding and agreement by DIAMOND FUNDING CORPORATION
13 that, it waives all rights it has to require the Commissioner to
14 prove the allegations contained in the Accusation ("Accusation")
15 filed in this matter at a hearing held in accordance with the
16 provisions of the Administrative Procedures Act (Government Code
17 Sections 11400 et seq.), and that it also waives other rights
18 afforded to it in connection with the hearing such as the right
19 to discovery, the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross examine
21 witnesses. I further agree on behalf of DIAMOND FUNDING
22 CORPORATION that upon acceptance by the Commissioner, as
23 evidenced by an appropriate order, all affidavits and all
24 relevant evidence obtained by the Department in this matter
25 prior to the Commissioner's acceptance, and all allegations
26
27

1 contained in the Accusation filed in the Department Case No. H-
2 36474 LA, may be considered by the Department to be true and
3 correct for the purpose of deciding whether or not to grant
4 reinstatement of DIAMOND FUNDING CORPORATION's license pursuant
5 to Government Code Section 11522 with respect to negligence
6 only.

7 I declare under penalty of perjury under the laws of
8 the State of California that the above is true and correct and
9 that I am acting freely and voluntarily on behalf of DIAMOND
10 FUNDING CORPORATION to surrender its license and all license
11 rights attached thereto.

12
13 Los Angeles 8/16/ 2010
14 Date and Place

15
16 
17 _____
18 DIAMOND FUNDING CORPORATION
19 BY: BARAK VOLNER,
20 Designated Officer
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Barak

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DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36474 LA
)	
DIAMOND FUNDING CORPORATION;)	
and <u>BARAK VOLNER</u> , individually)	
and as designated officer of)	
Diamond Funding Corporation;)	
and ROBERT DOMENIC LONARDO,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 26, 2010, an Accusation was filed in this matter against Respondent BARAK VOLNER.

On June 1, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent BARAK VOLNER's petition for voluntary surrender of his real estate broker license rights is accepted as of the effective date of this Order

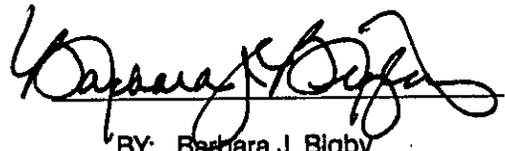
1 as set forth below, based upon the understanding and agreement
2 expressed in Respondent's Declaration dated June 1, 2010,
3 (attached as Exhibit "A" hereto). Respondent's license
4 certificate, pocket card and any branch office license
5 certificate shall be sent to the below listed address so that
6 they reach the Department on or before the effective date of this
7 Order:

8
9 Department of Real Estate
10 Atten: Licensing Flag Section
11 P.O. Box 187000
12 Sacramento, CA 95818-7000

13 This Order shall become effective at 12 o'clock noon on
14 September 29, 2010.

15 DATED: 8/24, 2010

16 JEFF DAVI
17 Real Estate Commissioner

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19 BY: Barbara J. Bigby
20 Chief Deputy Commissioner

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EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
DIAMOND FUNDING CORPORATION;)	No. H-36474 LA
and <u>BARAK VOLNER</u> , individually)	
and as designated officer of)	
Diamond Funding Corporation; and)	
ROBERT DOMENIC LONARDO,)	
)	
Respondents.)	
)	
)	

DECLARATION

My name is BARAK VOLNER, and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

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 my real estate license rights issued by the Department of Real Estate ("Department"), pursuant to

Business and Professions Code Section 10100.2.

1
2 I understand that by so voluntarily surrendering my
3 license rights, I may be relicensed as a broker or as a
4 salesperson only by petitioning for reinstatement pursuant to
5 Section 11522 of the Government Code. I also understand that by
6 so voluntarily surrendering my license(s), I agree to the
7 following:

8 1. The filing of this Declaration shall be deemed as
9 my petition for voluntary surrender.

10 2. It shall also be deemed to be an understanding
11 and agreement by me that I waive all rights I have to require
12 the Commissioner to prove the allegations contained in the
13 Accusation ("Accusation") filed in this matter at a hearing held
14 in accordance with the provisions of the Administrative
15 Procedure Act (Government Code Sections 11400 et seq.), and that
16 I also waive other rights afforded to me in connection with the
17 hearing such as the right to discovery, the right to present
18 evidence in defense of the allegations in the Accusation and the
19 right to cross-examine witnesses.
20

21 3. I further agree that upon acceptance by the
22 Commissioner, as evidenced by an appropriate order, all
23 affidavits and all relevant evidence obtained by the Department
24 in this matter prior to the Commissioner's acceptance, and all
25 allegations contained in the Accusation filed in the Department
26 Case No. H-36474 LA, may be considered by the Department to be
27

1 true and correct for the purpose of deciding whether to grant
2 relicensure or reinstatement pursuant to Government Code Section
3 11522 with respect to negligence only.

4 4. This Declaration is not an admission by BARAK
5 VOLNER as to the allegations in the Accusation. This
6 Declaration is made for the purpose of reaching a resolution of
7 allegations contained in the DRE Case number H-36474 LA, and is
8 expressly limited to this proceeding and any other proceeding or
9 case in which the Department of Real Estate is a party and shall
10 not otherwise be admissible or relied upon by any third parties
11 for any purpose.

12 5. I freely and voluntarily surrender all my licenses
13 and license rights under the Real Estate Law.

14
15 I declare under penalty of perjury under the laws of
16 the State of California that the above is true and correct and
17 that this declaration was executed on June 2, 2010,
18 at Los Angeles, California.

19
20
21 
22 BARAK VOLNER
23
24
25
26
27

1 ELLIOTT MAC LENNAN SBN 195298
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED

FEB 26 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 DIAMOND FUNDING CORPORATION;)
13 and BARAK VOLNER, individually)
14 and as designated officer of)
15 Diamond Funding Corporation; and)
16 ROBERT DOMENIC LONARDO,)

17 Respondents.)

No. H-36474 LA

A C C U S A T I O N

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against DIAMOND FUNDING CORPORATION, BARAK VOLNER, individually
21 and as designated officer of Diamond Funding Corporation, and
22 ROBERT DOMENIC LONARDO aka Robert Leonardo, alleges as follows:

23 1.

24 The Complainant, Robin Trujillo, acting in her official
25 capacity as a Deputy Real Estate Commissioner of the State of
26 California, makes this Accusation against DIAMOND FUNDING
27 CORPORATION, BARAK VOLNER and ROBERT DOMENIC LONARDO.

2.

1 All references to the "Code" are to the California
2 Business and Professions Code and all references to "Regulations"
3 are to Title 10, Chapter 6, California Code of Regulations.
4

3.

5
6 License History

7 A. DIAMOND FUNDING CORPORATION ("DFC"). At all times
8 mentioned, Respondent DFC was licensed or had license rights
9 issued by the Department of Real Estate ("Department") as a real
10 estate broker. On November 15, 2007, DFC was originally licensed
11 as a corporate real estate broker. At all times mentioned
12 herein, Respondent DFC was authorized to act by and through
13 Respondent BARAK VOLNER as DFC's broker designated pursuant to
14 Business and Professions Code (hereinafter "Code") Sections
15 10159.2 and 10211 to be responsible for ensuring compliance with
16 the Real Estate Law.

17
18 B. BARAK VOLNER. At all times mentioned, Respondent
19 BARAK VOLNER ("VOLNER") was licensed or had license rights issued
20 by the Department as a real estate broker. On November 5, 2007,
21 VOLNER was originally licensed as a real estate broker and on
22 November 16, 2007, became the designated officer of DFC.

23 C. ROBERT DOMENIC LONARDO. At all times mentioned,
24 Respondent ROBERT DOMENIC LONARDO aka Robert Leonardo dba
25 Mitigation Online Consultants and Rob Lonardo Consulting and
26 Productions Inc. (LONARDO) was licensed or had license rights
27

1 issued by the Department as a real estate salesperson. On
2 November 16, 2005, LONARDO was originally licensed as a real
3 estate salesperson. On May 17, 2007, LONARDO's salesperson
4 license was conditionally suspended pursuant to Code Section
5 10156.7. On November 15, 2009, LONARDO's salesperson license
6 expired. The Department retains jurisdiction over expired and
7 lapsed license rights pursuant to Code Section 10103.

8 D. BARAK VOLNER is the corporate President and Chief
9 Executive Officer of DFC. Sam Volner, an unlicensed person, is
10 the sole shareholder of DFC.

11 Brokerage

12 4.

13 At all times mentioned, in the City and County of Los
14 Angeles, DFC and VOLNER acted as real estate brokers conducting
15 licensed activities within the meaning of Code Sections 10131(d)
16 and 10131.2. DFC, VOLNER and LONARDO engaged in the business of:

17 A. A mortgage and loan brokerage engaging in
18 activities with the public wherein lenders and borrowers were
19 solicited for loans secured directly or collaterally by liens on
20 real property, wherein such loans were arranged, negotiated,
21 processed and consummated on behalf of others for compensation or
22 in expectation of compensation and for fees often collected in
23 advance as well as at the conclusion of transactions
24

25 B. A loan modification and an advance fee brokerage.
26 For compensation or in expectation of compensation and for fees
27

1 often collected in advance, Respondents contacted lenders' loss
2 mitigation departments on behalf of economically distressed
3 homeowner-borrowers seeking modification of the terms of their
4 home loans including, but not limited to, repayment plans,
5 forbearance, Deed-In-Lieu of Foreclosure, partial claims, and
6 reduction in principal or interest. DFC, VOLNER and LONARDO
7 handled the following loan modifications during the audit period:

Loan Modifications	Advance Fees Collected	Time Period 11-20-08 to 05-20-09
241	\$404,105.14	

13
14 FIRST CAUSE OF ACCUSATION
(Audit Examination)

15 5.

16 On October 23, 2009, the Department completed an audit
17 examination of the books and records of DFC pertaining to the
18 mortgage loan brokerage, loan modification and advance fee
19 activities described in Paragraph 4, which require a real estate
20 license. The audit examination covered a period of time
21 beginning on November 16, 2006 to June 30, 2009. The audit
22 examination revealed violations of the Code and the Regulations
23 as set forth in the following paragraphs, and more fully
24 discussed in Audit Report LA 090005 and the exhibits and work
25 papers attached to said audit report.
26
27

Bank and Trust Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, DFC accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including lenders, borrowers, homeowners for loan modifications handled by DFC. Thereafter DFC made deposits and or disbursements of such trust funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by DFC in the bank account as follows:

"Diamond Funding Corporation dba Loss Mitigation Consultants Bank Account
Account No. 200041727560
Wachovia Bank
P.O. Box 563966
Charlotte NC 28256-3966

(B/A #1)

"Diamond Funding Corporation dba Loss Mitigation Consultants Account No. 03118-74135
Bank of America
P.O. Box 37176
San Francisco, CA 94137

"Diamond Funding Corporation dba Loss Mitigation Consultants Bank Account
Account No. 200043768255
Wachovia Bank
P.O. Box 563966
Charlotte NC 28256-3966

(B/A #3)

1 (c) Permitted LONARDO, an expired licensee and
2 unbonded person, to be a signatory on B/A #2, in violation of
3 Code Section 10145 and Regulation 2834.

4 (d) Failed to provide and/or maintain an approved
5 Mortgage Loan Disclosure Statement containing all the information
6 required by Code Section 10241 before borrowers Kelly/Aaron
7 Campbell, Mark/Sandra Boselo, Edward Culbertson, Cheryl/William
8 Northey, Edward Quiroga, and Joan Dominguez, became obligated to
9 perform under the terms of their respective loans, in violation
10 of Code Section 10240 and Regulations 2840 and 2840.1.

11 (e) Collected advance fees within the meaning of Code
12 Section 10026 from homeowner-borrowers seeking loan modification
13 services wherein DFC failed to provide homeowners with a pre-
14 approved advance fee agreement from the Department, in violation
15 of Code Section 10085 and Regulation 2970.

16
17 Discipline Statutes

18 8.

19 The conduct of Respondents DFC, VOLNER and LONARDO,
20 described in Paragraph 7, above, violated the Code and the
21 Regulations as set forth below:

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PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Sections 10130 (LONARDO only), 10145 and 10176(i) Regulation 2832.1
7(b)	Code Section 10146
7(c)	Code Section 10145 and Regulation 2834
7(d)	Code Section 10240 and Regulations 2840 and 2840.1
7(e)	Code Section 10085 and Regulation 2970

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondents DFC and VOLNER under the provisions of Code Sections 10130, 10176(e), 10176(i), 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION
(Loan Modification Services)

9.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 8, above.

10.

At all times mentioned herein, Respondent LONARDO engaged in the business of a loan modification and advance fee brokerage, within the definition of Code Sections 10131.2 and 10131(d), as aforementioned in Paragraph 4.

General Allegations

11.

During 2008 and continuing thereafter to date, ROBERT DOMENIC LONARDO (LONARDO) dba Mitigation Online Consultants (MOC) solicited economically distressed homeowners facing foreclosure and eviction from their homes, offered loan modification services, charged and collected advance fees, but failed to render the promised services.

12.

Table: Loan Modification Transactions

Homeowner	Agent(s)	Entity(ies)	Advance Fee
Morton Cohen	Ray Newby	MOC	\$3,800
Ryan Barreras	Michelle Jurado Rob Caruso Brian Amoroso	MOC	\$3,000
Jeffrey Vrba	Ronald Navarette	MOC	\$4,000
Guadalupe Ramirez	Daniel Gonzalez Jason Rogland	MOC	\$6,000

13.

Loan Modification Violations

The conduct, acts and/or omissions of making false and/or misleading representations in order to induce reliance of distressed homeowner-borrowers, and in otherwise misleading borrowers into a loan modification scheme devised by LONARDO to

1 the detriment of the borrowers, as set forth in Paragraphs 9
2 through 12 above, constitutes grounds to discipline the license
3 and/or license rights of LONARDO pursuant to Code Sections:

4 a. 10176(a) for substantial misrepresentation with
5 respect to the aforementioned homeowners.

6 b. 10176(b) for making false promises of a character
7 likely to influence, persuade, entice or induce the forenamed
8 homeowners.

9 c. 10176(i) for conversion of trust funds received by
10 LONARDO, directly or indirectly, from the forenamed homeowners.

11 d. 10177(d) for willful disregard of, violation of the
12 Real Estate Law.

13 e. 10177(g) for negligence or incompetence.

14 f. 10137 for employing and/or compensating unlicensed
15 loan modification agents.

16 g. 10176(a)/10177(g) for misrepresenting the offering
17 of the loan modification scheme devised by LONARDO dba Mitigation
18 Online Consultants.

19 h. 10137 and 10176(i) and/or 10177(g) for fraud and
20 dishonest dealing in employing unlicensed persons as loss
21 mitigation agents, to solicit advance fees without an advance fee
22 agreement, in connection with loan modification services provided
23 to the forenamed economically distressed homeowners.
24

25 ///

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Negligence

14.

The overall conduct, acts or omissions of Respondents
DIAMOND FUNDING CORPORATION, BARAK VOLNER and ROBERT DOMENIC
LONARDO constitutes negligence and is cause for the suspension or
revocation of the real estate license and license rights of said
Respondents pursuant to the provisions of Code Section 10177(g).

Supervision and Compliance

15.

The overall conduct, acts or omissions of Respondent
BARAK VOLNER constitutes a failure on Respondent's part, as
officer designated by a corporate broker licensee, to exercise
the reasonable supervision and control over the licensed
activities of DFC as required by Code Section 10159.2 and
Regulation 2725, and to keep DFC in compliance with the Real
Estate Law, and is cause for discipline of the real estate
license and license rights of Respondent pursuant to the
provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 DIAMOND FUNDING CORPORATION, BARAK VOLNER and ROBERT DOMENIC
6 LONARDO, under the Real Estate Law (Part 1 of vision 4 of the
7 Business and Professions Code) and for such other and further
8 relief as may be proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 24 day of February 2010.


Deputy Real Estate Commissioner

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23 cc: Diamond Funding Corporation
24 c/o Barak Volner D.O.
25 Robert Domenic Lonardo
26 Robin Trujillo
27 Sacto
Tiffany D. Williams
Audits - Godswill Keraoru