SACTO Flag

FILED

AUG 22 2011

DEPARTMENT OF REAL ESTATE
BY: [illegible]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of EDISON LENDING & REALTY INC; and KENTON SCOTT LEVINSON, Individually, and as designated officer of Edison Lending & Realty Inc, Respondents.	NO. H-36944 LA

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 2, 2010, an Accusation was filed in this matter against Respondents EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON.

On June 29, 2011, Respondent EDISON LENDING & REALTY INC petitioned the Commissioner to voluntarily surrender its corporate real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent EDISON LENDING & REALTY INC's petition for voluntary surrender of its corporate real estate broker license 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 June 29, 2011(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
Atten: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on SEP 12 2011.

DATED: 8/15/11.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON, individually and formerly as designated officer of Edison Lending & Realty Inc, Respondents.	No. H-36944 LA

DECLARATION

My name is Moshe Michael Edison and I am authorized and empowered to sign this declaration on behalf of EDISON LENDING & REALTY INC, which is licensed as a corporate real estate broker and/or has license rights with respect to said license.

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

I understand that EDISON LENDING & REALTY 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, EDISON LENDING & REALTY INC agrees to the following:

The filing of this Declaration shall be deemed as its petition for voluntary surrender. It shall also be deemed to be an understanding and agreement by EDISON LENDING & REALTY 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 it 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. I further agree on behalf of EDISON LENDING & REALTY INC 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 in the Department Case No. H-36944 LA, may be considered by the Department to be true and correct for the purpose of deciding whether or not to grant reinstatement of EDISON LENDING & REALTY INC's license pursuant to Government Code Section 11522.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of EDISON LENDING & REALTY INC to surrender its license and all license rights attached thereto.

6/29/2011 Los Angeles, CA
Date and Place

EDISON LENDING & REALTY INC
By Moshe Michael Edison

SACTO Flag

FILED

AUG 22 2011

DEPARTMENT OF REAL ESTATE
BY: [illegible]

Department of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

(213) 576-6982
(213) 576-6910

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON, individually and formerly as designated officer of Edison Lending & Realty Inc, Respondents.	No. H-36944 LA L-2011010118 STIPULATION AND AGREEMENT

It is hereby stipulated by and between KENTON SCOTT LEVINSON (sometimes referred to as "Respondent") and his attorney of record, Mary E. Work, and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 2, 2010, 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 ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On December 16, 2010, 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 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 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 Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understands that, as a result thereof, these factual statements 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 such allegations.

5. 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 ("Department"), or another licensing agency of this state, another state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as her decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the below "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondent shall retain the right to a hearing on the Accusation under all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation 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 conduct which was not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations 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:

The conduct, acts and/or omissions of Respondent KENTON SCOTT LEVINSON as described in Paragraph 4, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent KENTON SCOTT LEVINSON under the provisions of Sections 10085, 10177(d), 10177(g) and 10177(h) of the Business and Professions Code ("Code").

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

A. All licenses and license rights of Respondent KENTON SCOTT LEVINSON under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that said thirty (30) day suspension shall be stayed for two years upon the following terms and conditions:

(1) Respondent KENTON SCOTT LEVINSON 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 from 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.

DATED: 7/11/11

JAMES A. DEMUS, Counsel for the Department of Real Estate

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, 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 the signature page, as actually signed by Respondent, to the Department at the following fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by

electronically sending to the Department a fax copy of her 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.

Further, if the Respondent is represented by counsel, Respondent's counsel can signify his agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 7/3/11

KENTON SCOTT LEVINSON
Respondent

DATED: 7/3/11

Mary E. Work
Attorney for Respondent

* * *

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

IT IS SO ORDERED _____, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

_____

electronically sending to the Department a fax copy of her 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.

Further, if the Respondent is represented by counsel, Respondent's counsel can signify his agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: _____

KENTON SCOTT LEVINSON
Respondent

DATED: _____

Mary E. Work
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on SEP 12 2011.

IT IS SO ORDERED 8/15, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6910 (direct)

FILED

DEC - 2 2010

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON, individually and formerly as designated officer of Edison Lending & Realty Inc, Respondents.	No. H-36944-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 EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON, individually and formerly as designated officer of Edison Lending & Realty Inc, 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.

EDISON LENDING & REALTY INC (hereinafter "EDISON") 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 corporate real estate broker.

3.

KENTON SCOTT LEVINSON (hereinafter "LEVINSON") is presently licensed and/or has license rights under the Real Estate Law, as a real estate broker. He was also designated officer of EDISON between June 29, 2007 and November 21, 2008.

4.

At all times material herein, Respondents were engaged in the business of, acted in the capacity of, advertised or assumed to act as 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.

5.

On or about August 28, 2008, EDISON sent paperwork to Scott R. Gibson ("Gibson"), describing how EDISON performed loan modifications with respect to loans secured by liens on

real property. This paperwork stated that EDISON charged advance fees of $3,500 for first loans and $1,500 for second and third loans. On September 5, 2008, Gibson submitted an advance fee of $5,000 to EDISON for the purpose of obtaining a loan modification. On or about September 30, 2008, Gibson signed a Third Party Authorization to Discuss/Negotiate and Agreement to Release for EDISON, which authorized lenders to release Gibson's personal financial information to EDISON. After receiving no loan modification and little communication from EDISON, Gibson terminated the services of EDISON on November 20, 2008.

6.

The fee collected by EDISON, as described in Paragraph 5 above, constitutes an advance fee agreement within the meaning of Code Section 10026. EDISON failed to submit the advance fee agreement 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").

7.

The conduct, acts and/or omissions of Respondents EDISON and LEVINSON, as set forth above, are in violation of Code Sections 10085 and 10085.5(a) and Regulation 2970, providing cause for the suspension or revocation of the licenses and license rights of Respondents EDISON and LEVINSON pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

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8.

The conduct, acts and/or omissions of Respondent LEVINSON, as set forth in paragraph 5 above, constitute a breach of responsibility by the corporate officer in charge, in violation of Code Section 10159.2 and Regulation 2725. It also provides cause for the suspension or revocation of the licenses and license rights of Respondent LEVINSON pursuant to Code Sections 10177(d), 10177(h) and/or 10177(g).

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 Respondents EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON 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 30 day of September, 2010.

Robin Trujillo
Deputy Real Estate Commissioner

cc: EDISON LENDING & REALTY INC
Kenton Scott Levinson
Robin Trujillo
Sacto.