

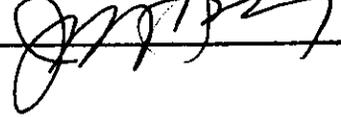
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FILED

APR 06 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-37101 LA
<u>MORTGAGE MAKEOVERS, INC.;</u>)	
<u>BERNARD ROSENTHAL, individually</u>)	
and as designated officer of)	
Mortgage Makeovers, Inc.)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On March 3, 2011, an Accusation was filed in this matter against Respondent MORTGAGE MAKEOVERS, INC..

On March 18, 2011, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent MORTGAGE MAKEOVERS, INC.'s petition for voluntary surrender of its real estate broker 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 March 18, 2011 (attached as Exhibit "A" hereto). Respondent's license

1 certificate(s), pocket card(s) and any branch office license
2 certificate(s) shall be sent to the below listed address so that
3 they reach the Department on or before the effective date of this

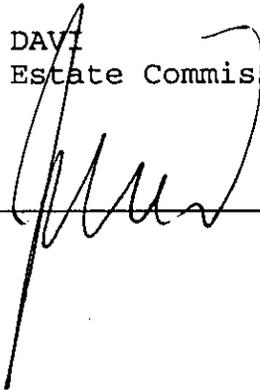
4 Order:

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

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8 This Order shall become effective at 12 o'clock noon
9 on APR 26 2011.

10 DATED: 3/30/2011

11 JEFF DAVIS
12 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H- 37101 LA
MORTGAGE MAKEOVERS, INC.,)
Respondent.)

DECLARATION

My name is BERNARD ROSENTHAL and that I am currently an officer of MORTGAGE MAKEOVERS, INC., which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of MORTGAGE MAKEOVERS, INC. I am acting on behalf of MORTGAGE MAKEOVERS, INC. 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) MORTGAGE MAKEOVERS, 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.

1 I understand that MORTGAGE MAKEOVERS, INC., by so
2 voluntarily surrendering its license, can only have it reinstated
3 in accordance with the provisions of Section 11522 of the
4 Government Code. I also understand that by so voluntarily
5 surrendering its license, MORTGAGE MAKEOVERS, INC. agrees to the
6 following:

7 The filing of this Declaration shall be deemed as its
8 petition for voluntary surrender. It shall also be deemed to be
9 an understanding and agreement by MORTGAGE MAKEOVERS, INC. that,
10 it waives all rights it has to require the Commissioner to prove
11 the allegations contained in the Accusation filed in this matter
12 at a hearing held in accordance with the provisions of the
13 Administrative Procedure Act (Government Code Sections 11400 et
14 seq.), and that it also waives other rights afforded to it in
15 connection with the hearing such as the right to discovery, the
16 right to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses. I further
18 agree on behalf of MORTGAGE MAKEOVERS, INC. that upon acceptance
19 by the Commissioner, as evidenced by an appropriate order, all
20 affidavits and all relevant evidence obtained by the Department
21 in this matter prior to the Commissioner's acceptance, and all
22 allegations contained in the Accusation filed in the Department
23 Case No. H-37101, may be considered by the Department to be true
24 and correct for the purpose of deciding whether or not to grant
25 reinstatement of MORTGAGE MAKEOVERS, INC.'s license pursuant to
26 Government Code Section 11522.

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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 MORTGAGE MAKEOVERS, INC. to surrender its license and all license rights attached thereto.

08-18-11 - Woodland Hills
Date and Place CA 91367

Bernard Rosenthal
MORTGAGE MAKEOVERS, INC.
By BERNARD ROSENTHAL

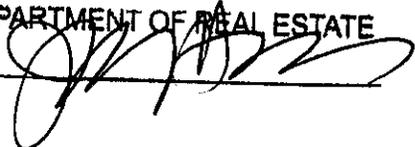
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FILED

APR 06 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H- 37101 LA
MORTGAGE MAKEOVERS, INC.;)	
<u>BERNARD ROSENTHAL</u> , individually)	
and as designated officer of)	
Mortgage Makeovers, Inc.)	
)	
Respondents.)	

DISMISSAL

The Accusation herein filed on March 3, 2011, against Respondent BERNARD ROSENTHAL, individually and as designated officer of Mortgage Makeovers, Inc., is DISMISSED.

IT IS SO ORDERED this 30 day of MARCH, 2011.

JEFF DAVI
Real Estate Commissioner



1 California, makes this Accusation against MORTGAGE MAKEOVERS,
2 INC. ("MMI") and BERNARD ROSENTHAL ("ROSENTHAL").

3 2.

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

7
8 LICENSE HISTORY

9 3.

10 A. At all times mentioned, MMI and ROSENTHAL were
11 licensed or had license rights issued by the Department of Real
12 Estate (Department).

13 B. At all times material herein, MMI was licensed by
14 the Department as a corporate real estate broker by and through
15 ROSENTHAL, pursuant to Code Sections 10211 and 10159.2 for
16 supervising the activities requiring a real estate license
17 conducted on behalf MMI.

18 C. At all times material herein, ROSENTHAL was
19 licensed by the Department as a real estate broker. ROSENTHAL
20 was first licensed as a real estate broker on or about January
21 19, 1970.

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BROKERAGE

MORTGAGE MAKEOVERS, INC.

4.

At all times mentioned, in the City of Newhall, County of Santa Clarita, MMI and ROSENTHAL acted as real estate brokers and conducted licensed activities within the meaning of:

A. Code Section 10131(d). MMI operated a mortgage and loan brokerage engaging in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of transactions.

AUDIT EXAMINATION

5.

On December 31, 2009, the Department completed an audit examination of the books and records of MMI pertaining to the mortgage loan activities described in Paragraph 4 that require a real estate license. The audit examination covered a period of time beginning on February 1, 2008 to September 30, 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 LA 090017 and the exhibits and work papers attached to said audit report.

TRUST ACCOUNT

6.

MMI did not main a trust account during the audit.

VIOLATIONS OF THE REAL ESTATE LAW

7.

In the course of activities described in Paragraph 4, above, and during the examination period described in Paragraph 5, Respondents MMI and ROSENTHAL acted in violation of the Code and the Regulations in that they:

(a) Failed to notify the Department of the termination of three salespersons, as required by Code Section 10161.8 and Regulation 2752.

<u>Licensee</u>	<u>License #</u>	<u>Expiration Date</u>	<u>License</u>
Lesli Lou	# 01256072	12/29/2009	RES
Odegard-Cameron			
Steve Etienne	# 00952105	02/03/2011	RES
Strem			
Donna Mary	# 01326197	12/18/2009	RES
Waters			

(b) Failed to display the licensed real estate broker's license number and the licensee's license number on MMI's Mortgage Loan Disclosure Statements for borrower Rose, in violation of Code Section 10236.4(b).

1 (c) Failed to retain a true and correct copy of a Department
2 of Real Estate approved California Mortgage Loan Disclosure
3 Statement with the broker signature displayed for borrowers Rose,
4 Rambus, and Lynch, in violation of Code Section 10240 and
5 Regulation 2840.

6 (d) Failed to retain a true and correct copy of a Department
7 of Real Estate approved California Mortgage Loan Disclosure
8 Statement with lender rebate amounts displayed for borrowers
9 Lynch and Moffet, in violation of Code Section 10240 and
10 Regulation 2840.

11
12 DISCIPLINARY STATUTES AND REGULATIONS

13 8.

14 The conduct of Respondents MMI and ROSENTHAL described
15 in Paragraph 7, above, violated the Code and the Regulations as
16 set forth below:

17 PARAGRAPH

PROVISIONS VIOLATED

18
19 7(a)

Code Section 10161.8 and Regulation
20 2752
21

22
23
24 7(b)

Code Section 10236.4(b)
25
26
27

1 7(c)

Code Section 10240 and Regulation
2840

3
4
5 7(d)

Code Section 10240 and Regulation
2840

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8
9 The foregoing violations constitute cause for the suspension or
10 revocation of the real estate license and license rights of MMI
11 and ROSENTHAL, under the provisions of Code Sections 10177(d)
12 and/or 10177(g).

13 9.

14 The overall conduct of Respondents MMI and ROSENTHAL
15 constitutes negligence or incompetence. This conduct and
16 violation are cause for the suspension or revocation of the real
17 estate license and license rights of Respondents MMI and
18 ROSENTHAL pursuant to Code Section 10177(g).

19 10.

20 The overall conduct of Respondent ROSENTHAL constitutes
21 a failure on Respondent's part, as officer designated by a
22 corporate broker licensee, to exercise the reasonable supervision
23 and control over the licensed activities of MMI as required by
24 Code Section 10159.2, and to keep MMI in compliance with the Real
25 Estate Law, and is cause for the suspension or revocation of the
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1 real estate license and license rights of ROSENTHAL pursuant to
2 the provisions of Code Sections 10177(d), 10177(g), and/or
3 10177(h).

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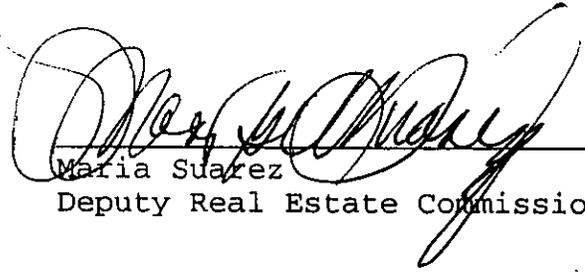
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 MORTGAGE MAKEOVERS, INC. and BERNARD ROSENTHAL under the Real
6 Estate Law (Part 1 of Division 4 of the Business and Professions
7 Code) and for such other and further relief as may be proper
8 under other applicable provisions of law.

9 Dated at Los Angeles, California *2 March 2011.*

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12 _____
13 Maria Suarez
14 Deputy Real Estate Commissioner

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23 cc: Mortgage Makeovers, Inc.
24 c/o Bernard Rosenthal, D.O.
25 Maria Suarez
26 Sacto
27 Audits - Danio Fajardo