FILED

MAR 01 2012

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	
	)	No. H-37102 LA
THEODORE MELVIN BREWER,	)	L-2011040200
	)	
Respondent.	)	
	)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 18, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the violations of the Real Estate Law.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

I

On March 2, 2011, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on March 3, 2011.

Respondent THEODORE MELVIN BREWER ("Respondent") filed a Notice of Defense. A hearing was scheduled for January 18, 2012, and Respondent was duly notified of the hearing.

Respondent failed to appear at the January 18, 2012 hearing. On January 18, 2012, Respondent's default was entered herein.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate broker and had a licensed fictitious business name ReMax VIP between December 19, 2003 and February 3, 2010.

III

Pablo Tun is not now licensed by the Department in any capacity. Tun was licensed as a real estate salesperson on or about March 5, 1992; Tun's license expired on March 4, 2008. On May 8, 2008, Tun was issued a 150-day license pursuant to Financial Code Section 17520. Effective October 6, 2008, a permanent license was withheld/denied.

IV

Respondent violated Section 10137 of the Code by employing and/or compensating Pablo Tun, who was not licensed as a real estate salesperson or as a broker to perform activities which require a license under Sections 10131(d) and 10131.2 of the Code: negotiating a mortgage loan modification for borrower Carlos D. and for holding a listing on or about October 27, 2009.

V

As of July 15, 2009, Respondent engaged in a real estate brokerage business at 6730 E. Florence Avenue, Bell Gardens, California 90201, a location for which Respondent failed to apply for and procure from the Department an additional license for the branch office being maintained by him until October 14, 2009, in violation of Code Section 10163.

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VI

The evidence established that the conduct, acts and/or omissions of Respondent violate Code Sections 10137 and 10163.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10137, 10163, 10165, 10177(d) and 10177(g).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The licenses and license rights of Respondent THEODORE MELVIN BREWER under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon MAR 21 2012.

DATED: 2/17/12.

Barbara J. Bigby
Acting Real Estate Commissioner

FILED

JAN 18 2012

DEPARTMENT OF REAL ESTATE

BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of THEODORE MELVIN BREWER, Respondent.	NO. H-37102 LA L-2011040200 DEFAULT ORDER

Respondent THEODORE MELVIN BREWER, filed a Notice of Defense within the time required by Section 11506 of the Government Code. A hearing was set for January 18, 2012. Respondent was duly notified of the hearing but failed to appear. Respondent is now in default. It is therefore, ordered that a default be entered on the record in this matter.

IT IS SO OREDERED January 18, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: _____
PHILLIP IHDE
Regional Manager

JULIE L. TO, SBN 219482
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
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FILED
MAR 03 2011
DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of THEODORE MELVIN BREWER, individually and formerly doing business as REMAX VIP, Respondent.	No. H-37102 LA A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against THEODORE MELVIN BREWER ("BREWER"), is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

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2.

Respondent BREWER 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 real estate broker. Respondent BREWER was licensed and had license rights under the Real Estate Law with the licensed fictitious business name ReMAX VIP between December 19, 2003 and February 3, 2010.

3.

Pablo Tun is not now licensed by the Department in any capacity. Tun was licensed by the Department as a real estate salesperson on or about March 5, 1992. Tun's license expired on March 4, 2008. On May 8, 2008, Tun was issued a 150 day license pursuant to Financial Code Section 17520. Effective October 6, 2008, a permanent license was withheld/denied.

4.

All further references to Respondent herein include Respondent BREWER, and also includes employees, agents and real estate licensees employed by or associated with BREWER, and who at all times herein mentioned were engaged in the furtherance of the business or operations of Respondent BREWER, and who were acting within the course and scope of their authority and employment.

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FIRST CAUSE OF ACCUSATION
(Unlicensed Activity)

5.

Respondent violated Section 10137 of the Code by employing and/or compensating an individual who was not licensed as a real estate salesperson or as a broker to perform activities requiring a license as follows:

a. On or about June 24, 2008, Pablo Tun, representing himself as working for BREWER and ReMAX VIP, agreed to negotiate a mortgage loan modification for borrower Carlos D. for his property located at 6248 Gifford Ave., Bell, California 90201. On January 13, 2009, February 10, 2009, and March 5, 2009, Carlos D. paid Pablo Tun a total of $3,050.00 for mortgage loan modification services. Pablo Tun accepted the payments on behalf of ReMAX VIP.

b. A broker survey conducted by the Department on or about November 5, 2009 revealed that Tun had taken a real estate listing on October 27, 2009.

6.

The activities described in Paragraph 5, above, require a real estate license under Sections 10131(d) and 10131.2 of the Code.

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7.

Respondent BREWER employed and/or compensated Pablo Tun to perform some or all of the services alleged in Paragraph 5, when Pablo Tun was not licensed as a real estate salesperson or broker.

8.

The conduct, acts and/or omissions of Respondent BREWER violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10137, 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION
(Branch Office Violation)

9.

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

10.

As of July 15, 2009, Respondent BREWER engaged in a real estate brokerage business at 6730 E. Florence Avenue, Bell Gardens, California 90201, a location for which Respondent failed to apply for and procure from the Department an additional license for the branch office being maintained by him until October 14, 2009, in violation of Section 10163 of the Code.

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11.

The conduct, acts and/or omissions of Respondents, as set forth in Paragraph 10, above, violate Code Section 10163 and are cause for the suspension or revocation of the licenses and license rights of Respondents pursuant to Code Sections 10165, 10177(d) 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 Respondent THEODORE MELVIN BREWER 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 2 day of March 2011.

Maria Suarez
Deputy Real Estate Commissioner

cc: THEODORE MELVIN BREWER
Maria Suarez
Sacto.