SACTO Flag

FILED

FEB - 9 2012

DEPARTMENT OF REAL ESTATE
BY: Lucinda Valencia

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of BRIAN JOHN COLOMBANA, Respondent.	No. H-37550 LA

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 23, 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.

FINDINGS OF FACT

1.

On September 23, 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, return receipt requested, and by regular mail to BRIAN JOHN COLOMBANA's ("Respondent") last known mailing address on file with the Department on September 23, 2011. Both mailings were returned to sender by the postal service with an no forwarding address.

On January 23, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

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 ("Code") as a real estate broker.

3.

On or about January 12, 2011, Respondent was disbarred from the practice of law in California by the Supreme Court of California, in Case No. S187904. The disbarment was based upon a Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving; filed on September 23, 2010.

4.

In the Stipulation Re Facts, Respondent admitted the following facts: Since at least December 2008, Respondent advertised a loan modification law practice. Respondent collected advance fees from at least 12 clients and contracted to negotiate with their lenders to obtain modifications of their home loan mortgages. At least 8 of these clients resided in states where Respondent was not authorized to practice law. Respondent did not obtain loan modifications or earn the advance fees he collected from any of the 12 named clients. Respondent did not refund the advance fees he collected from 11 of the 12 named clients.

5.

In the Conclusions of Law, Respondent stipulated to, among other violations: Intentionally, recklessly or repeatedly failing to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(a), unauthorized practice of law, in violation of Rules of Professional Conduct, rule 3-110(a), willfully committing acts involving moral turpitude, dishonesty or corruption, in violation of Code Section 6106 and failure to adequately communicate with clients, in violation of Code Section 6068(m).

DETERMINATION OF ISSUES

1.

The allegations set forth in Paragraphs 3 through 5 above constitute cause under Section 10177(f) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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

ORDER

The license and license rights of Respondent BRIAN JOHN COLOMBANA 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 on FEB 29 2011.

DATED: 1/31/12.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

(213) 576-6982

FILED

JAN 23 2012

DEPARTMENT OF REAL ESTATE
BY: Jane B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of BRIAN JOHN COLOMBANA Respondent.	No. H-37550 LA **DEFAULT ORDER**

Respondent BRIAN JOHN COLOMBANA, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED January 23, 2012

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: Dolores Weeks
DOLORES WEEKS
Regional Manager

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

SEP 23 2011

DEPARTMENT OF REAL ESTATE
BY: [illegible]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of BRIAN JOHN COLOMBANA, Respondent.	No. H-37550 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 BRIAN JOHN COLOMBANA, alleges as follows:

I

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against BRIAN JOHN COLOMBANA.

II

BRIAN JOHN COLOMBANA, (hereinafter referred to as "Respondent") 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 broker. He was first licensed as a broker on November 4, 2004.

III

On or about January 12, 2011, Respondent was disbarred from the practice of law in California by the Supreme Court of California, in Case No. S187904. The disbarment was based upon a Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving; filed on September 23, 2010.

IV

In the Stipulation Re Facts, Respondent admitted the following facts: Since at least December 2008, Respondent advertised a loan modification law practice. Respondent collected advance fees from at least 12 clients and contracted to negotiate with their lenders to obtain modifications of their home loan mortgages. At least 8 of these clients resided in states where Respondent was not authorized to practice law. Respondent did not obtain loan modifications or earn the advance fees he collected from any of the 12 named clients. Respondent did not refund the advance fees he collected from 11 of the 12 named clients.

V

In the Conclusions of Law, Respondent stipulated to, among other violations: Intentionally, recklessly or repeatedly failing to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(a). Unauthorized practice of law, in violation of Rules of Professional Conduct, rule 3-110(a), willfully committing acts involving moral turpitude, dishonesty or corruption, in violation of Code Section

6106 and failure to adequately communicate with clients, in violation of Code Section 6068(m).

VI

The allegations set forth in Paragraphs III through V above constitute cause under Section 10177(f) of the Code for the suspension or revocation of the license and license rights of RESPONDENT under the Real Estate Law.

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 licenses and license rights of respondent BRIAN JOHN COLOMBANA under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 21 day of September, 2011.

MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Brian John COLOMBANA
Maria Suarez
Sacto.