BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

FILED

MAY 04 2012

DEPARTMENT OF REAL ESTATE

BY: _____

* * *

In the Matter of the Accusation of USA LENDING PARTNERS CORP, a corporate real estate broker; and SEAN GIVENS, individually and as designated officer of USA Lending Partners Corp, Respondents.	NO. H-37633 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 March 6, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

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 November 1, 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 Respondents' last known mailing addresses on file with

the Department on November 1, 2011. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by regular mail, to Respondents' last known mailing addresses on file with the Department on January 13, 2012.

On March 6, 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.

II

USA LENDING PARTNERS CORP ("USALPC") 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 corporation.

III

SEAN GIVENS ("GIVENS") 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. GIVENS is the designated officer for USA LENDING PARTNERS CORP until September 22, 2012.

IV

(Advance Fee Violation)

Respondents engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees, within the meaning of Code Section 10026.

V

Respondents collected the advance fees pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

VI

Respondents failed to submit the written agreement to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

VII

(Corporate Suspension)

Respondent USALPC'S corporate status in the State of California was suspended on or about March 3, 2008 by the Franchise Tax Board, in violation of Code Section 10177(g) and 10177(f) and Regulation 2742.

VIII

(Failure to Maintain a Place of Business)

Respondents address of record for USALPC's main office, 10073 Valley Vie Street, #285, Cypress, California 90630, is in fact a private mailbox at Mail Center, constituting a failure to maintain a place of business, in violation of Code Section 10162 and Regulation 2715.

IX

(Failure to Supervise)

Respondent GIVENS' conduct, acts and/or omissions in failing to exercise reasonable supervision in the course of the activities described in IV through VIII, above, are in violation of Code Section 10159.2.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent USA LENDING PARTNERS CORP exists pursuant to Business and Professions Code Sections 10085, 10177(g) and/or 10177(f), and 10162, and Regulations 2715, 2742, and 2970.

II

Cause for disciplinary action against Respondent SEAN GIVENS exists pursuant to Business and Professions Code Sections 10085, 10159.2, 10162, 10177(d), 10177(g), and 10177(h), and Regulations 2715, and 2970.

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III

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

ORDER

The licenses and license rights of Respondents USA LENDING PARTNERS CORP and SEAN GIVENS 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 MAY 24 2012.

DATED: 4/25/2012.

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105
(213) 576-6982

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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 USA LENDING PARTNERS CORP, a corporate real estate broker; and SEAN GIVENS, individually and as designated officer of USA Partners Corp, Respondents.	NO. H-37633 LA DEFAULT ORDER

Respondents, USA LENDING PARTNERS CORP and SEAN GIVENS, 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 March 6, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: DOLORES WEEKS
Regional Manager

JULIE L. To, Counsel (SBN 219482)
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DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of USA LENDING PARTNERS CORP, a corporate real estate broker; and SEAN GIVENS, individually and as designated officer of USA Lending Partners Corp Respondents.	No. H-37633 LA A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner, for cause of Accusation against USA LENDING PARTNERS CORP and SEAN GIVENS, individually and as designated broker-officer of USA Lending Partners Corp, 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 her official capacity.

LICENSE HISTORY

2.

A. At all times mentioned, Respondent USA LENDING PARTNERS CORP (hereinafter "Respondent USALPC" or "USALPC") and Respondent SEAN GIVENS (hereinafter "Respondent GIVENS" or "GIVENS") were licensed or had license rights issued by the Department of Real Estate (hereinafter "Department").

B. USALPC is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a corporate real estate broker. Respondent USALPC was originally licensed as a corporate real estate broker by the Department of Real Estate (hereinafter "Department") on or about September 23, 2004. Respondent NFC's corporate real estate broker license includes no d.b.a.s. At all times relevant herein, Respondent NFC was authorized to act by and through Respondent SEAN GIVENS as its designated broker pursuant to Business and Professions Code (hereinafter "Code") Sections 10211 and 10159.2 to supervise the activities requiring a real estate license conducted on behalf of USALPC and to be responsible for ensuring compliance with the Real Estate Law.

C. Respondent GIVENS is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate broker. Respondent GIVENS was originally licensed as a real estate broker by the Department on or about May 3, 2002. GIVENS is the designated officer for

USALPC pursuant to Code Section 10159.2, responsible for ensuring compliance with the Real Estate Law.

3.

At all times mentioned, in the City of Cypress, Orange County, USALPC and GIVENS acted as real estate brokers and conducted licensed activities within the meaning of:

A. Code Section 10131(d): USALPC 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.

4.

All further references to "Respondents" herein include the parties identified in Paragraph 2 above, and also includes the officers, directors, employees, agents and real estate licensees employed by or associated with said parties and who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their authority and employment.

5.

At all times relevant herein, Respondent GIVENS, as the officer designated by Respondent USALPC pursuant to Section 10211 of the Code, was responsible for the supervision and control of the activities conducted on behalf of Respondent NFC by its officers and employees as necessary to secure full

compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

6.

Respondent GIVENS ordered, caused, authorized or participated in the conduct of Respondent NFC as is alleged in this Accusation.

FIRST CAUSE OF ACCUSATION
(Advance Fee Violation)

7.

At all times mentioned, Respondents engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees, within the meaning of Code Section 10026, including, but not limited to, the following loan activities with respect to loans which were secured by liens on real property:

a. Henry and Marchall P.'s Transaction: Upon receiving a "cold"/soliciation call from GIVENS, Henry and Marchall P. paid, in three installments between 2008 and 2009 totaling $2,995.00, advance fees pursuant to an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by USALPC with respect to a loan secured by real property located at 3934 Grandview Avenue, Gurnee, IL 60031. On November 7, 2008, Henry and Marchall P. paid $1,500.00 by personal check payable to "USA Lending Partner Corp" as their first installment of advance fees; on December 8, 2008, Henry P. paid $1,050.00 by money order payable to "USA Lending" as the second installment of advance fees; and on January 3, 2009, Henry and Marchall P. paid $445.00 by personal check payable to

"USA" as the final installment of advance fees. Henry and Marchall P. were instructed to stop making mortgage payments and told that there was a 95% certainty that their loan modification would be approved. When Henry and Marchall P. contacted their lender and learned that USALPC had not communicated with the bank, they requested a refund from USALPC. To date, no loan modification services have been provided and no refund has been issued to Henry and Marchall P.

8.

Respondents collected the advance fees described in Paragraph 7, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

9.

Respondents failed to submit the written agreement referred to in Paragraphs 7 and 8, above, to the Commissioner ten days before using it, in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

10.

The conduct, acts and/or omissions of Respondents, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondents pursuant to Code Sections 10085, 10085.6, 10176(a), 10176(b), 10176(i), 10177(d) and/or 10177(g).

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SECOND CAUSE OF ACCUSATION

(Corporate Suspension)

11.

USALPC's corporate status in the State of California was suspended on or about March 3, 2008 by the Franchise Tax Board.

12.

Said suspension is cause for the suspension or revocation of the licenses and license rights of Respondent USALPC pursuant to Code Sections 10177(g) and/or 10177(f) and Regulation 2742.

THIRD CAUSE OF ACCUSATION

(Failure to Maintain a Place of Business)

13.

On or about January 7, 2011, a Deputy Commissioner from the Department drove to the main office address of record for Respondents USALPC and GIVENS, 10073 Valley View Street,#285, Cypress, California 90630. The Deputy met with the owner of Mail Center, located at 10073 Valley View Street in Cypress, who confirmed that #285 is a private mailbox at Mail Center for USALPC and GIVENS.

14.

Said use of a private mailbox as the main office address of record is cause for suspension or revocation of the licenses and license rights of Respondents USALPC and GIVENS pursuant to Code Section 10162 and Regulation 2715.

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FOURTH CAUSE OF ACCUSATION

(Failure to Supervise)

15.

Complainant incorporates by reference the allegations set forth herein, above.

16.

The conduct, acts and/or omissions of Respondent GIVENS, in failing to exercise reasonable supervision over the activities of Respondent USALPC, as more fully set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent GIVENS pursuant to Code sections 10177(d), (g) and/or (h) for violation of Code section 10159.2.

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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 USA LENDING PARTNERS CORP and SEAN GIVENS, individually and as designated broker-officer of USA Lending Partners Corp, 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 1ST day of November 2011.

Maria Suarez
Deputy Real Estate Commissioner

cc: USA Lending Partners Corp
Sean Givens
Maria Suarez
Sacto.