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FILED

JUL 23 2012

DEPARTMENT OF REAL ESTATE
BY: *Aracely Valencia*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37739 LA
)	
FUNDING SOLUTIONS LENDING CORP)	
and KEVIN D. JONES,)	
individually, and formerly as)	
designated officer of Funding)	
Solutions Lending Corp,)	
)	
<u>Respondents.</u>)	

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 April 2, 2012, and the findings of fact set forth herein are based on one or more of the following:

(1) Respondents Funding Solutions Lending Corp's ("FSLC") and KEVIN D. JONES's ("JONES") express admissions; (2) affidavits; and (3) Department Audit Report LA100037 and (4) other evidence.

FACTUAL FINDINGS

1.

On December 14, 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 and regular mail, to Respondents' last known mailing addresses on file with the Department of Real Estate ("Department") on December 15, 2011.

2.

On April 2, 2012, no Notice of Defense having been filed by FSLC or JONES within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

3.

FSLC presently 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. On October 1, 2010, FSLC's license expired. Pursuant to Code Section 10201, FSLC retains renewal rights for two years. The Department holds jurisdiction over the lapsed license, pursuant to Code Section 10103.

4.

JONES presently has license rights under the Real Estate Law, as a real estate broker. On April 5, 2012, his license expired. Jones was designated officer of FSLC between October 2, 2006 and October 1, 2010.

5.

Andrade Transaction

On or about December 23, 2008, FSLC entered into an agreement with Juan Andrade ("Andrade"), in which FSLC offered to negotiate a modification of Andrade's loan, which was secured by real property located at 4824 E. Madison Avenue, Fresno, CA, in exchange for payment of an advance fee. Among the terms of this agreement was a guarantee that FSLC would refund all fees (less \$695) if FSLC was unable to obtain a modification of Andrade's loan. On September 23, 2008, Andrade paid an advance fee of \$1,700 to FSLC. FSLC did not obtain a modification of Andrade's loan and did not reimburse his fees as guaranteed in the December

23, 2008 agreement.

6.

Irvine Transaction

On or about April 30, 2009, FSLC entered into an agreement with Patricia Irvine ("Irvine"), in which FSLC offered to negotiate a modification of Irvine's loan, which was secured by real property located at 501 West Las Palmas Drive, Fullerton, CA, in exchange for payment of an advance fee of \$4095. Among the terms of this agreement was a guarantee that FSLC would refund all fees (less 30% of the contract price) if FSLC was unable to obtain a modification of Irvine's loan. Between April 30, 2009 and May 5, 2009, Irvine paid advance fees of \$4095 to FSLC. FSLC did not obtain a modification of Irvine's loan and did not reimburse her fees as guaranteed in the April 30, 2009 agreement.

DETERMINATION OF ISSUES

1.

The agreements made by FSLC, as described in Findings 5 and 6 above, constitute advance fee agreements within the meaning of Code Section 10026. On June 10, 2009, FSLC submitted an advance fee agreement to the Real Estate Commissioner. On June 23, 2009, the Department issued a letter raising no objection to the advance fee agreement, as submitted. However, FSLC and JONES failed to submit the advance fee agreements described in Findings 5 and 6 above to the Commissioner ten days before using them, in violation of Code Sections 10085 and 10085.5, as well as Section 2970 of Title 10, California Code of Regulations ("Regulations"). This provides cause for the suspension or revocation of the licenses and license rights of Respondents FSLC and JONES pursuant to Code Sections 10085, 10177(d) and 10177(g).

2.

The guarantees that FSLC would refund advance fees, as described in Findings 5 and 6 above, constitute substantial misrepresentations and false promises of a character likely to influence, persuade or induce. This provides cause for the suspension or revocation of the licenses and license rights of Respondents FSLC and JONES pursuant to Code Sections 10176(a) and 10176(b).

3.

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

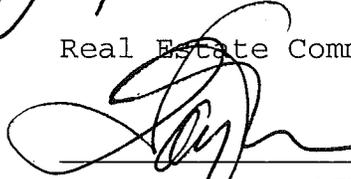
ORDER

The real estate licenses and license rights of Respondents FUNDING SOLUTIONS LENDING CORP and KEVIN D. JONES 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 AUG 13 2012, 2012

DATED: July 13, 2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel

FILED

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, CA 90013

APR -2 2012

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Jones

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. **H-37739 LA**
12)
13 FUNDING SOLUTIONS LENDING CORP and) DEFAULT ORDER
14 KEVIN D. JONES, individually, and)
15 formerly as designated officer of)
16 Funding Solutions Lending Corp,)
17 Respondent.)

17 Respondents FUNDING SOLUTIONS LENDING CORP and
18 KEVIN D. JONES, having failed to file a Notice of Defense
19 within the time required by Section 11506 of the Government
20 Code, are now in default. It is, therefore, ordered that a
21 default be entered on the record in this matter.

22 IT IS SO ORDERED

April 2, 2012

23 REAL ESTATE COMMISSIONER

24 By:

Dolores Weeks

25 DOLORES WEEKS
26 Regional Manager
27

FILED

DEC 15 2011

1. JAMES DEMUS, Counsel (SBN 225005)
2. Department of Real Estate
3. 320 West Fourth St., #350
4. Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: *Guadalupe Nolasco*

4. (213) 576-6982
5. (213) 576-6910 (direct)

9. BEFORE THE DEPARTMENT OF REAL ESTATE

10. STATE OF CALIFORNIA

11. * * *

12. In the Matter of the Accusation of)
13. FUNDING SOLUTIONS LENDING CORP and)
14. KEVIN D. JONES, individually, and)
15. formerly as designated officer of)
16. Funding Solutions Lending Corp,)
17. Respondents.)

No. H-37739 LA

A C C U S A T I O N

17. The Complainant, Maria Suarez, a Deputy Real Estate
18. Commissioner of the State of California, for cause of
19. Accusation against FUNDING SOLUTIONS LENDING CORP and KEVIN D.
20. JONES, individually, and formerly as designated officer of
21. Funding Solutions Lending Corp, is informed and alleges as
22. follows:

23. 1.

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

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2.

FUNDING SOLUTIONS LENDING CORP (hereinafter "FSLC") presently 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. On October 1, 2010, FSLC's license expired. Pursuant to Code Section 10201, FSLC retains renewal rights for two years. The Department of Real Estate ("Department") holds jurisdiction over the lapsed license, pursuant to Code Section 10103.

3.

KEVIN D. JONES (hereinafter "JONES") is presently licensed and/or has license rights under the Real Estate Law, as a real estate broker. He was also designated officer of FSLC between October 2, 2006 and October 1, 2010.

4.

At all times material herein, Respondents FSLC and JONES 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 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.

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Andrade Transaction

On or about December 23, 2008, FSLC entered into an agreement with Juan Andrade ("Andrade"), in which FSLC offered to negotiate a modification of Andrade's loan, which was secured by real property located at 4824 E. Madison Avenue, Fresno, CA, in exchange for payment of an advance fee. Among the terms of this agreement was a guarantee that FSLC would refund all fees (less \$695) if FSLC was unable to obtain a modification of Andrade's loan. On September 23, 2008, Andrade paid an advance fee of \$1,700 to FSLC. FSLC did not obtain a modification of Andrade's loan and did not reimburse his fees as guaranteed in the December 23, 2008 agreement.

Irvine Transaction

On or about April 30, 2009, FSLC entered into an agreement with Patricia Irvine ("Irvine"), in which FSLC offered to negotiate a modification of Irvine's loan, which was secured by real property located at 501 West Las Palmas Drive, Fullerton, CA, in exchange for payment of an advance fee of \$4095. Among the terms of this agreement was a guarantee that FSLC would refund all fees (less 30% of the contract price) if FSLC was unable to obtain a modification of Irvine's loan. Between April 30, 2009 and May 5, 2009, Irvine paid advance fees of \$4095 to FSLC. FSLC did not obtain a modification of Irvine's loan and did not reimburse her fees as guaranteed in the April 30, 2009 agreement.

1 7.

2 The agreements made by FSLC, as described in
3 Paragraphs 5 and 6 above, constitute advance fee agreements
4 within the meaning of Code Section 10026. On June 10, 2009,
5 FLSC submitted an advance fee agreement to the Real Estate
6 Commissioner. On June 23, 2009, the Department issued a letter
7 raising no objection the advance fee agreement, as submitted.
8 However, FSLC and JONES failed to submit the advance fee
9 agreements described in paragraphs 5 and 6 above to the
10 Commissioner ten days before using them, in violation of Code
11 Sections 10085 and 10085.5, as well as Section 2970 of Title
12 10, California Code of Regulations ("Regulations"). This
13 provides cause for the suspension or revocation of the licenses
14 and license rights of Respondents FSLC and JONES pursuant to
15 Code Sections 10085, 10177(d) and/or 10177(g).

16 8.

17 The guarantees that FSLC would refund advance fees,
18 as described in paragraphs 5 and 6 above, constitute
19 substantial misrepresentations and false promises of a
20 character likely to influence, persuade or induce. This
21 provides cause for the suspension or revocation of the licenses
22 and license rights of Respondents FSLC and JONES pursuant to
23 Code Sections 10176(a) and 10176(b).

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27 ///

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 all the licenses and license rights of
5 Respondents FUNDING SOLUTIONS LENDING CORP and KEVIN D. JONES
6 under the Real Estate Law, and for such other and further
7 relief as may be proper under other applicable provisions of
8 law.

9 Dated at Los Angeles, California

10 this 14th day of December.

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13 
14 Maria Suarez
15 Deputy Real Estate Commissioner
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25 cc: FUNDING SOLUTIONS LENDING CORP
26 Kevin D. Jones
27 Maria Suarez
Sacto.