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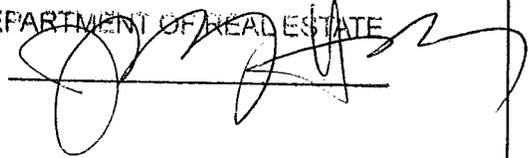
1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

SEP 14 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation)	No. H-37920 LA
)	No. L-2012031193
)	
12 JASON JEROME HILT,)	<u>STIPULATION AND</u>
)	<u>AGREEMENT</u>
)	
13 Respondent.)	
)	

14
15
16 It is hereby stipulated by and between JASON JEROME
17 HILT, (sometimes referred to as "Respondent"), and the
18 Respondent's attorney Thomas B. Sheridan, Esq., and the
19 Complainant, acting by and through Cheryl D. Keily, Counsel for
20 the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on February 29,
22 2012, in this matter.

23
24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative
Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate
6 ("Department") in this proceeding.

7 3. On March 9, 2012, Respondent filed a Notice of
8 Defense, pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing,
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. It is understood by the parties that the Real
21 Estate Commissioner may adopt the Stipulation and Agreement as
22 his decision in this matter, thereby imposing the penalty and
23 sanctions on Respondent's real estate licenses and license
24 rights as set forth in the below "Order". In the event that
25 the Commissioner in his discretion does not adopt the
26 Stipulation and Agreement, it shall be void and of no effect,
27 and Respondent shall retain the right to a hearing and

1 proceeding on the Accusation under all the provisions of the
2 APA and shall not be bound by any admission or waiver made
3 herein.

4 5. This Stipulation is based on the factual
5 allegations contained in the Accusation. In the interest of
6 expedience and economy, Respondent chooses not to contest these
7 allegations, but to remain silent and understand that, as a
8 result thereof, these factual allegations, without being
9 admitted or denied, will serve as a prima facie basis for the
10 disciplinary action stipulated to herein. The Real Estate
11 Commissioner shall not be required to provide further evidence
12 to prove said factual allegations.
13

14 6. This Stipulation and Respondents' decision not to
15 contest the Accusation are made for the purpose of reaching an
16 agreed disposition of this proceeding, and are expressly
17 limited to this proceeding and any other proceeding or case in
18 which the Department of Real Estate, or another licensing
19 agency of this state, another state or the federal government
20 is involved and otherwise shall not be admissible in any other
21 criminal or civil proceedings.
22

23 7. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation and
25 Agreement shall not constitute an estoppel, merger or bar to any
26 further administrative or civil proceedings by the Department of
27 Real Estate with respect to any matters which were not

1 specifically alleged to be causes for accusation in this
2 proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions
5 and waivers and solely for the purpose of settlement of the
6 pending Accusation without a hearing, it is stipulated and
7 agreed that the following determination of issues shall be made:

8 The Conduct of Respondent, as described in the
9 Accusation, is grounds for the suspension or revocation of all
10 of the real estate licenses and license rights of Respondent
11 under the provisions of Sections 10085, 10137 and 10177(g) of
12 the Business and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 I. ALL licenses and licensing rights of Respondent
16 JASON JEROME HILT under the Real Estate Law are suspended for a
17 period of sixty (60) days from the effective date of this
18 Decision; provided, however, that the entire period of said
19 suspension shall be stayed for two (2) years upon the following
20 terms and conditions:

21 A. Respondent shall obey all laws, rules and
22 regulations governing the rights, duties and responsibilities of
23 a real estate licensee in the State of California; and

24 B. That no final subsequent determination be made,
25 after hearing or upon stipulation, that cause for disciplinary
26 action occurred within two (2) years of the effective date of
27 this Decision. Should such a determination be made, the

1 Commissioner may, in his discretion, vacate and set aside the
2 stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay
4 imposed herein shall become permanent.

5 II. Respondent shall, within six months from the
6 effective date of this Decision, take and pass the Professional
7 Responsibility Examination administered by the Department
8 including the payment of the appropriate examination fee. If
9 Respondent fails to satisfy this condition, the Commissioner may
10 order suspension of Respondent's license until Respondent passes
11 the examination.
12

13 III. Within six months of the effective date of the
14 Decision, Respondent shall make restitution to those persons
15 who allegedly suffered monetary loss as a result of the
16 allegations set forth in the Accusation filed in this case as
17 follows:
18

19 1. Respondent shall provide proof of restitution
20 satisfactory to the Real Estate Commissioner of restitution to
21 the following individuals and in the amounts specified:

- 22 a. Andrew Winston in the amount of \$850; and
23 b. Michelle Chen Law in the amount of \$2,600.

24 2. All proof of payment of restitution shall be
25 submitted to Department Counsel Cheryl Keily, Attention: Legal
26 Section, Department of Real Estate, 320 W. Fourth St., Suite
27 350, Los Angeles, California 90013-1105, on or before the time
set for performance.

1 3. If Respondent fails to satisfy these conditions,
2 the Real Estate Commissioner may order suspension of
3 Respondent's license until Respondent provides proof of
4 restitution satisfactory to the Commissioner.

5
6 DATED: Aug 9, 2012

Cheryl D. Kelly
CHERYL D. KEILY, Counsel
DEPARTMENT OF REAL ESTATE

8 * * *

9 I have read the Stipulation and Agreement, and its
10 terms are understood by me and are agreeable and acceptable to
11 me. I understand that I am waiving rights given to me by the
12 California Administrative Procedure Act (including but not
13 limited to Sections 11506, 11508, 11509 and 11513 of the
14 Government Code), and I willingly, intelligently and voluntarily
15 waive those rights, including the right of requiring the
16 Commissioner to prove the allegations in the Accusation at a
17 hearing at which I would have the right to cross-examine
18 witnesses against me and to present evidence in defense and
19 mitigation of the charges.

20 I have read the provisions of Section 2945.2(c), Title
21 10, Chapter 6, Code of Regulations, and am executing this
22 Stipulation and Agreement in reliance thereon.

23 Respondent can signify acceptance and approval of the
24 terms and conditions of this Stipulation and Agreement by faxing
25 a copy of its signature page, as actually signed by Respondent,
26 to the Department at the following telephone/fax number (213)
27 576-6917. Respondent agrees, acknowledges, and understands that
by electronically sending to the Department a fax copy of his

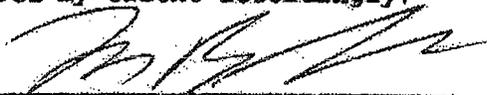
1 actual signature as it appears on the Stipulation and Agreement,
 2 that receipt of the faxed copy by the Department shall be as
 3 binding on Respondent as if the Department had received the
 4 original signed Stipulation and Agreement.

5
 6 DATED: 8/9/12


 7 JASON JEROME HILT
 Respondent

8
 9 I have reviewed the Stipulation and Agreement as to
 form and content and have advised my client accordingly.

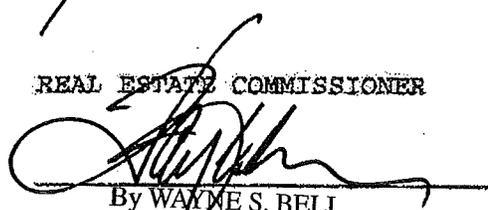
10
 11 DATED: 8/9/12


 12 Thomas B. Sheridan, Esq.
 Attorney for Respondent
 13 JASON JEROME HILT

14 * * *

15 The foregoing Stipulation and Agreement is hereby
 16 adopted as my Decision in this matter and shall become effective
 17 at 12 o'clock noon on OCT 04 2012, 2012.

18 IT IS SO ORDERED 9/11, 2012.

19
 20 REAL ESTATE COMMISSIONER
 21 
 22 By WAYNE S. BELL
 23 Chief Counsel
 24
 25
 26
 27

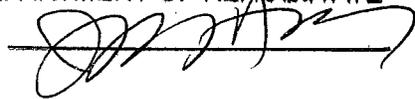
1 CHERYL D. KEILY, SBN# 94008
Department of Real Estate
2 320 West Fourth Street, Ste. 350
Los Angeles, California 90013

FILED

3
4 Telephone: (213) 576-6982
(Direct) (213) 576-6905

FEB 29 2012

DEPARTMENT OF REAL ESTATE

BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation

No. H-37920 LA

13	JASON JEROME HILT,)	<u>A</u> <u>C</u> <u>C</u> <u>U</u> <u>S</u> <u>A</u> <u>T</u> <u>I</u> <u>O</u> <u>N</u>
14)	
15	Respondent.)	
16	_____)	

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against JASON JEROME HILT ("Respondent") alleges as follows:

20 1.

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

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law as real estate broker.
27

3.

1 At no time relevant herein was U.S. Mortgage Advocates
2 Incorporated ("U.S. Mortgage"), Consumer Legal Services, Robert
3 Susnar, or James Hoffman licensed by the Department in any
4 capacity.
5

6 4.

7 At all times mentioned herein Respondent engaged in the
8 business of loan brokerage and loan modification activities,
9 soliciting borrowers and lenders and negotiating the terms of
10 loan modifications of loans secured by real property for or in
11 expectation of compensation, within the meaning of Code Section
12 10131(d).
13

14 5.

15 At all times mentioned herein Respondent engaged in the
16 business of advance fee brokerage within the definition of Code
17 Section 10131.2 by claiming, demanding, charging, receiving,
18 collecting or contracting for the collection of an advance fee,
19 within the meaning of Code Section 10026, in connection with any
20 employment undertaken in connection with loan brokerage or loan
21 modification activities.

22 FIRST CAUSE OF ACCUSATION

23 (Advance Fee Violation pursuant to Section 10085 of the Code)

24 6.

25 Respondent engaged in advance fee activities including,
26 but not limited to, the following loan modification activities
27 with respect to loans which were secured by liens on real

property:

1
2 a. On or about November 5, 2009, Respondent, doing
3 business as U.S. Mortgage, solicited Andrew W. to pay an initial
4 advance fee of \$850.00 to Respondent, doing business as U.S.
5 Mortgage. The advance fee was to be paid pursuant to the
6 provisions of an agreement pertaining to loan solicitation,
7 negotiation, and modification services to be provided by
8 Respondent, doing business as U.S. Mortgage, with respect to a
9 loan secured by real property located at 2 Commodore Drive,
10 #d372, Emeryville, California 94608.

11 b. On or about November 13, 2009, Michelle L. paid an
12 advance fee of \$2,600 to Respondent by means of a credit card
13 transaction. The advance fee was collected pursuant to the
14 provisions of an agreement pertaining to loan solicitation,
15 negotiation, and modification services to be provided by
16 Respondent, doing business as U.S. Mortgage, with respect to a
17 loan secured by real property located at 350 San Miguel Court,
18 #2, Milpitas, California 95035.

19 c. On or about April 20, 2010, Respondent, doing
20 business as Consumer Legal Services, solicited Michael and Anna
21 E. to pay an initial advance fee of \$1,000 to Respondent, doing
22 business as Consumer Legal Services. The advance fee was to be
23 paid pursuant to the provisions of an agreement pertaining to
24 loan solicitation, negotiation, and modification services to be
25 provided by Respondent, doing business as Consumer Legal
26 Services, with respect to a loan secured by real property located
27

1 at 1216 Whistler Hollow Drive, Colorado Springs, Colorado 80906.

2 7.

3 Respondent solicited for or collected the advance fees
4 described in Paragraph 6, above, pursuant to the provisions of
5 written agreements which constitute an advance fee agreement
6 within the meaning of Code Section 10085.

7 8.

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

13 9.

14 The conduct, acts and/or omissions of Respondent, as
15 set forth above, is cause for the suspension or revocation of the
16 licenses and license rights of Respondent pursuant to Code
17 Sections 10085, 10177(d) and/or 10177(g).
18

19 SECOND CAUSE OF ACCUSATION
(Violation of Code Section 10085.6)

20 10.

21 Complainant hereby incorporates by reference the
22 allegations set forth in Paragraphs 1 through 9, above.
23

24 11.

25 On October 11, 2009, Code Section 10085.6 went into
26 effect. By its terms Section 10085.6 prohibits any real estate
27 licensee who negotiates, attempts to negotiate, arranges,

1 attempts to arrange, or otherwise offers to perform a loan
2 modification with respect to residential property to "claim,
3 demand, charge, collect, or receive any compensation until after
4 the licensee has fully performed each and every service the
5 licensee contracted to perform or represented that he, she, or it
6 would perform."

7 12.

8 By virtue of the application of newly enacted Code
9 Section 10085.6 to the advance fee transactions described in
10 Paragraph 6, above, Respondent violated the statute's provisions
11 when Respondent collected advance fees after such fees were
12 prohibited by Code Section 10085.6.

13 13.

14 The conduct, acts and/or omissions of Respondent, as
15 set forth above, is cause for the suspension or revocation of the
16 licenses and license rights of Respondent pursuant to Code
17 Sections 10177(d) and/or 10177(g).

18
19 THIRD CAUSE OF ACCUSATION
20 (Violation of Code Section 10137 by Respondent in Employing
and/or Compensating Unlicensed Individuals)

21 14.

22 Complainant hereby incorporates by reference the
23 allegations set forth in Paragraphs 1 through 13, above.

24 15.

25 The activities described in Paragraph 6, above, require
26 a real estate license under Sections 10131(d) and 10131.2 of the
27 Code. Respondent violated Section 10137 of the Code by employing

1 and/or compensating individuals who were not licensed as a real
2 estate salesperson or as a broker to perform activities requiring
3 a license, including but not limited to, the following:

4 a. Respondent employed and/or compensated James
5 Hoffman to perform some or all of the services alleged in
6 Paragraph 6, subsection (a), above, though he was not licensed as
7 a salesperson or broker.

8 b. Respondent employed and/or compensated Robert
9 Susnar to perform some or all of the services alleged in
10 Paragraph 6, subsection (c), above, though he was not licensed as
11 a real estate salesperson or broker.

12 16.

13 The conduct, acts and/or omissions of Respondent, as
14 set forth in Paragraph 15, above, violate Code Section 10137, and
15 is cause for the suspension or revocation of the licenses and
16 license rights of Respondent pursuant to Code Sections 10137,
17 10177(d) and/or 10177(g).

18
19 FOURTH CAUSE OF ACCUSATION

20 (Use of Unauthorized Fictitious Business Name)

21 17.

22 Complainant hereby incorporates by reference the
23 allegations set forth in Paragraphs 1 through 16, above.

24 18.

25 Use of a fictitious business name for activities
26 requiring the issuance of a real estate license requires the
27 filing of an application for the use of such name with the

1 Department of Real Estate ("Department") in accordance with the
2 provisions of Code Section 10159.5.

3 19.

4 Respondent acted without Department authorization in
5 using the fictitious business name "US Mortgage Advocates
6 Incorporated" to engage in activities requiring the issuance of a
7 real estate license.

8 20.

9 The conduct, acts and/or omissions of Respondent, as
10 set forth in Paragraph 19, above, violates Code Section 10159.5
11 and Section 2731 of the Regulations, and is cause for the
12 suspension or revocation of the licenses and license rights of
13 Respondent pursuant to Code Sections 10177(d) and/or 10177(g).

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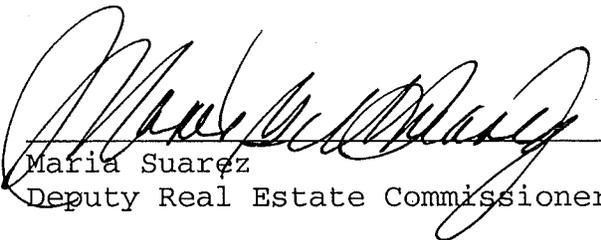
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27 ///

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 Respondent
5 JASON JEROME HILT under the Real Estate Law (Part 1 of Division 4
6 of the Business and Professions Code), for the cost of
7 investigation and enforcement as permitted by law, and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10 Dated at Los Angeles, California
11 this 27th day of February, 2012.

12
13
14
15 
16 Maria Suarez
17 Deputy Real Estate Commissioner
18
19
20
21
22
23

24 cc: JASON JEROME HILT
25 Maria Suarez
26 Sacto.
27