

FILED

SEP 16 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

RAYMOND CHARLES AVINA,
OLIVE BRANCH MORTGAGE, INC.,
a California Corporation,
TAYLORED MORTGAGE, INC.,
a California Corporation and
AVINA & HAGEMAN, INC.,
a California Corporation,

Respondents.

No. H-2400 FR

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 August 31, 2009, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents' RAYMOND CHARLES AVINA, OLIVE BRANCH MORTGAGE, INC., TAYLORED MORTGAGE, INC. and AVINA & HAGEMAN, INC. (hereinafter "Respondents") express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On June 18, 2009, John Sweeney made the Accusation in his 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 on June 24, 2009.

On August 31, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents default was entered herein.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code").

3

At all times mentioned, Respondents OLIVE BRANCH MORTGAGE, TAYLORED MORTGAGE and AVINA & HAGEMAN, were and are licensed by the State of California Department of Real Estate (hereinafter "Department") as real estate broker corporations.

4

At all times mentioned, Respondent AVINA was and is licensed by the Department individually as a real estate broker, and as the designated broker officer of Respondents OLIVE BRANCH MORTGAGE, TAYLORED MORTGAGE and AVINA & HAGEMAN.

5

Whenever reference is made in an allegation in the Accusation to an act or omission of Respondents OLIVE BRANCH MORTGAGE, TAYLORED MORTGAGE and AVINA & HAGEMAN, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with Respondents OLIVE BRANCH MORTGAGE, TAYLORED MORTGAGE and AVINA & HAGEMAN committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondents and while acting within the course and scope of their authority and employment.

6

At all times herein mentioned, Respondents, licensed real estate brokers, engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and sale of real property or a business opportunity.

7

On approximately July 20, 2006, in the course of the activities described in Paragraph 6, above, Respondent AVINA as agent for Susana Reyna (hereinafter "Buyer") solicited and obtained execution by Matthew Schoonover (hereinafter "Seller") a Residential Purchase Agreement and Joint Escrow Instructions covering 4253 North Holt, Fresno, California 93705 (hereinafter "subject property") for a purchase price of \$198,000.

8

In the course of the activities described in Paragraph 6, above, Respondent AVINA represented to Seller that Buyer had agreed to deposit \$1,000 earnest money into escrow for the purchase of subject property. This representation was false when made, as Respondent AVINA well and truly knew at the time. In truth and fact, Buyer never deposited \$1,000 earnest money into escrow for the purchase of subject property.

9

The acts and omissions of Respondent AVINA described above constitute the substantial misrepresentation of a material fact.

10

The acts and omissions alleged above constitute cause for the suspension or revocation of all licenses and license rights of Respondent AVINA pursuant to the provisions of Section 10176(a) of the Code.

11

Respondent OLIVE BRANCH MORTGAGE abandoned its business office at 400 North Gateway, Madera, California and failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for its real estate brokerage activities.

12

Respondent TAYLORED MORTGAGE abandoned its business office at 1758 West Robertson Boulevard, Chowchilla, California and failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for its real estate brokerage activities.

13

Respondent AVINA & HAGEMAN abandoned its business office at 1141 West Shaw Avenue, #101, Fresno, California and failed to maintain on file with the Real Estate

Commissioner a new address for the principal place of business for its real estate brokerage activities.

14

The facts alleged above are a violation of Section 10162 of the Code and are grounds for the suspension or revocation of the licenses of Respondents OLIVE BRANCH MORTGAGE, TAYLORED MORTGAGE and AVINA & HAGEMAN under the provisions of Sections 10165 and 10177(d) of the Code.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against RAYMOND CHARLES AVINA exists pursuant to Section 10176(a) of the Code.

2

Cause for disciplinary action against OLIVE BRANCH MORTGAGE, INC., TAYLORED MORTGAGE, INC. and AVINA & HAGEMAN, INC. exists pursuant to Section 10165 of the Code in conjunction with Section 10177(d) of the Code.

3

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

ORDER

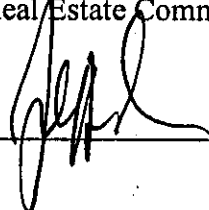
All licenses and licensing rights of Respondents RAYMOND CHARLES AVINA, OLIVE BRANCH MORTGAGE, INC., TAYLORED MORTGAGE, INC. and AVINA & HAGEMAN, INC., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on OCT - 7 2009.

DATED: _____

9-9-09

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

AUG 31 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

5
6 BEFORE THE
7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of

No. H-2400 FR

11 RAYMOND CHARLES AVINA,
12 OLIVE BRANCH MORTGAGE, INC.,
13 a California Corporation,
14 TAYLORED MORTGAGE, INC.,
15 a California Corporation and
16 AVINA & HAGEMAN, INC.,
17 a California Corporation,

DEFAULT ORDER

18 Respondents.

19 Respondents, RAYMOND CHARLES AVINA, OLIVE BRANCH
20 MORTGAGE, INC., TAYLORED MORTGAGE, INC. and AVINA & HAGEMAN, INC.,
21 having failed to file a Notice of Defense within the time required by Section 11506 of the
22 Government Code, are now in default. It is, therefore, ordered that a default be entered on the
23 record in this matter.

24 IT IS SO ORDERED August 31, 2009.

25 JEFF DAVI
26 Real Estate Commissioner

27 By:

Charles W. Koenig
CHARLES W. KOENIG
Northern Regional Manager

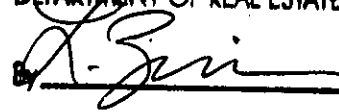
1 ANGELA L. CASH, Counsel (SBN 230882)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

FILED

JUN 24 2009

DEPARTMENT OF REAL ESTATE

4 Telephone: (916) 227-0789
5 -or- (916) 227-0805 (Direct)



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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12	In the Matter of the Accusation of)	
13	RAYMOND CHARLES AVINA,)	H-2400 FRESNO
14	OLIVE BRANCH MORTGAGE, INC.,)	<u>ACCUSATION</u>
15	a California Corporation,)	
16	TAYLORED MORTGAGE, INC.,)	
17	a California Corporation, and)	
18	AVINA & HAGEMAN, INC.,)	
	a California Corporation,)	
	Respondents.)	

19
20 The Complainant, John Sweeney, a Deputy Real Estate Commissioner of the State
21 of California (hereinafter "Complainant"), for cause of Accusation against RAYMOND
22 CHARLES AVINA (hereinafter "AVINA"), OLIVE BRANCH MORTGAGE, INC., a California
23 Corporation (hereinafter "OLIVE BRANCH MORTGAGE"), TAYLORED MORTGAGE, INC.,
24 a California Corporation (hereinafter "TAYLORED MORTGAGE") and AVINA &
25 HAGEMAN, INC., a California Corporation (hereinafter "AVINA & HAGEMAN") (collectively
26 referred to as "Respondents") is informed and alleges as follows:

27 ///

1
2 At all times herein mentioned, Respondents, licensed real estate brokers, engaged
3 in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers
4 within the State of California within the meaning of Section 10131(a) of the Code, including the
5 operation and conduct of a real estate brokerage with the public wherein, on behalf of others, for
6 compensation or in expectation of compensation, Respondents sold and offered to sell, bought
7 and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings
8 of, and negotiated the purchase and sale of real property or a business opportunity.

9 FIRST CAUSE OF ACTION

7

10
11 Each and every allegation in Paragraphs 1 through 6, inclusive, above are
12 incorporated by this reference as if fully set forth herein.

8

13
14 On approximately July 20, 2006, in the course of the activities described in
15 Paragraph 6, above, Respondent AVINA as agent for Susana Reyna (hereinafter "Buyer")
16 solicited and obtained execution by Matthew Schoonover (hereinafter "Seller") a Residential
17 Purchase Agreement and Joint Escrow Instructions covering 4253 N. Holt, Fresno, California
18 93705 (hereinafter "subject property") for a purchase price of \$198,000.

9

19
20 In the course of the activities described in Paragraph 6, above, Respondent
21 AVINA represented to Seller that Buyer had agreed to deposit \$1,000 earnest money into escrow
22 for the purchase of subject property. This representation was false when made, as Respondent
23 AVINA well and truly knew at the time. In truth and fact, Buyer never deposited \$1,000 earnest
24 money into escrow for the purchase of subject property.

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25
26 The acts and omissions of Respondent AVINA described above constitutes the
27 substantial misrepresentation of a material fact.

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The acts and omissions alleged above constitute cause for the suspension or revocation of all licenses and license rights of Respondent AVINA pursuant to the provisions of Section 10176(a) of the Code.

SECOND CAUSE OF ACTION

12

Each and every allegation in Paragraphs 1 through 11, inclusive, above are incorporated by this reference as if fully set forth herein.

13

Respondent OLIVE BRANCH MORTGAGE abandoned its business office at 400 N. Gateway, Madera, California and failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for its real estate brokerage activities.

14

Respondent TAYLORED MORTGAGE abandoned its business office at 1758 W. Robertson Blvd., Chowchilla, California and failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for its real estate brokerage activities.

15

Respondent AVINA & HAGEMAN abandoned its business office at 1141 W. Shaw Ave. #101, Fresno, California and failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for its real estate brokerage activities.

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1
2 The facts alleged above are a violation of Section 10162 of the Code and are
3 grounds for the suspension or revocation of the licenses of Respondents OLIVE BRANCH
4 MORTGAGE, TAYLORED MORTGAGE and AVINA & HAGEMAN under the provisions of
5 Sections 10165 and 10177(d) of the Code.

6 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
7 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
8 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
9 Division 4 of the Business and Professions Code), and for such other and further relief as may be
10 proper under other provisions of law.

11
12 
13 JOHN SWEENEY
14 Deputy Real Estate Commissioner

14 Dated at Fresno, California
15 this 18th day of June, 2009.