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Department of Real Estate
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FILED

AUG 24 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

7
8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) NO. H-2740 FR
JENNIFER MAM RAKAPHOUME,)
14) FIRST AMENDED
Respondent.) ACCUSATION
15)

16 The Complainant, BRENDA SMITH, a Deputy Real Estate Commissioner of the
17 State of California, for First Amended Accusation against JENNIFER MAM RAKAPHOUME
18 (herein "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in her official capacity.

21 2

22 At all times herein mentioned, Respondent was and now is, licensed and/or has
23 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
24 Code) (herein "the Code").

25 3

26 At all times herein mentioned, Respondent was and now is licensed by the State
27 of California Department of Real Estate (herein the "Department") as a real estate broker.

On about November 1, 2011, Respondent was approved for a real estate mortgage loan originator license endorsement.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California on behalf of others, for compensation or in expectation of compensation within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation. Respondent solicited lenders or borrowers for or negotiated loans or loan modifications or collected payments or performed services for borrowers or lenders or note owners in connection with loans or loan modifications secured directly or collaterally by liens on real property or on a business opportunity.

Between about April 21, 2009 and July 14, 2010, Respondent claimed, demanded, charged, received and/or collected advance fees of about \$1,500 from each of the following borrowers prior to submission to the Department of any or all materials used to collect said advanced fees, in violation of Sections 10085 (advance fee materials), 10085.5 (collecting advance fees), and 10085.6 (collecting advance fees) of the Code and Sections 2970 (advance fee materials) and 2972 (advance fee accounting content) of Title 10, Chapter 6, of the California Code of Regulations (herein "the Regulations"):

<u>Borrower</u>	<u>Property Address</u>	<u>Date</u>
Maricruz F.	W. Terrace Ave. Fresno, CA	4/21/09
Albino G.	Oleander Ave. Merced, CA	7/4/09
Anousith P.	E. Woodward Ave. Fresno, CA	7/17/09

1	(Continued)	<u>Borrower</u>	<u>Property Address</u>	<u>Date</u>
2		Gary G. H.	E. Olympic Dr. Fresno, CA	7/24/09
3			Hanging Branch	8/20/09
4			Shaver Lake, CA	
5		David P.	E. Woodward Ave. Fresno, CA	7/25/09
6				
7		Margarita G.	S. Valentine Ave. Fresno, CA	7/29/09
8				
9		Salvador G.	Dellavale Ave. Madera, CA	8/13/09
10				
11		Alfredo F.	N. Wilson Ave. Fresno, CA	8/25/09
12				
13		Javier L.	Home Dr. Sanger, CA	8/28/09
14				
15		Maria O.	E. Pine Ave. Fresno, CA	9/1/09
16				
17		Laureen L. S.	W. Bluff Ave. Fresno, CA	9/1/09
18				
19		Epifanio J. F.	Perkins Rd. Madera, CA	9/4/09
20				
21		Xay Y. V.	N. Cindy Ave. Clovis, CA	9/11/09
22				
23		Rafael G.	E. 6 th St. Madera, CA	9/11/09
24				
25		Juan F. R.	E. Laurel Ave. Fresno, CA	9/16/09
26				
27		Rosa O.	S. Claremont Ave. Fresno, CA	9/25/09
		Gilda O.	E. Richert Ave. Fresno, CA	9/30/09

	(Continued)	<u>Borrower</u>	<u>Property Address</u>	<u>Date</u>
1				
2		Samuel D. L.	E. Lyell Ave. Fresno, CA	10/9/09
3		Renee C.	S. Rolinda Ave. Fresno, CA	10/15/09
4				
5		Merced P.	Recreation Ave. Sanger, CA	10/27/09
6				
7		Angelica C.	E. Tyler Ave. Fresno, CA	12/3/09
8				
9		Suechang C.	W. Dudley Ave. Fresno, CA	12/17/09
10				
11		Aaron/Rebecca B.	Rd 35 ½ Madera, CA	1/5/10
12				
13		Stanley N. M.	Serena Ln. Clovis, CA	1/11/10
14				
15		Claudia G.	E. Laureen Ave. Fresno, CA	1/11/10
16				
17		Agustina D.	N. Dewey Ave. Fresno, CA	3/16/10
18				
19		Luis V.	E. Cambridge Dr. Reedley, CA	3/29/10
20				
21		Eduardo G.	E. Shoemake Ave. Reedley, CA	5/18/10
22				
23		Raymundo I.	E. Gettysburg Ave. Fresno, CA	5/21/10
24				
25		Randal C.	Sand Dollar Ct. Madera, CA	6/16/10
26				
27		David D.	N. Erie Ave. Fresno, CA	6/3/10
		Rosenda V.	E. Montecito Ave. Fresno, CA	7/14/10

Arturo and Octavia A.

On about August 12, 2009, Respondent and Octavio Amezcua (herein "Amezcua") met with Arturo and Octavia A. (herein "Arturo and Octavia") in order to provide loan modification services to save Arturo and Octavia's home located on Walton Ave., Sanger, CA, from being lost in foreclosure, informing Arturo and Octavia that Respondent and Amezcua were licensed with the Department and authorized by the Department to perform loan modification services, promising that the loan modification would be complete within three (3) to six (6) months, when in fact Amezcua's salespersons license was not under Respondent's broker license, the Department had not authorized Respondent and Amezcua to perform loan modification services as represented, and Respondent failed to provide the loan modification as promised, in violation of Sections 10130 (unlicensed activity), 10176(a) (substantial misrepresentation), (b) (false promises), and (i) (dishonest dealing) and/or 10177(g) (negligence) and/or (j) (dishonest dealing) of the Code.

Between about August 12, 2009 and September 1, 2009, Respondent and Amezcua collected advance fees for the loan modification for Arturo and Octavia in the amount of about \$1,000.00, prior to submission to the Department of any or all materials used to collect said advance fees and failed to provide an accounting for said advance fees, in violation of Sections 10085 and 10085.5 of the Code and Sections 2970 and 2972 of the Regulations.

Hector G.

On about May 17, 2010, Respondent met with Hector G. (herein "Hector") in order to provide loan modification services to save Hector's home located on W. Indianapolis Ave., Fresno, CA, from being lost in foreclosure, promising Hector that an affordable loan modification would be complete within three (3) to six (6) months, when in fact, Respondent failed to provide said loan modification as promised, in violation of Sections 10176(a), (b), and (i) and/or 10177(g) and/or (j) of the Code.

1 Respondent entered into a fee agreement with Hector and collected an advance fee
2 in the amount of about \$1,500.00 from Hector prior to submission to the Department of any or all
3 materials used to collect said advance fees and failed to provide an accounting for said advance
4 fees, in violation of Sections 10085 and 10085.6 of the Code and Sections 2970 and 2972 of the
5 Regulations.

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7 The facts alleged above are grounds for the suspension or revocation of the
8 license and license rights of Respondent under the following provisions of the Code and/or
9 the Regulations:

10 (a) as to Paragraph 6, under Sections of 10085, 10085.5 and 10085.6 of the
11 Code and Sections 2970 and 2972 of the Regulations, in conjunction with Section 10177(d)
12 of the Code;

13 (b) as to Paragraph 7, under Sections 10130, 10176(a),(b), and (i) and/or
14 10177(g) and/or (j) of the Code and Sections 2970 and 2972 of the Regulations, in
15 conjunction with Section 10177(d) of the Code;

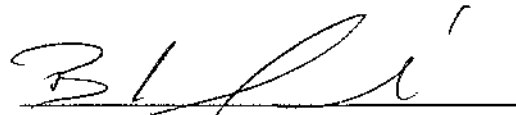
16 (c) as to Paragraph 8, under Sections 10085 and 10085.5 of the Code and
17 Sections 2970 and 2972 of the Regulations, in conjunction with Section 10177(d) of the
18 Code; and

19 (d) as to Paragraph 9, under Sections 10176(a),(b), and (i) and/or 10177(g)
20 and/or (j), 10085 and 10085.6 of the Code and Sections 2970 and 2972 of the Regulations, in
21 conjunction with Section 10177(d) of the Code.

22 11

23 Section 10106 of the Code provides, in pertinent part, that in any order issued in
24 resolution of a disciplinary proceeding before the Department, the Commissioner may request
25 the Administrative Law Judge to direct a licensee found to have committed a violation of this
26 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
27 case.

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this First Amended Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondent under the Real Estate
4 Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation
5 and enforcement as permitted by law, and for such other and further relief as may be proper
6 under other applicable provisions of law.

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10 
11 BREND A SMITH
12 Deputy Real Estate Commissioner

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14 Dated at Fresno, California,
15 this 23 day of August, 2012.

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

FILED

MAY - 7 2012

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DEPARTMENT OF REAL ESTATE

By K. Contreras

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12 In the Matter of the Accusation of)
13) NO. H-2740 FR
14 JENNIFER MAM RAKAPHOUME,)
15) ACCUSATION
Respondent.)

16 The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the
17 State of California, for Accusation against JENNIFER MAM RAKAPHOUME (herein
18 "Respondent"), is informed and alleges as follows:

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20 The Complainant makes this Accusation in his official capacity.

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22 At all times herein mentioned, Respondent was and now is, licensed and/or has
23 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
24 Code) (herein "the Code").

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27 of California Department of Real Estate (herein the "Department") as a real estate broker.

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On about August 11, 2011, Respondent made application to the Department for a mortgage loan originator license endorsement.

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At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California on behalf of others, for compensation or in expectation of compensation within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation. Respondent solicited lenders or borrowers for or negotiated loans or loan modifications or collected payments or performed services for borrowers or lenders or note owners in connection with loans or loan modifications secured directly or collaterally by liens on real property or on a business opportunity.

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Arturo and Octavia A.

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Hector G.

On about May 17, 2010, Respondent met with Hector G. (herein "Hector") in order to provide loan modification services to save Hector's home located on W. Indianapolis Ave., Fresno, CA, from being lost in foreclosure, promising Hector that an affordable loan modification would be complete within three (3) to six (6) months, when in fact, Respondent failed to provide said loan modification as promised, in violation of Sections 10176(a), (b), and (i) and/or 10177(g) and/or (j) of the Code.

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code), for the cost of the investigation and
5 enforcement as permitted by law, and for such other and further relief as may be proper under
6 other applicable provisions of law.

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PHILLIP IHDE
Deputy Real Estate Commissioner

Dated at LOS ANGELES, California,
this 23rd day of April, 2012.