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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-2757 FR  
13 JAIME V. BEDOY, and )  
14 KEVIN K. CUMMINGS, ) ACCUSATION  
15 )  
16 Respondents. )

17 The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the  
18 State of California, for Accusation against JAIME V. BEDOY (herein "BEDOY") and  
19 KEVIN K. CUMMINGS (herein "CUMMINGS") (herein collectively "Respondents") is  
20 informed and alleges as follows:

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22 Complainant makes this Accusation in his official capacity.

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24 At all times herein mentioned, Respondents were and now are licensed and/or  
25 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and  
26 Professions Code) (herein "the Code").

27 3

At all times mentioned herein, Respondents were and now are licensed by the  
Department of Real Estate (herein "Department") as real estate salespersons.

1 4

2 On about September 5, 2009, Respondents promised to obtain a loan modification  
3 for Ramon O. (herein "Ramon") in order to save Ramon's residence located on Dover Avenue,  
4 Modesto, CA from foreclosure when, in fact, Respondents failed to obtain said loan  
5 modification, in violation of Section 10176(a) (substantial misrepresentation) of the Code.

6 5

7 Respondents collected advance fees for said loan modification from Ramon in the  
8 amount of about \$1,000.00 on about September 5, 2009, and about \$500.00 on about October 1,  
9 2009, prior to submitting for review by the Real Estate Commissioner any or all materials used in  
10 advanced fee agreements, including but not limited to the contract form, any letters or cards used  
11 to solicit prospective sellers, and radio and television advertising, at least 10 calendar days before  
12 it was used in obtaining said advance fees, in violation of Sections 10085 (advance fee materials),  
13 10085.5 (charging advance fees) of the Code and Section 2970 (advance fee materials) of Title  
14 10, Chapter 6, of the California Code of Regulations (herein "the Regulations").

15 6

16 Respondents collected advance fees for said loan modification from Ramon in  
17 the amount of about \$250.00 on about November 19, 2009, and about \$250.00 on about  
18 November 30, 2009, prior to completing all services offered, a violation of Section 10085.6  
19 (charging advance fees) of the Code.

20 7

21 At all times mentioned herein, Respondents failed to provide to Ramon an  
22 accounting of said advance fees collected as required by Section 2972 (accounting requirement)  
23 of the Regulations.


24 8

25 The facts alleged above are grounds for the suspension or revocation of the license  
26 and license rights of Respondents under the following provisions:

- 27 (a) as to Paragraph 4, under Section 10176(a) of the Code;

- 1 (b) as to Paragraph 5, under Sections 10085 and 10085.5 of the Code and  
2 Section 2970 of the Regulations, in conjunction with Section 10177(d)  
3 of the Code;  
4 (c) as to Paragraph 6, under Section 10085.6 of the Code, in conjunction  
5 with Section 10177(d) of the Code;  
6 (d) as to Paragraph 7, under Section 2972 of the Regulations in  
7 conjunction with 10177(d) of the Code.

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
9 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
10 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of  
11 Division 4 of the Business and Professions Code), for the cost of the investigation and  
12 enforcement as permitted by law, and for such other and further relief as may be proper under  
13 other applicable provisions of law.  
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17   
18 PHILLIP IHDE  
19 Deputy Real Estate Commissioner  
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21 Dated at LOS ANGELES, California  
22 this 10<sup>TH</sup> day of April, 2012  
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