

FILED

JUL 01 2011

DEPARTMENT OF REAL ESTATE

Roberta Jones

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
) DRE Case Number H-4145 SD
ISABELL ROBERTA BRODSKY,)
NATIONAL HOME SAVERS PRO, INC.,)
and LINDA ANN GREGORY,)
Respondents.)

DECISION AFTER RECONSIDERATION

On May 12, 2011, a Decision was rendered in the above-entitled matter. The Decision was to become effective at 12 o'clock noon on June 1, 2011.

On May 16, 2011, Respondent LINDA ANN GREGORY filed a request for reconsideration of the Commissioner's decision. On June 1, 2011, LINDA ANN GREGORY filed her argument and exhibits in support of reconsideration. On May 16, 2011, Respondents ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC., filed a request for reconsideration. Respondents ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC., did not file arguments and exhibits in support of reconsideration. The Department filed its opposition to reconsideration on June 20, 2011.

On June 29, 2011, an Order Granting Reconsideration was filed granting reconsideration of the March 12, 2011 Decision for the limited purpose of determining whether the disciplinary action imposed against Respondent LINDA ANN GREGORY should be reduced.

1 I have given careful consideration to the record in this case, including the written
2 argument offered by Respondent and Complainant. I have reconsidered the aforementioned
3 Decision and it is hereby ordered that the disciplinary action therein imposed against the
4 corporate real estate broker license and license rights of LINDA ANN GREGORY shall read as
5 follows:

6 **ORDER**

7 All real estate licenses and license rights of Respondent LINDA ANN
8 GREGORY ("GREGORY") under the Real Estate Law (Part 1 of Division 4 of the Business and
9 Professions Code), including the corporate officer's real estate broker license issued to
10 GREGORY, are hereby revoked.

11 However, Respondent GREGORY shall be entitled to apply for and be issued a
12 restricted corporate officer real estate broker license if Respondent GREGORY makes
13 application therefore and pays to the Department of Real Estate the appropriate fee for said
14 license within ninety (90) days of the effective date of the Decision herein. The restricted license
15 issued to Respondent GREGORY shall be subject to all of the provisions of Section 10156.7 of
16 the Code and to the following limitations, conditions and restrictions imposed under authority of
17 Section 10156.6 of that Code:

18 1. The restricted corporate officer real estate broker license issued to Respondent
19 GREGORY may be suspended prior to hearing by Order of the Real Estate Commissioner in the
20 event of Respondent GREGORY's conviction or plea of nolo contendere to a crime which is
21 substantially related to Respondent GREGORY's fitness or capacity as a real estate licensee.

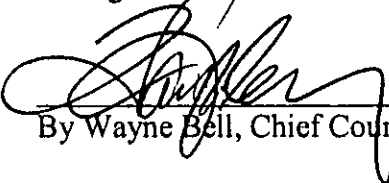
22 2. The restricted license issued to Respondent GREGORY may be suspended
23 prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
24 Commissioner that Respondent GREGORY has violated provisions of the California Real Estate
25 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
26 attaching to the restricted license.

1 3. Respondent GREGORY shall not be eligible to apply for the issuance of an
2 unrestricted real estate license nor for the removal of any of the conditions, limitations or
3 restrictions of the restricted corporate officer real estate broker license until two (2) years have
4 elapsed from the effective date of this Decision, and until Respondent GREGORY has provided
5 evidence satisfactory to the Commissioner that she has satisfied the criteria of rehabilitation set
6 forth in Section 2912 of the Commissioner's Regulations.

7 4. Respondent GREGORY shall, within nine months from the effective date of
8 this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent
9 GREGORY has, since the most recent issuance of an original or renewal real estate license,
10 taken and successfully completed the continuing education requirements of Article 2.5 of
11 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent GREGORY
12 fails to satisfy this condition, the Commissioner may order the suspension of the restricted
13 license until Respondent GREGORY presents such evidence. The Commissioner shall afford
14 Respondent GREGORY the opportunity for a hearing pursuant to the Administrative Procedure
15 Act to present such evidence.

16 This Decision shall become effective at 12 o'clock noon on JUL 22 2011

17
18 Barbara J. Bigby
19 Acting Real Estate Commissioner

20 
21 By Wayne Bell, Chief Counsel
22
23
24
25
26
27

FILED

JUL 01 2011

DEPARTMENT OF REAL ESTATE

Sonetta Jones

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	DRE Case Number H-4145 SD
ISABELL ROBERTA BRODSKY,)	
NATIONAL HOME SAVERS PRO, INC.,)	
and LINDA ANN GREGORY,)	
Respondents.)	

ORDER GRANTING IN PART AND DENYING IN PART RECONSIDERATION

On May 12, 2011, a Decision was rendered in the above-entitled matter. The Decision was to become effective at 12 o'clock noon on June 1, 2011.

On May 16, 2011, Respondent LINDA ANN GREGORY filed a request for reconsideration of the Commissioner's decision. On June 1, 2011, LINDA ANN GREGORY filed her argument and exhibits in support of reconsideration. On May 16, 2011, Respondents ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC. filed a request for reconsideration. Respondents ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC. did not file arguments and exhibits in support of reconsideration. The Department filed its opposition to reconsideration on June 20, 2011.

I have given due consideration to Respondent LINDA ANN GREGORY's ("GREGORY") request for reconsideration. I find good cause to reconsider the Decision of May 12, 2011, and reconsideration is hereby granted to Respondent GREGORY for the limited purpose of determining whether the disciplinary action imposed against Respondent GREGORY should be reduced.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Respondents NATIONAL HOME SAVERS PRO, INC. and ISABELL
ROBERTA BRODSKY, having failed to file arguments and evidence in support of
reconsideration, their reconsideration for revocation of NATIONAL HOME SAVERS PRO,
INC.'s, corporate real estate broker license and the real estate salesperson license of ISABELL
ROBERTA BRODSKY are denied.

IT IS HEREBY ORDERED 7-1-11.

Barbara J. Bigby
Acting Real Estate Commissioner



stay

FILED

MAY 26 2011

DEPARTMENT OF REAL ESTATE

[Signature]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE Case Number H-4145 SD
)	
ISABELL ROBERTA BRODSKY,)	
NATIONAL HOME SAVERS PRO, INC., and)	
LINDA ANN GREGORY,)	
)	
<u>Respondents.</u>		

ORDER STAYING EFFECTIVE DATE

On April 20, 2011, a Decision was rendered in the above-entitled matter to become effective June 1, 2011.

IT IS HEREBY ORDERED that the effective date of the Decision of the Real Estate Commissioner of April 20, 2011, is stayed for a period of thirty (30) days.

The Decision of the Real Estate Commissioner of April 20, 2011, shall become effective at 12 o'clock noon on July 1, 2011.

DATED: May 24, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

[Signature]

FILED

MAY 20 2011

DEPARTMENT OF REAL ESTATE

By S Jones

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

<p>9 In the Matter of the Accusation of</p> <p>10 ISABELL ROBERTA BRODSKY,</p> <p>11 NATIONAL HOME SAVERS PRO, INC., and</p> <p>12 LINDA ANN GREGORY,</p> <p style="text-align: right;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>DRE Case Number H-4145 SD</p>
---	--	----------------------------------

ORDER STAYING EFFECTIVE DATE

On May 12, 2011, a Default Order revoking Respondent' LINDA ANN GREGORY's corporate broker license was rendered in the above-entitled matter to become effective June 1, 2011.

On May 16, 2011, LINDA ANN GREGORY requested a stay of the Department's Default Order so she could prepare a brief in support of her request for reconsideration.

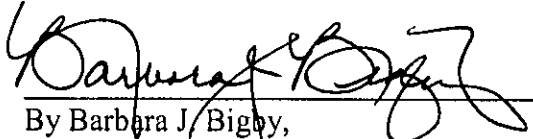
Therefore, as to LINDA ANN GREGORY only IT IS HEREBY ORDERED that the effective date of the of the Real Estate Commissioner's May 12, 2011 Default Order, is stayed for a period of thirty (30) days to permit the filing and consideration of LINDA ANN GREGORY's argument in support of and the Department's opposition to her request for reconsideration.

The Default Decision of the Real Estate Commissioner of May 12, 2011 shall become effective at 12 o'clock noon on July 1, 2011 As to LINDA ANN GREGORY only and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

the July 1, 2011 effective date of the Real Estate Commissioner's May 12, 2011 Default Order,
June 1, 2011, remaining in effect for all remaining respondents.

DATED: 3/16/11


By Barbara J. Bigby,
Acting Real Estate Commissioner

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

MAY 12 2011

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By K. Conteras

In the Matter of the Accusation of)
)
 ISABELL ROBERTA BRODSKY,)
 NATIONAL HOME SAVERS PRO, INC., AND)
 LINDA ANN GREGORY,)
)
 Respondents.)

NO. H-4145 SD

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 November 10, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes the real estate licenses of ISABELL ROBERTA BRODSKY, NATIONAL HOME SAVERS PRO, INC., and LINDA ANN GREGORY based upon the below enumerated violations of relevant Real Estate Law.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondents.

FINDINGS OF FACT

1

On September 30, 2010, JOSEPH AIU made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. On October 4, 2010, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to each respondent at Respondents' last known mailing address on file with the Department.

On November 10, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

At all times mentioned herein, Respondent ISABELL ROBERTA BRODSKY has been licensed by the Department under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate salesperson.

At all times prior to June 14, 2010, Respondent NATIONAL HOME SAVERS PRO, INC., did not hold a corporate real estate brokers license. On and since June 14, 2010 NATIONAL HOME SAVERS PRO, INC. was licensed by the Department under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a corporate real estate broker. At all times relevant herein Respondent NATIONAL HOME SAVERS PRO, INC. was and is the alter ego of Respondent ISABELL ROBERTA BRODSKY.

At all times mentioned herein, Respondent LINDA ANN GREGORY did not hold an individual real estate license. Prior to June 14, 2010, LINDA ANN GREGORY was solely licensed by the Department under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a Designated Officer of *Team Gregory*, a corporate real estate broker. Beginning on June 14, 2010 and continuing to the present Respondent LINDA ANN GREGORY was also licensed as the Designated Officer of NATIONAL HOME SAVERS PRO, INC.

At all times relevant herein ISABELL ROBERTA BRODSKY and/or NATIONAL HOME SAVERS PRO, INC., 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 within the meaning of Section 10131(d) of the Code (Broker license required), in that ISABELL ROBERTA BRODSKY and/or NATIONAL HOME SAVERS PRO, INC., solicited and/or performed services for borrowers in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services.

On or about April 2, 2009, NATIONAL HOME SAVERS PRO, INC., acting through ISABELL ROBERTA BRODSKY, entered into an advance fee contract with Peter Pong and Cynthia L. Pong (collectively the "PONGS") to negotiate a loan modification for their 3472 Maroun Place, San Jose, California home. The PONGS never received the promised loan modification. ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC., failed to submit the advance fee contract to the Department for review prior to using the advance fee contract for this loan modification transaction. The PONGS refused to make the payments to ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC., as required under the advance fee contract. Despite not having a valid real estate broker license ISABELL ROBERTA BRODSKY and/or NATIONAL HOME SAVERS PRO, INC., threatened to sue the PONGS, demanding payment of an advance fee in the sum of \$3,891.17 for loan modification services. The threat of a lawsuit and the related activities surrounding this transaction constitute a violation of Sections 10085 (Advance fee agreement and materials require prior review by the Department before use), 10085.5 (Payment of advance fees for

loans secured by lien on real property), 10085.6 (Payment of an advance fee of loan modification services yet to be performed prohibited) and 10137 (Receipt of unlawful compensation) of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Commissioner's Regulations") (DRE review of advance fee agreements and materials required before use by licensee) and are grounds for the revocation or suspension of both ISABELL ROBERTA BRODSKY's and NATIONAL HOME SAVERS PRO, INC.'s real estate licenses and license rights under Sections 10138 (Penalties for receipt of unlawful compensation) and 10177(d) of the Code (Willful disregard or violation of real estate law).

5

On or about March 15, 2009, ISABELL ROBERTA BRODSKY entered into an advance fee contract with Vanessa Juarez and Trinidad H. Juarez. (collectively "JUAREZ") to negotiate a loan modification for the JUAREZ real property located at 500 East Cypress Street, Santa Maria, California. JUAREZ paid ISABELL ROBERTA BRODSKY an advance fee in the sum of \$3,234.00 via credit card with the fee clearing the JUAREZ bank on May 9, 2009. Receipt of such an advance fee by ISABELL ROBERTA BRODSKY constitutes a violation of Sections 10085, 10085.5, 10085.6 and 10137 of the Code and Section 2970 of the Commissioner's Regulations and constitutes grounds for the revocation or suspension of both ISABELL ROBERTA BRODSKY's and NATIONAL HOME SAVERS PRO, INC.'s real estate licenses or license rights under Sections 10138 and 10177(d) of the Code. In addition, having never received the promised loan modification JUAREZ canceled his agreement with ISABELL ROBERTA BRODSKY. At that time ISABELL ROBERTA BRODSKY promised to refund the advance fees collected from JUAREZ. However, JUAREZ has never received the promised refund.

6

ISABELL ROBERTA BRODSKY's and NATIONAL HOME SAVERS PRO, INC.'s activities as described above, without first obtaining a real estate broker license and/or without active broker supervision constitutes a violation of Section 10130 of the Code (Real estate license required) and is grounds for the revocation or suspension of both ISABELL ROBERTA BRODSKY's and NATIONAL HOME SAVERS PRO, INC.'s real estate licenses and license rights under Sections 10177(d) of the Code (Willful disregard or violation of real estate law).

7

Among other acts designed to mislead customers into believing that ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC. were authorized to conduct loan modifications for borrowers, ISABELL ROBERTA BRODSKY's and NATIONAL HOME SAVERS PRO, INC.'s actions as set forth herein, were willful, deceptive and dishonest and a breach of their fiduciary duties to their clients in that ISABELL ROBERTA BRODSKY and/or NATIONAL HOME SAVERS PRO, INC.: (1) failed to disclose to borrowers that ISABELL ROBERTA BRODSKY was not a licensed real estate broker; (2) at the time of the solicitations enumerated above ISABELL ROBERTA BRODSKY failed to disclose to borrowers that NATIONAL HOME SAVERS PRO, INC., was not a licensed corporate real estate broker; and (3) ISABELL ROBERTA BRODSKY threatened to undertake the filing of collection lawsuits despite ISABELL ROBERTA BRODSKY and NATIONAL HOME SAVERS PRO, INC.'s inability to comply with Section 10136 of the Code (Must plead and prove that ISABELL ROBERTA BRODSKY and/or NATIONAL HOME SAVERS PRO, INC., held proper real estate license to seek judicial intervention in a fee dispute). Therefore, the conduct of ISABELL ROBERTA BRODSKY and/or

NATIONAL HOME SAVERS PRO, INC., violated Sections 10176(a) (Making a substantial misrepresentation); 10176(b) (Making any false promise of a character likely to influence, persuade or induce); 10176(c) (Continued and flagrant course of misrepresentation or the making of false promises); 10176(i) (Fraud or dishonest dealing); and, 10177(j) (Fraud or dishonest dealing) of the Code.

8

On or about February 29, 2010, LINDA ANN GREGORY on behalf of NATIONAL HOME SAVERS PRO, INC. applied to the Department for a corporate real estate license. LINDA ANN GREGORY represented to the Department that she was the "Vice President of Licensing" of NATIONAL HOME SAVERS PRO, INC., and in that alleged capacity applied for NATIONAL HOME SAVERS PRO, INC.'s corporate real estate broker license. LINDA ANN GREGORY, the Designated Officer of *Team Gregory* only holds a real estate license as the designated officer of *Team Gregory* and does not hold a valid individual real estate license. As a result of the representations made by LINDA ANN GREGORY, on or about June 14, 2010, the Department issued a corporate real estate broker license to NATIONAL HOME SAVERS PRO, INC. with LINDA ANN GREGORY as NATIONAL HOME SAVERS PRO, INC.'s Designated Officer.

9

According to NATIONAL HOME SAVERS PRO, INC.,'s Officers and Directors Statements filed with the California Secretary of State's Office on June 16, 2009 and on March 21, 2010, LINDA ANN GREGORY is not listed as an Officer and/or Director of NATIONAL HOME SAVERS PRO, INC. In fact, according to filings with the California Secretary of State, ISABELL ROBERTA BRODSKY is the only officer and/or director of NATIONAL HOME SAVERS PRO, INC. Therefore, pursuant to Section 10159 of the Code (Only corporate officer can act for corporation under solely a corporate broker license), LINDA ANN GREGORY does not qualify to be the designated broker-officer of HOME SAVERS PRO, INC. as of the date of NATIONAL HOME SAVERS PRO, INC.,'s application to the Department for a corporate real estate broker license. LINDA ANN GREGORY's statement that she was a corporate officer of NATIONAL HOME SAVERS PRO, INC., is a material misrepresentation to the Department done with the intent to induce the Department into issuing a corporate real estate broker license to NATIONAL HOME SAVERS PRO, INC., and was made with the knowledge of, and ratified by, ISABELL ROBERTA BRODSKY.

10

LINDA ANN GREGORY's misrepresentation of her corporate officer status constitutes the procurement of the NATIONAL HOME SAVERS PRO, INC., corporate real estate broker license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application and is cause for the revocation of the corporate broker license of NATIONAL HOME SAVERS PRO, INC., for violating Sections 10159, 10176(i), 10177(a) and 10177(d) of the Code.

////

DETERMINATION OF ISSUES

1

The findings above constitute cause for the suspension or revocation of the licenses and license rights of ISABELL ROBERTA BRODSKY under Sections 10130, 10138, 10137, 10085, 10085.5, 10085.6, 10176(a), 10176(b), 10176(c), 10176(i), 10177(d) and 10177(j) of the Code and Section 2970 of the Commissioner's Regulations.

2

The findings above constitute cause for the suspension or revocation of the licenses and license rights of NATIONAL HOME SAVERS PRO, INC under the Sections 10085, 10085.5, 10085.6, 10137, 10138, 10177(a), 10177(i), 10176(a), 10176(i) and 10177(d) of the Code.

3

The findings above constitute cause for the suspension or revocation of the licenses and license rights of LINDA ANN GREGORY under Sections 10159, 10176(i), 10177(a) and 10177(d) of the Code.

4

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

ORDER

The Department having met its burden of proof, IT IS HEREBY ORDERED that all licenses and licensing rights of ISABELL ROBERTA BRODSKY, NATIONAL HOME SAVERS PRO, INC, and LINDA ANN GREGORY are hereby REVOKED.

This Decision shall become effective at 12 o'clock noon on
June 1, 2011.

DATED: _____

6/1/2011

JEFF DAVI
Real Estate Commissioner

[Signature]

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

4 Telephone: (916) 227-0789

FILED

NOV 10 2010

DEPARTMENT OF REAL ESTATE

By Henry

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

12 * * *

13 In the Matter of the Accusation of
14 ISABELL ROBERTA BRODSKY,
15 NATIONAL HOME SAVERS PRO, INC., and
16 LINDA ANN GREGORY,
Respondents.

No. H-4145 SD

DEFAULT ORDER

17 Respondent, LINDA ANN GREGORY, having failed to file a Notice of Defense
18 within the time required by Section 11506 of the Government Code, is now in default. It is,
19 therefore, ordered that a default be entered on the record in this matter.
20

21 IT IS SO ORDERED November 10, 2010

22
23 JEFF DAVI
24 Real Estate Commissioner

25
26 By:

Charles W. Koenig
27 CHARLES W. KOENIG
Regional Manager

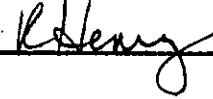
1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

NOV 1 0 2010

DEPARTMENT OF REAL ESTATE

By: 

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

12 * * *

13 In the Matter of the Accusation of)
14 ISABELL ROBERTA BRODSKY,)
15 NATIONAL HOME SAVERS PRO, INC., and)
16 LINDA ANN GREGORY,)
_____) Respondents.

No. H-4145 SD

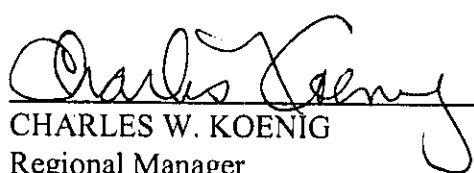
DEFAULT ORDER

17 Respondent, NATIONAL HOME SAVERS PRO, INC., having failed to file a
18 Notice of Defense within the time required by Section 11506 of the Government Code, is now in
19 default. It is, therefore, ordered that a default be entered on the record in this matter.
20

21 IT IS SO ORDERED November 10, 2010

22
23
24 JEFF DAVI
Real Estate Commissioner

25
26 By: _____


CHARLES W. KOENIG
Regional Manager

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

4 Telephone: (916) 227-0789

FILED

NOV 10 2010

DEPARTMENT OF REAL ESTATE

By R. Henry

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

12 * * *

13 In the Matter of the Accusation of)

No. H-4145 SD

14 ISABELL ROBERTA BRODSKY,)
15 NATIONAL HOME SAVERS PRO, INC., and)
16 LINDA ANN GREGORY,)

DEFAULT ORDER

17 Respondents.

18 Respondent, ISABELL ROBERTA BRODSKY, having failed to file a Notice of
19 Defense within the time required by Section 11506 of the Government Code, is now in default.

20 It is, therefore, ordered that a default be entered on the record in this matter.

21 IT IS SO ORDERED November 10, 2010.

22
23 JEFF DAVI
24 Real Estate Commissioner

25
26 By:

Charles W. Koenig
27 CHARLES W. KOENIG
Regional Manager

FILED

OCT 04 2010

DEPARTMENT OF REAL ESTATE

L. Henry

1 KENNETH C. ESPELL, Counsel (SBN 178757)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
5 -or- (916) 227-0868 (Direct)

6
7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) NO. H-4145 SD
14)
14 ISABELL ROBERTA BRODSKY,)
14 NATIONAL HOME SAVERS PRO, INC., and) ACCUSATION
15 LINDA ANN GREGORY)
15 Respondents)
16)

17 The Complainant, JOSEPH AIU in his official capacity as a Deputy Real Estate
18 Commissioner of the State of California (hereinafter "Complainant"), for Accusation against
19 Respondent ISABELL ROBERTA BRODSKY, individually, and was doing business as
20 NATIONAL HOME SAVERS PRO, INC. (hereinafter "BRODSKY"), NATIONAL HOME
21 SAVERS PRO, INC. (hereinafter "NHSPI"), and LINDA ANN GREGORY (hereinafter
22 "GREGORY") is informed and alleges as follows:

23
24 FIRST CAUSE OF ACTION
24 Unlicensed Loan Modification Activities

25 1

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

1 At no time relevant herein did BRODSKY hold a real estate broker license. Between
2 August 28, 2008 and February 24, 2010, BRODSKY was not employed by a licensed real estate
3 broker, but was acting on her own without broker supervision.

4 2

5 At all times prior to June 14, 2010, NATIONAL HOME SAVERS PRO, INC., a
6 California Corporation was the alter ego of BRODSKY and was used by BRODSKY to conduct
7 loan modification services on behalf of her clients. On or about June 14, 2010, the Department
8 issued a corporate real estate broker license (CREB # 01881994) to NHSPI with GREGORY, the
9 Designated Officer of *Team Gregory* (REB # 00889475), as NHSPI's Designated Officer. At all
10 times relevant herein LINDA ANN GREGORY did not and does not hold an individual real
11 estate broker license. Further, from June 14, 2010 to the present BROKSKY was not and is not
12 employed by NHSPI as a real estate salesperson.

13 3

14 At all times relevant herein BRODSKY and/or NHSPI engaged in the business of,
15 acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of
16 California within the meaning of Section 10131(d) of the Business & Professions Code (the
17 "Code") (Broker license required), in that BRODSKY and/or NHSPI solicited and/or performed
18 services for borrowers in connection with loans secured directly or collaterally by liens on real
19 property or on a business opportunity, for or in expectation of compensation and claimed,
20 demanded, charged, received, collected or contracted for an advanced fee for such services.

21 4

22 On or about April 2, 2009, NHSPI, acting through BRODSKY, entered into an
23 advance fee contract with Peter Pong and Cynthia L. Pong (collectively the "PONGS") to
24 negotiate a loan modification for their 3472 Maroun Place, San Jose, California home. The
25 PONGS never received the promised loan modification. BRODSKY and NHSPI failed to
26 submit the advance fee contract to the Department for review prior to using the advance fee
27 contract for this loan modification transaction. The PONGS refused to make the payments to

1 BRODSKY and NHSPI as required under the advance fee contract. Despite not having a valid
2 real estate broker license BRODSKY and/or NHSPI threatened to sue the PONGS, demanding
3 payment of an advance fee in the sum of \$3,891.17 for loan modification services. The threat of
4 a lawsuit and the related activities surrounding this transaction constitute a violation of Sections
5 10085 (Advance fee agreement and materials require prior review by the Department before
6 use), 10085.5 (Payment of advance fees for loans secured by lien on real property), 10085.6
7 (Payment of an advance fee of loan modification services yet to be performed prohibited) and
8 10137 (Receipt of unlawful compensation) of the Code and Section 2970 of Title 10 of the
9 California Code of Regulations (hereinafter "the Commissioner's Regulations") (DRE review of
10 advance fee agreements and materials required before use by licensee) and are grounds for the
11 revocation or suspension of both BRODSKY's and NHSPI's real estate licenses or license rights
12 under Sections 10138 (Penalties for receipt of unlawful compensation) and 10177(d) of the Code
13 (Willful disregard or violation of real estate law).

14 5.

15 On or about March 15, 2009, BRODSKY entered into an advance fee contract
16 with Vanessa Juarez and Trinidad H. Juarez. (collectively "JUAREZ") to negotiate a loan
17 modification for the JUAREZ real property located at 500 East Cypress Street, Santa Maria,
18 California. JUAREZ paid BRODSKY an advance fee in the sum of \$3,234.00 via credit card
19 with the fee clearing the JUAREZ bank on May 9, 2009. Receipt of such an advance fee by
20 BRODSKY constitutes a violation of Sections 10085, 10085.5, 10085.6 and 10137 of the Code
21 and Section 2970 of the Commissioner's Regulations and constitutes grounds for the revocation
22 or suspension of both BRODSKY's and NHSPI's real estate licenses or license rights under
23 Sections 10138 and 10177(d) of the Code. In addition, having never received the promised loan
24 modification JUAREZ canceled his agreement with BRODSKY. At that time BRODSKY
25 promised to refund the advance fees collected from JUAREZ. However, JUAREZ has never
26 received the promised refund.

27 ////

BRODSKY's and NHSPI's activities as described in Paragraphs 3 through 5, above, without first obtaining a real estate broker license and/or without active broker supervision constitutes a violation of Section 10130 of the Code (Real estate license required) and is grounds for the revocation or suspension of both BRODSKY's and NHSPI's real estate licenses or license rights under Sections 10177(d) of the Code (Willful disregard or violation of real estate law).

SECOND CAUSE OF ACTION
Failure to Maintain Trust Funds in Trust Account

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

Pursuant to Section 10146 of the Code (Advance fees to be deposited into trust account) all advanced fees received by a licensee of the Department must be deposited into a client trust account in the name of a broker as trustee. BRODSKY and NHSPI, failed to deposit such advance fees into a trust account in violation of Section 10145 (Trust fund handling) and Section 10146 of the Code (Trust Account must name broker as the trustee); violations which constitute cause for suspension or revocation of all licenses and license rights of BRODSKY and NHSPI pursuant to Section 10177(d) of the Code.

THIRD CAUSE OF ACTION
Misrepresentation/Negligence or Incompetence

Each and every allegation in Paragraphs 1 through 8, above, is incorporated by this reference as if fully set forth herein.

Among other acts designed to mislead customers into believing that BRODSKY and NHSPI were authorized to conduct loan modifications for borrowers, BRODSKY's and

1 NHSPI's actions as set forth in Paragraphs 1 through 8, above, were willful, deceptive and
2 dishonest and a breach of their fiduciary duties to their clients in that BRODSKY and/or
3 NHSPI: (1) failed to disclose to borrowers that BRODSKY was not a licensed real estate
4 broker; (2) at the time of the solicitations enumerated above BRODSKY failed to disclose to
5 borrowers that NHSPI was not a licensed corporate real estate broker; and (3) BRODSKY
6 threatened to undertake the filing of collection lawsuits despite BRODSKY's and NHSPI's
7 inability to comply with Section 10136 of the Code (Must plead and prove that BRODSKY
8 and/or NHSPI held proper real estate license to seek judicial intervention in a fee dispute).
9 Therefore, the conduct of BRODSKY and/or NHSPI violated Sections 10176(a) (Making a
10 substantial misrepresentation); 10176(b) (Making any false promise of a character likely to
11 influence, persuade or induce); 10176(c) (Continued and flagrant course of misrepresentation or
12 the making of false promises); 10177(i) (Fraud or dishonest dealing); and, 10177(j) (Fraud or
13 dishonest dealing) of the Code, or, in the alternative, Section 10177(g) of the Code (Negligence
14 or incompetence in licensed activities) a violation of each code section constitutes separate
15 cause for the suspension or revocation of the license and license rights of BRODSKY and
16 NHSPI under Section 10177(d) of the Code.

17
18 FOURTH CAUSE OF ACTION

19 National Home Savers Pro, Inc., License Application Misrepresentation

20 11

21 Each and every allegation in Paragraphs 1 through 10, above, is incorporated by
22 this reference as if fully set forth herein.

23 12

24 At all times relevant herein GREGORY did not and does not hold an individual
25 real estate broker license. On or about February 29, 2010, NHSPI applied to the Department for
26 a corporate real estate license. GREGORY represented to the Department that she was the "Vice
27 President of Licensing" of NHSPI and in that alleged capacity applied for NHSPI's corporate
real estate broker license. GREGORY, the Designated Officer of *Team Gregory*

1 (REB # 00889475) only holds a broker license as the designated officer of Team Gregory and
2 does not hold a valid individual real estate broker license. Therefore, GREGORY was unable to
3 apply for the NHSPI corporate broker license based solely on an individual broker license. As a
4 result of the representations made by GREGORY, on or about June 14, 2010, the Department
5 issued a corporate real estate broker license (CREB # 01881994) to NHSPI with GREGORY as
6 NHSPI's Designated Officer.

7 13

8 According to NHSPI's Officers and Directors Statements filed with the
9 California Secretary of State's Office on June 16, 2009 and on March 21, 2010, GREGORY is
10 not listed as an Officer and/or Director of NHSPI. In fact, according to filings with the
11 California Secretary of State, BRODSKY is the only officer and/or director of NHSPI.
12 Therefore, pursuant to Section 10159 of the Code (Only corporate officer can act for
13 corporation under solely a corporate broker license), GREGORY does not qualify to be the
14 designated broker-officer of NHSPI as of the date of NHSPI's application to the Department for
15 a corporate real estate broker license. GREGORY's statement that she was a corporate officer
16 of NHSPI is a material misrepresentation to the Department done with the intent to induce the
17 Department to issue a corporate real estate broker license to NHSPI and was made with the
18 knowledge of, and ratified by, BRODSKY.

19 14

20 GREGORY's misrepresentation of her corporate officer status constitutes the
21 procurement of the NHSPI corporate real estate broker license by fraud, misrepresentation, or
22 deceit, or by making a material misstatement of fact in said application and is cause for the
23 revocation of the corporate broker license of NHSPI for violating Sections 10159, 10165 and
24 10177.1 of the Code.

25 15

26 In addition, GREGORY's misrepresentations violate Sections 10177(a),
27 10177(j), 10176(a) and 10176(i) of the Code and constitute grounds for disciplinary action

1 against all licenses and license rights of BRODSKY, NHSPI and GREGORY under the Section
2 10177(d) of the Code.

3


4 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
5 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
6 action against all licenses and license rights of Respondents ISABELL ROBERTA BRODSKY,
7 NATIONAL HOME SAVERS PRO, INC., and LINDA ANN GREGORY under the Code and
8 for such other and further relief as may be proper under other provisions of law.

9

10

11

12



JOSEPH AIU
Deputy Real Estate Commissioner

13

Dated at San Diego, California,

14

this 10 day of September, 2010.

15

16

17

18

19

20

21

22

23

24

25

26

27