

1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 (916) 227-0792 (Direct)

FILED

DEC 15 2010

DEPARTMENT OF REAL ESTATE

By H. Mar

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

10 ***

11 In the Matter of the Accusation of)
12) No. H-4159 SD
13 MARK ARTHUR ROSS,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
17 State of California, for cause of Accusation against MARK ARTHUR ROSS, individually and
18 doing business as American Debt Solutions, LLC, (hereafter "Respondent"), is informed and
19 alleges as follows:

20 1

21 The Complainant makes this Accusation in his official capacity.

22 2

23 Respondent is presently licensed and/or has license rights under the Real Estate
24 Law, Part 1 of Division 4 of the Business and Professions Code (hereafter "the Code") as a real
25 estate salesperson. At no time mentioned herein was Respondent licensed by the Department of
26 Real Estate (hereafter "the Department") as a real estate broker.

27 ///

3

At no time mentioned herein was American Debt Solutions, LLC, licensed in any capacity by the Department.

4

At all times mentioned herein, Respondent performed services for one or more borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders with respect to the collection of advance fees and loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for any of the services offered.

5

On or about December 9, 2008, Respondent entered into a loan modification services agreement with Billy Clayburn. According to that agreement, Respondent agreed to negotiate a loan modification on behalf of Billy Clayburn for his property located at 765 Hollowglen Road, Oceanside, California, in exchange for an advance fee payment of \$5,500. On or about that same date, Billy Clayburn paid the advance fee of \$5,500 to Respondent. Billy Clayburn eventually received reimbursement of \$4,025 of his advance fee from a company named Fresh Start Financial Solutions, Inc., with which Respondent was affiliated. No loan modification was ever obtained by Respondent for Billy Clayburn, nor did Respondent ever refund the remaining balance of the advance fee paid to him by Billy Clayburn.

6

By the commission of the acts alleged in Paragraph 5, above, Respondent engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Sections 10130 (License Requirement to Act as Real Estate Broker) and 10131(d)

///

7
1 (Performing Services for Borrowers and/or Lenders in Connection with Loans Secured by Real
2 Property) of the Code.

3 7

4 The facts alleged in Paragraph 5, above, are grounds for the suspension or
5 revocation of the license and license rights of Respondent under Sections 10085 (Prior Approval
6 of Advance Fee Agreement Materials), 10085.5 (Collection of Advance Fee by Someone Other
7 Than Real Estate Broker), 10085.6 (Collection of Unauthorized Advance Fees), 10130,
8 10131(d), 10131.2 (Real Estate Broker License Required for Participation in Activities Alleged),
9 10137 (Acceptance of Compensation from Someone Other Than Employing Broker), 10177(d)
10 (Willful Violation of Real Estate Law) and 10177(j) (Other Conduct Which Constitutes Fraud or
11 Dishonest Dealing) of the Code, and Section 2970 (Submission of Advance Fee Materials) and
12 2972 (Content of Verified Accounting) of Title 10, Chapter 6, California Code of Regulations.

13 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
14 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
15 action against all licenses and license rights of Respondent under the Code, and for such other
16 and further relief as may be proper under the provisions of law.

17
18
19 
20 JOSEPH AIU
Deputy Real Estate Commissioner

21 Dated at San Diego, California,
22 this 1 day of October 2010.
23
24
25
26
27