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**FILED**  
OCT 19 2011

DEPARTMENT OF REAL ESTATE  
By R. Mak

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
	)	
WEST COAST FUNDING AND REAL	)	No. H-4238 SD
ESTATE SERVICES, INC. and	)	
TROY DAVID MORITZ,	)	<u>ACCUSATION</u>
	)	
Respondents.	)	

The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against WEST COAST FUNDING AND REAL ESTATE SERVICES, INC., ("WCF"), and TROY DAVID MORITZ ("MORITZ"), (collectively "Respondents"), is informed and alleges as follows:

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The Complainant makes this Accusation in his official capacity.

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WCF is licensed by the Department of Real Estate ("the Department") as a corporate real estate broker.

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MORITZ is licensed by the Department as a real estate broker. In addition, MORITZ is licensed by the Department as the designated broker/officer of WCF. As the designated broker/officer, MORITZ is responsible, pursuant to Section 10159.2 of the Code (responsibility of corporate broker in charge), for the supervision of the activities of the officers, agents, real estate licensees and employees of WCF for which a real estate license is required.

At all times relevant herein, Respondents 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, including performing 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.

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

FIRST CAUSE OF ACTION

In or about the period of December 2, 2010, and continuing intermittently through December 16, 2010, an audit was conducted of the records of WCF at its main office

1 located at 8322 Clairemont Mesa Boulevard, #106, San Diego, California. The auditor herein  
2 examined the records for the period of October 1, 2008, through November 30, 2010 (the audit  
3 period).

4 7

5 Respondents did not and do not maintain a trust account.

6 8

7 The audit of WCF disclosed that in the course of the activities described in  
8 Paragraph 4, above, in connection with the solicitation of borrowers and negotiation of  
9 mortgage loans:

10 (a) In or about the period of October and/or November 2008, Respondents  
11 collected advance fees from at least four (4) clients. Although WCF submitted the advance fee  
12 agreements related to those transactions to the Department for approval, WCF never received a  
13 "No Objection" letter from the Department authorizing the use of those advance fee agreements.  
14 Such acts and/or omissions by WCF violate Section 10085 (submission of advance fee  
15 agreements and materials) of the Code and Section 2970 (advance fee materials) of Title 10 of  
16 the California Code of Regulations ("the Regulations").

17 (b) WCF collected advance fees and failed to deposit those funds into a trust  
18 account. Such acts and/or omissions by WCF violate Sections 10145 (handling of trust funds)  
19 and 10146 (advance fee deposits to account) of the Code and Sections 2831 (maintenance of  
20 trust fund records), 2832 (trust fund handling) and 2972 (accounting content) of the Regulations.

21 (c) WCF failed to maintain accurate and complete records related to its  
22 collection of advance fees. Such acts and/or omissions by WCF violate Section 10148 (record  
23 retention requirements) of the Code.

24 (d) WCF failed to maintain complete and accurate records related to  
25 Mortgage Loan Disclosure Statements in at least six (6) transactions. Such acts and/or  
26 omissions by WCF violated Sections 10240 (written disclosure statement requirement) and  
27 10241 (content of written disclosure statement) of the Code.

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The acts and/or omissions of WCF, as alleged in Paragraph 8, above, are grounds for discipline under Section 10177(d) (willful disregard of real estate law).

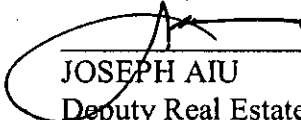
SECOND CAUSE OF ACTION

At all times relevant herein, MORITZ was responsible, as the designated broker/officer for WCF, for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees. MORITZ failed to exercise reasonable supervision and control over the property mortgage loan brokering activities of WCF. In particular, MORITZ permitted, ratified and/or caused the conduct described in the First Cause of Action, above, to occur, and failed to take reasonable steps, including, but not limited to, the handling of trust funds, supervision of employees and the implementation of policies, rules, procedures and systems to ensure the compliance of the corporation with the Real Estate Law and the Regulations. Such acts and/or omissions of MORITZ violate Section 10159.2 of the Code (supervision responsibility of corporate officer in charge) and Section 2725 of the Regulations (broker supervision requirement).

The acts and/or omissions of MORITZ, as set forth in Paragraph 10, above, constitute grounds for disciplinary action under Sections 10177(d) and 10177(h) (reasonable broker supervision) of the Code.

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1                    WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation, and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against all licenses and license rights of Respondents under the Code, and for  
4 such other and further relief as may be proper under applicable provisions of law.  
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8                    \_\_\_\_\_  
                         JOSEPH AIU  
                         Deputy Real Estate Commissioner

9                    Dated at San Diego, California,  
10 this 10 day of October, 2011.  
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