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Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0781

APR - 1 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
YAJEN HUANG,)
Respondent.)

No. H-4792 SAC

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between YAJEN HUANG (hereinafter "Respondent"), and her attorney C. Breck Jones, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the First Amended Accusation filed on November 20, 2007 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this

1 Stipulation and Agreement.

2 2. Respondent has received, read and understands the
3 Statement to Respondent, and the Discovery Provisions of the APA
4 filed by the Department of Real Estate in this proceeding.

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of
7 requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that she understands that by
10 withdrawing said Notice of Defense she will thereby waive her
11 right to require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA, and that she will waive other rights
14 afforded to her in connection with the hearing such as the right
15 to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17
18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations of the
20 Accusation filed in this proceeding are true and correct and the
21 Real Estate Commissioner shall not be required to provide further
22 evidence to prove such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement as
25 his decision in this matter thereby imposing the penalty and
26 sanctions on the real estate licenses and license rights of
27 Respondent as set forth in the below "Order". In the event that

1 the Commissioner in his discretion does not adopt the Stipulation
2 and Agreement, it shall be void and of no effect, and Respondent
3 shall retain the right to a hearing and proceeding on the
4 Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.

6 6. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation and
8 Agreement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Department of
10 Real Estate with respect to any matters which were not
11 specifically alleged to be causes for accusation in this
12 proceeding.

13 * * *

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations and waivers and
16 solely for the purpose of settlement of the pending Accusation
17 without a hearing, it is stipulated and agreed that the following
18 determination of issues shall be made:
19

20 I

21 The acts and omissions of Respondent as described in
22 the First Amended Accusation are grounds for the suspension or
23 revocation of Respondent licenses and license rights under
24 Section 10177(d) of the Code in conjunction with Sections 10130
25 and 10137 of the Code.
26
27

* * *

ORDER

I

- 1
- 2
- 3
- 4 A. All real estate license(s) and license rights of Respondent
- 5 YAJEN HUANG are revoked.
- 6 B. A restricted real estate salesperson license shall be issued
- 7 to Respondent pursuant to Section 10156.6 of the Code if
- 8 within ninety (90) days of the effective date of the Order,
- 9 Respondent makes application therefore and pays to the
- 10 Department the appropriate fee for said license.
- 11 C. The restricted license issued to Respondent shall be subject
- 12 to all of the provisions of Section 10156.7 of the Business
- 13 and Professions Code and to the following conditions and
- 14 limitations imposed under authority of Section 10156.6 of
- 15 said Code:
- 16
- 17 1) The restricted license issued to Respondent may be
- 18 suspended prior to hearing by order of the Real Estate
- 19 Commissioner in the event of Respondent's conviction or
- 20 plea of nolo contendere to a crime which bears a
- 21 substantial relationship to Respondent's fitness or
- 22 capacity as a real estate licensee.
- 23 2) The restricted license may be suspended prior to hearing
- 24 by Order of the Real Estate Commissioner on evidence
- 25 satisfactory to the Commissioner that Respondent has
- 26 violated provisions of the California Real Estate Law,
- 27

the Subdivided Lands Law, Regulations of the Real Estate
Commissioner or conditions attaching to the restricted
license.

- 3) Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license, nor the
removal of any of the conditions of the restricted
license, until four (4) years have elapsed from the
effective date of this Order.

D. Respondent shall submit with any application for license
under an employing broker, or any application for transfer to
a new employing broker, a statement signed by the prospective
employing real estate broker on a form approved by the
Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the
Commissioner which granted the right to a restricted
license; and
- (b) That the employing broker will exercise close
supervision over the performance by the restricted
licensee relating to activities for which a real estate
license is required.

E. Any restricted license issued to Respondent pursuant to this
Decision shall be suspended for a period of one hundred and
thirty (130) days from the issuance of the restricted
license; provided, however, that:

- 1) One hundred (100) days of said suspension shall be stayed,
upon the condition that Respondent petition pursuant to

1 Section 10175.2 of the Business and Professions Code and
2 pays a monetary penalty pursuant to Section 10175.2 of the
3 Business and Professions Code at a rate of \$100 for each
4 day of the suspension for a total monetary penalty of
5 \$10,000.

6 a) Said payment shall be in the form of a cashier's check
7 or certified check made payable to the Recovery Account
8 of the Real Estate Fund. Said check must be delivered
9 to the Department prior to the effective date of the
10 Order in this matter.

11 b) No further cause for disciplinary action against the
12 Real Estate licenses of Respondent occurs within two (2)
13 years from the effective date of the decision in this
14 matter.

15 c) If Respondent fails to pay the monetary penalty as
16 provided above prior to the effective date of this
17 Order, the stay of the suspension shall be vacated as to
18 that Respondent and the order of suspension shall be
19 immediately executed, under this Order, in which event
20 the said Respondent shall not be entitled to any
21 repayment nor credit, prorated or otherwise, for the
22 money paid to the Department under the terms of this
23 Order.

24 d) If said Respondent pays the monetary penalty and any
25 other moneys due under this Stipulation and Agreement
26 and if no further cause for disciplinary action against
27

1 the real estate license of said Respondent occurs within
2 two (2) years from the effective date of this Order, the
3 entire stay hereby granted this Order, as to said
4 Respondent only, shall become permanent.

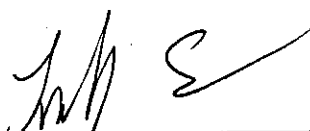
5 2) Respondent shall be required to serve the remaining thirty
6 (30) days of said suspension.

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

19 F. Respondent shall, within six (6) months from the effective
20 date of this Decision, take and pass the Professional
21 Responsibility Examination administered by the Department
22 including the payment of the appropriate examination fee. If
23 Respondent fails to satisfy this condition, the Commissioner
24 may order suspension of the restricted license until
25 Respondent passes the examination.
26
27

31-Jan-08

DATED

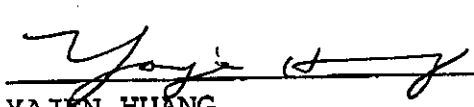

TRULY SUGHRUE
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

1/17/08

DATED


YAJEN HUANG
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

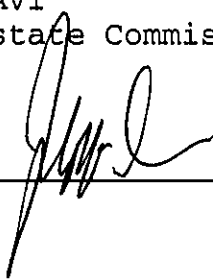
1/17/08
DATED
C. BRECK JONES
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on APR 21 2008, 2008.

IT IS SO ORDERED 3/24/, 2008.

JEFF DAVI
Real estate Commissioner



FILED

NOV 20 2007

DEPARTMENT OF REAL ESTATE

By *Anne Sharrow*

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-4792 SAC

12 YAJEN HUANG)

FIRST AMENDED ACCUSATION

13 Respondent.)
14

15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against YAJEN HUANG, (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 The Complainant, CHARLES W. KOENIG, a Deputy Real
21 Estate Commissioner of the State of California, makes this
22 Accusation in his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "Code").

27 \\\

III

At all times mentioned herein to and until September 25, 2007, FREEDOM CAPITAL MORTGAGE INC. (hereinafter "FREEDOM") was licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation. Effective September 25, 2007, in Case No. H-4792 SAC before the Department of Real Estate, the Real Estate Commissioner revoked the real estate broker corporation license of FREEDOM, for violation of Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

IV

At all times mentioned herein to and until September 25, 2007, JOSEPH SALVATORE GALLO, (hereinafter "GALLO") was licensed by the Department individually as a real estate broker, and is licensed as the designated broker officer of FREEDOM. Effective September 25, 2007, in Case No. H-4792 SAC before the Department of Real Estate, the Real Estate Commissioner revoked the real estate broker license of GALLO, for violation of Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code; and Sections 10177(g) and 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

V

At all times mentioned herein to and until July 23, 2007, MARIO FELLINI III, (hereinafter "FELLINI") was and is licensed by the Department individually as a real estate broker.

1 In Case No. H-4792 SAC before the Department of Real Estate, the
2 Commissioner's Order Accepting Voluntary Surrender of Real Estate
3 License was effective July 23, 2007.

4 VI

5 At all times mentioned herein, Respondent YAJEN HUANG,
6 aka Jennifer Huang, (hereinafter "HUANG") was and is licensed by
7 the Department as a real estate salesperson.

8 VII

9 At no time mentioned herein was James R. Martin
10 (hereinafter "Martin") licensed by the Department either as a
11 real estate salesperson or as a real estate broker.

12 VIII

13 At all times herein mentioned, HUANG engaged in the
14 business of, acted in the capacity of, advertised or assumed to
15 act as a real estate broker in the State of California within the
16 meaning of Section 10131(a) of the Code, including the operation
17 and conduct of a real estate resale brokerage with the public
18 wherein, on behalf of others, for compensation or in expectation
19 of compensation, Respondent sold and offered to sell, bought and
20 offered to buy, solicited prospective sellers and purchasers of,
21 solicited and obtained listings of, and negotiated the purchase
22 and resale of real property.

23 IX

24 At all times mentioned herein Respondent HUANG employed
25 and compensated Martin to perform the acts and conduct the real
26 estate activities described in Paragraph VIII, above, including
27

1 but not limited to the activities described in Paragraph X,
2 below.

3 X

4 Beginning on or about March 24, 2006 and continuing
5 thereafter, in course of the employment and activities described
6 in Paragraph IX, above, Martin negotiated and arranged mortgage
7 loans to finance the purchase and sale of real property,
8 including but not necessarily limited to mortgage loans to
9 finance the purchase of real property, including but not
10 necessarily limited to the following:

11 Property Address	Borrower	Close of Escrow
12 9229 Trenholm Drive, Elk Grove	Reagan Oliveras	8/7/06
13 5819 Zoller Court, Elk Grove	Patricia Romano	8/25/06
14 9829 Summer Glen Way, Elk Grove	Peter Correa	8/28/06
15 5822 Jared Court, Elk Grove	Walter Bakos	9/13/06
16 10205 Lofton Court, Elk Grove	Peter Correa	9/21/06
17 5975 Leonardo Way, Elk Grove	Walter Bakos	9/22/06
18 9783 Cervelli Way, Elk Grove	Walter Bakos	9/22/06
19 9616 Spring Breeze Court, Elk Grove	Walter Bakos	9/25/06
20 9330 Otter Creek Way, Elk Grove	Walter Bakos	9/26/06
21 116 Rocky Cove Court, Elk Grove	Walter Bakos	10/26/06

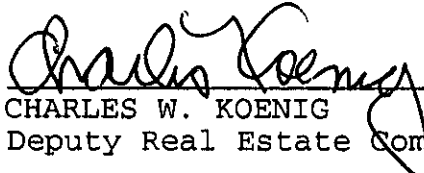
22
23 XI

24 In acting as described in Paragraphs IX through X,
25 inclusive, above, Respondent HUANG violated and/or willfully
26 disregarded the provisions of Sections 10130 and 10137 of the
27 Code.

XII

The facts described above constitute cause to suspend or revoke all licenses and license rights of Respondent HUANG pursuant to the provisions of Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

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


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 20th day of November, 2007

FILED
SEP 05 2007

DEPARTMENT OF REAL ESTATE

By Lenne Shawver

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JOSEPH SALVATORE GALLO,)	No. H-4792 SAC
FREEDOM CAPITAL MORTGAGE INC.,)	<u>DECISION</u>
MARIO FELLINI III, and YAJEN)	
HUANG)	
Respondents.)	

This Decision as to Respondents JOSEPH SALVATORE GALLO (GALLO) and FREEDOM CAPITAL MORTGAGE INC (FREEDOM) only 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 August 28, 2007, 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.

FINDINGS OF FACT

I

On May 31, 2006, Charles W. Koenig made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondents JOSEPH SALVATORE GALLO (hereinafter "GALLO") and FREEDOM CAPITAL MORTGAGE INC. (hereinafter "FREEDOM") at the last

known mailing address on file with the Department on June 15, 2007 and by regular mail on June 21, 2007.

On August 28, 2007, no Notice of Defense having been filed by Respondents GALLO or FREEDOM herein within the time prescribed by Section 11506 of the Government Code, the default of Respondent FREEDOM was entered herein.

II

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

III

At all times mentioned herein, Respondent GALLO, was licensed by the Department individually as a real estate broker, and was licensed individually as the designated broker officer of FREEDOM. As said designated officer-broker, GALLO was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of FREEDOM for which a license is required. Respondent GALLO's real estate broker's license was revoked effective August 23, 2007 pursuant to H-4787 SAC.

IV

At no time mentioned herein was James R. Martin (hereinafter "Martin") licensed by the Department either as a real estate salesperson or as a real estate broker.

V

At all times mentioned herein GALLO and FREEDOM, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on behalf of others for compensation or in expectation of a compensation.

VI

At all times mentioned herein FREEDOM employed and compensated Martin to perform the acts and conduct the real

estate activities described in Paragraph V, above, including but not limited to the activities described in Paragraph VII, below. GALLO caused, suffered and permitted FREEDOM to so employ and compensate Martin.

VII

Beginning on or about March 24, 2006 and continuing thereafter, in course of the employment and activities described in Paragraph V, above, Martin negotiated and arranged mortgage loans to finance the purchase and sale of real property, including to mortgage loans to finance the purchase of real property, including the following:

Property Address	Borrower	Close of Escrow
9688 Anton Oaks Way, Elk Grove	Timothy McDaniel	3/24/06
10153 East Taron, Elk Grove	Reagan Oliveras	7/31/06
6020 Laguna Vale Way, Elk Grove	Reagan Oliveras	8/4/06
9229 Trenholm Drive, Elk Grove	Reagan Oliveras	8/7/06
5819 Zoller Court, Elk Grove	Patricia Romano	8/25/06
9302 Bennoel Court, Elk Grove	Jeffery L. Johnston	8/28/06
9829 Summer Glen Way, Elk Grove	Peter Correa	8/28/06
8865 Boreal Way, Elk Grove	Jeffery L. Johnston	9/12/06
5822 Jared Court, Elk Grove	Walter Bakos	9/13/06
10205 Lofton Court, Elk Grove	Peter Correa	9/21/06
9181 Quail Brook Circle, Elk Grove	Tammy White	9/29/06

VIII

In acting as described in Paragraphs VI through VII, inclusive, above, GALLO and FREEDOM violated and willfully disregarded the provisions of Sections 10130 and 10137 of the Business and Professions Code (hereinafter "the Code").

IX

GALLO failed to exercise reasonable supervision over the acts of FREEDOM in such a manner as to allow the acts and events described above to occur.

X

The acts and/or omissions of GALLO described in Paragraph IX, constitute failure on the part of GALLO, as designated broker-officer for FREEDOM, to exercise reasonable supervision and control over the licensed activities of FREEDOM required by Section 10159.2 of the Code.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against GALLO and FREEDOM exists pursuant to Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

II

Cause for disciplinary action against GALLO exists pursuant to Sections 10177(g) and 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

III

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

ORDER

All licenses and licensing rights of Respondents JOSEPH SALVATORE GALLO and FREEDOM CAPITAL MORTGAGE INC., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on SEP 25 2007.

DATED: 8-31-07

JEFF ZAVI
Real Estate Commissioner

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
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7 Telephone: (916) 227-0781
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-4792 SAC

JOSEPH SALVATORE GALLO,
FREEDOM CAPITAL MORTGAGE INC.,
MARIO FELLINI III, and YAJEN
HUANG

DEFAULT ORDER

Respondents.

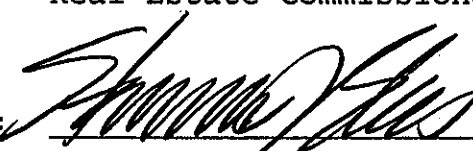
Respondent, JOSEPH SALVATORE GALLO, FREEDOM CAPITAL
MORTGAGE INC., having failed to file a Notice of Defense within
the time required by Section 11506 of the Government Code, is now
in default. It is, therefore, ordered that a default be entered
on the record in this matter.

IT IS SO ORDERED

August 20, 2007

JEFF DAVI

Real Estate Commissioner

By: 

STEVEN J. ELLIS
Regional Manager

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FILED

JUN 30 2007

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MARIO FELLINI, III et al) No. H-4792 SAC
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 15, 2007, an Accusation was filed in this matter against Respondent Mario Fellini, III.

On June 25, 2007, Respondent Mario Fellini, III petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent Mario Fellini, III's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent Mario Fellini, III on June 25, 2007 (attached as Exhibit "A" hereto).

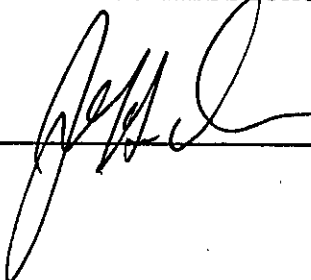
1 Respondent Mario Fellini, III's license certificate
2 and pocket card shall be sent to the below-listed address so
3 that they reach the Department on or before the effective date
4 of this Order:

5 DEPARTMENT OF REAL ESTATE
6 Attention: Licensing Flag Section
7 P. O. Box 187000
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock
10 noon on JUL 23 2007

11 DATED: 6-29-07

12 JEFF DAVI
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H- 4792 SAC
MARIO FELLINI III,	)	
	)	
	)	
	)	
Respondent.	)	

DECLARATION

My name is MARIO FELLINI III and I am currently licensed as a real estate BROKER and/or have license rights with respect to said license. I am representing myself in this matter

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.



1 I understand that by so voluntarily surrendering my
2 license(s), that I may be relicensed as a broker or as a
3 salesperson only by petitioning for reinstatement pursuant to
4 Section 11522 of the Government Code. I also understand that by
5 so voluntarily surrendering my license(s), I agree to the
6 following:

7 The filing of this Declaration shall be deemed as my
8 petition for voluntary surrender. It shall also be deemed to be
9 an understanding and agreement by me that I waive all rights I
10 have to require the Commissioner to prove the allegations
11 contained in the Accusation filed in this matter at a hearing
12 held in accordance with the provisions of the Administrative
13 Procedure Act (Government Code Sections 11400 et seq.), and that
14 I also waive other rights afforded to me in connection with the
15 hearing such as the right to discovery, the right to present
16 evidence in defense of the allegations in the Accusation and the
17 right to cross-examine witnesses. I further agree that upon
18 acceptance by the Commissioner, as evidenced by an appropriate
19 order, all affidavits and all relevant evidence obtained by the
20 Department in this matter prior to the Commissioner's acceptance,
21 and all allegations contained in the Accusation filed in the
22 Department Case No. H-4792 SAC, may be considered by the
23 Department to be true and correct for the purpose of deciding
24 whether to grant relicensure or reinstatement pursuant to
25 Government Code Section 11522.

26 I declare under penalty of perjury under the laws of
27 the State of California that the above is true and correct and

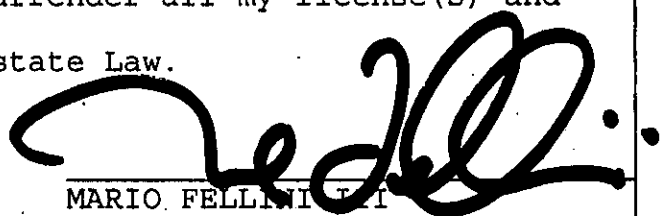
1 that I freely and voluntarily surrender all my license(s) and
2 license rights under the Real Estate Law.

3 6/25/07

4 Date and Place

5 SACRAMENTO, CA

MARIO FELLINI



1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
JUN 15 2007

DEPARTMENT OF REAL ESTATE

By Aune Shaver

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-4792 SAC

12 JOSEPH SALVATORE GALLO,)
13 FREEDOM CAPITAL MORTGAGE INC.,)
14 MARIO FELLINI III, and YAJEN)
15 HUANG)

ACCUSATION

Respondents.)

16
17 The Complainant, CHARLES W. KOENIG, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 Accusation against JOSEPH SALVATORE GALLO, FREEDOM CAPITAL
20 MORTGAGE INC., MARIO FELLINI III, and YAJEN HUANG, (hereinafter
21 "Respondents"), are informed and alleges as follows:

22 PRELIMINARY ALLEGATIONS

23 I

24 The Complainant, CHARLES W. KOENIG, a Deputy Real
25 Estate Commissioner of the State of California, makes this
26 Accusation in his official capacity.
27

II

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

III

At all times mentioned herein, Respondent FREEDOM CAPITAL MORTGAGE INC. (hereinafter "FREEDOM") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

IV

At all times mentioned herein, Respondent JOSEPH SALVATORE GALLO, (hereinafter "GALLO") was and is licensed by the Department individually as a real estate broker, and is licensed as the designated broker officer of FREEDOM. As said designated officer-broker, GALLO was and now is responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of FREEDOM for which a license is required.

V

At all times mentioned herein, Respondent MARIO FELLINI III, (hereinafter "FELLINI") was and is licensed by the Department individually as a real estate broker.

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VI

At all times mentioned herein, Respondent YAJEN HUANG, aka Jennifer Huang, (hereinafter "HUANG") was and is licensed by the Department as a real estate salesperson.

VII

At no time mentioned herein was Esnian Mortgage & Realty Network (hereinafter "Esnian") licensed by the Department as a real estate broker corporation.

VIII

At no time mentioned herein was VFM Investment Group, LLC (hereinafter "VFM") licensed by the Department as a real estate broker corporation.

IX

At no time mentioned herein was James R. Martin (hereinafter "Martin") licensed by the Department either as a real estate salesperson or as a real estate broker.

X

At no time mentioned herein was Gabriel Viramontes (hereinafter "Viramontes") licensed by the Department either as a real estate salesperson or as a real estate broker.

XI

Whenever reference is made in an allegation in this Accusation to an act or omission of FREEDOM, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated

1 with FREEDOM committed such act or omission while engaged in the
2 furtherance of the business or operations of such corporate
3 Respondent and while acting within the course and scope of their
4 authority and employment.

5 XII

6 At all times mentioned herein GALLO, FREEDOM, FELLINI,
7 Esnian, and VFM engaged in the business of, acted in the capacity
8 of, advertised or assumed to act as a real estate broker in the
9 State of California within the meaning of Section 10131(d) of the
10 Code, including the operation and conduct of a mortgage loan
11 brokerage business with the public wherein Respondents solicited
12 lenders and borrowers for loans secured directly or collaterally
13 by liens on real property or a business opportunity, and wherein
14 such loans were arranged, negotiated, processed, and consummated
15 by Respondent on behalf of others for compensation or in
16 expectation of a compensation.

17 XIII

18 At all times herein mentioned, HUANG engaged in the
19 business of, acted in the capacity of, advertised or assumed to
20 act as a real estate broker in the State of California within the
21 meaning of Section 10131(a) of the Code, including the operation
22 and conduct of a real estate resale brokerage with the public
23 wherein, on behalf of others, for compensation or in expectation
24 of compensation, Respondent sold and offered to sell, bought and
25 offered to buy, solicited prospective sellers and purchasers of,
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27

1 solicited and obtained listings of, and negotiated the purchase
2 and resale of real property.

3 FIRST CAUSE OF ACTION

4 XIV

5 Each and every allegation in Paragraphs I through XIII,
6 inclusive, above are incorporated by this reference as if fully
7 set forth herein.

8 XV

9 At all times mentioned herein Respondent FREEDOM
10 employed and compensated Martin to perform the acts and conduct
11 the real estate activities described in Paragraph XII, above,
12 including but not limited to the activities described in
13 Paragraphs XVI, below, Respondent GALLO caused, suffered and
14 permitted Respondent FREEDOM to so employ and compensate Martin.

15 XVI

16 Beginning on or about March 24, 2006 and continuing
17 thereafter, in course of the employment and activities described
18 in Paragraph XV, above, Martin negotiated and arranged mortgage
19 loans to finance the purchase and sale of real property,
20 including but not necessarily limited to mortgage loans to
21 finance the purchase of real property, including but not
22 necessarily limited to the following:
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24
25
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Property Address	Borrower	Close of Escrow
9688 Anton Oaks Way, Elk Grove	Timothy McDaniel	3/24/06
10153 East Taron, Elk Grove	Reagan Oliveras	7/31/06
6020 Laguna Vale Way, Elk Grove	Reagan Oliveras	8/4/06
9229 Trenholm Drive, Elk Grove	Reagan Oliveras	8/7/06
5819 Zoller Court, Elk Grove	Patricia Romano	8/25/06
9302 Bennoel Court, Elk Grove	Jeffery L. Johnston	8/28/06
9829 Summer Glen Way, Elk Grove	Peter Correa	8/28/06
8865 Boreal Way, Elk Grove	Jeffery L. Johnston	9/12/06
5822 Jared Court, Elk Grove	Walter Bakos	9/13/06
10205 Lofton Court, Elk Grove	Peter Correa	9/21/06
9181 Quail Brook Circle, Elk Grove	Tammy White	9/29/06

XVII

In acting as described in Paragraphs XV through XVI, inclusive, above, Respondents GALLO and/or FREEDOM violated and/or willfully disregarded the provisions of Sections 10130 and 10137 of the Code.

XVIII

The facts described above as to the First Cause of Accusation constitute cause to suspend or revoke all licenses and license rights of Respondents GALLO and FREEDOM pursuant to the provisions of Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

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SECOND CAUSE OF ACTION

XIX

Each and every allegation in Paragraphs I through XVIII, inclusive, above, are incorporated by this reference as if fully set forth herein.

XX

At all times mentioned herein Respondent FELLINI individually and/or on behalf of unlicensed Esnian or VFM, employed and compensated Martin to perform the acts and conduct the real estate activities described in Paragraph XII, above, including but not limited to the activities described in Paragraph XXI, below, and Respondent FELLINI caused, suffered and permitted Esnian and VFM to so employ and compensate Martin.

XXI

Beginning on or about August 29, 2006 and continuing thereafter, in course of the employment and activities described in Paragraph XX, above, Martin negotiated and arranged mortgage loans to finance the purchase and sale of real property, including but not necessarily limited to:

Property Address	Borrower	Close of Escrow
8500 Hollyberry Way, Elk Grove	Jeffery L. Johnston	8/29/06
5975 Leonardo Way, Elk Grove	Walter Bakos	9/22/06
9783 Cervelli Way, Elk Grove	Walter Bakos	9/22/06
9616 Spring Breeze Court, Elk Grove	Walter Bakos	9/25/06
9330 Otter Creek Way, Elk Grove	Walter Bakos	9/26/06

116 Rocky Cove Court,
Elk Grove

Walter Bakos

10/26/06

XXII

In acting as described in Paragraphs XX and XXI, above, Respondent FELLINI violated the provisions of Section 10137 of the Code and willfully caused, suffered and/or permitted Martin, Esnian, and VFM to violate Section 10130 of the Code.

XXIII

The facts described above as to the Second Cause of Accusation constitute cause to suspend or revoke all licenses and license rights of Respondent FELLINI pursuant to the provisions of Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

THIRD CAUSE OF ACTION

XXIV

Each and every allegation in Paragraphs I through XXIII, inclusive, above, are incorporated by this reference as if fully set forth herein.

XXV

Beginning on or about March 2006 and continuing through on or about September 2006, FELLINI, in association with Martin, Viramontes, HUANG, and others, entered into and participated in a plan or scheme to deceive and make misrepresentations to the purchasers of the properties and mortgage lenders with the intent to substantially benefit themselves and without disclosing their true intentions to the purchasers and mortgage lenders.

XXVI

The plan and scheme described in Paragraph XXV contemplated in essence that:

(a) Martin and/or Viramontes, would solicit and induce potential investors to purchase (hereinafter "purchasers") several pre-selected properties. The solicitation included the misrepresentation that they had secured 50 to 70 pre-qualified tenants who would enter into lease option agreements with the purchasers, and after two years the tenants would purchase the property from the purchasers at an appreciated value. Viramontes represented as part of the solicitation to the buyers that he would act as the property manager of the subject properties.

(b) HUANG and others would identify properties for sale that met identified criteria, including but not limited to square footage, number of bedrooms, and price. Information on the identified properties was given to Martin, Viramontes, and/or Fellini.

(c) HUANG and others, acting under the direction of Martin, Viramontes, and/or FELLINI prepared purchase contracts for the purchase of the identified properties. HUANG would have the purchaser sign the purchase contracts and acted as the buyer's agent during the purchase of the subject property.

(d) Martin and/or Viramontes, acting as the agent of a purchaser working through FREEDOM, FELLINI, Esnian, and/or VFM, would solicit and obtain a loan from an institutional mortgage

1 lender to finance the purchase by representing, contrary to fact,
2 that the property would be the primary residence of the purchaser
3 and/or misrepresenting to the lender the purchasers income.

4 XXVII

5 Beginning on or about March 2006 and continuing
6 thereafter, the following acts in furtherance of the fraudulent
7 plan or scheme described in Paragraphs XXV and XXVI, above:

8 (a) Martin solicited purchaser Walter Bakos
9 (hereinafter "Bakos") to purchase properties by representing that
10 they had secured 50 to 70 pre-qualified tenants who would enter
11 into lease option agreements with the purchasers, and after two
12 years the tenants would purchase the property from the purchasers
13 at an appreciated value.

14 (b) Martin solicited purchaser Peter Correa
15 (hereinafter "Correa") to purchase properties by representing
16 that they had secured 50 to 70 pre-qualified tenants who would
17 enter into lease option agreements with the purchasers, and after
18 two years the tenants would purchase the property from the
19 purchasers at an appreciated value.

20 (c) Martin solicited purchaser Jeffery L. Johnston
21 (hereinafter "Johnston") to purchase properties by representing
22 that they had secured 50 to 70 pre-qualified tenants who would
23 enter into lease option agreements with the purchasers, and after
24 two years the tenants would purchase the property from the
25 purchasers at an appreciated value.
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1 (d) Martin and Viramontes solicited purchaser Timothy
2 McDaniel (hereinafter "McDaniel") to purchase properties by
3 representing that they had secured 50 to 70 pre-qualified tenants
4 who would enter into lease option agreements with the purchasers,
5 and after two years the tenants would purchase the property from
6 the purchasers at an appreciated value.

7 (e) Martin and Viramontes solicited purchaser Reagan
8 Oliveras (hereinafter "Oliveras") to purchase properties by
9 representing that they had secured 50 to 70 pre-qualified tenants
10 who would enter into lease option agreements with the purchasers,
11 and after two years the tenants would purchase the property from
12 the purchasers at an appreciated value.

13 (f) Martin and Viramontes solicited purchaser Patricia
14 Romano (hereinafter "Romano") to purchase properties by
15 representing that they had secured 50 to 70 pre-qualified tenants
16 who would enter into lease option agreements with the purchasers,
17 and after two years the tenants would purchase the property from
18 the purchasers at an appreciated value.

19 (g) Martin and Viramontes solicited purchaser Tammy
20 White (hereinafter "White") to purchase properties by
21 representing that they had secured 50 to 70 pre-qualified tenants
22 who would enter into lease option agreements with the purchasers,
23 and after two years the tenants would purchase the property from
24 the purchasers at an appreciated value.

25 (h) HUANG, prepared a purchase contract for the
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1 property located at 5819 Zoller Court, Elk Grove and had Romano
2 sign the contract.

3 (i) HUANG, prepared a purchase contract for the
4 property located at 9829 Summer Glen Way, Elk Grove and had
5 Correa sign the contract.

6 (j) HUANG, prepared a purchase contract for the
7 property located at 10205 Lofton Court, Elk Grove and had Correa
8 sign the contract.

9 (k) HUANG, prepared a purchase contract for the
10 property located at 9229 Trenholm Drive, Elk Grove and had
11 Oliveras sign the contract.

12 (l) HUANG, prepared a purchase contract for the
13 property located at 3237 Babson Drive, Elk Grove and had Oliveras
14 sign the contract.

15 (m) HUANG, prepared a purchase contract for the
16 property located at 5975 Leonardo Way, Elk Grove and had Bakos
17 sign the contract.

18 (n) HUANG, prepared a purchase contract for the
19 property located at 5822 Jared Court, Elk Grove and had Bakos
20 sign the contract.

21 (o) HUANG, prepared a purchase contract for the
22 property located at 9616 Spring Breeze Court, Elk Grove and had
23 Bakos sign the contract.

24 (p) HUANG, prepared a purchase contract for the
25 property located at 9330 Otter Creek Way, Elk Grove and had Bakos
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1 sign the contract.

2 (q) HUANG, prepared a purchase contract for the
3 property located at 9783 Cervelli Way, Elk Grove and had Bakos
4 sign the contract.

5 (r) HUANG, prepared a purchase contract for the
6 property located at 116 Rocky cove Court, Elk Grove and had Bakos
7 sign the contract.

8 (s) Martin, acting as the agent of Johnston, solicited
9 and obtained first and second mortgage loans for \$347,662.82 and
10 \$86,745.67 from Trojan Lending to finance Johnson's purchase of
11 real property at 8500 Hollyberry Way, Elk Grove, California, by
12 representing, contrary to fact, that the property would be the
13 primary residence of Johnson, and that Johnson's monthly income
14 was \$12,500.

15 (t) Martin, acting as the agent of Johnston, solicited
16 and obtained first and second mortgage loans for \$346,400.00 and
17 \$86,600.00 from Long Beach Mortgage to finance Johnson's purchase
18 of real property at 9302 Bennoel Court, Elk Grove, California, by
19 representing, contrary to fact, that the property would be the
20 primary residence of Johnson, and that Johnson's monthly income
21 was \$11,700.

22 (u) Martin, acting as the agent of Johnston, solicited
23 and obtained first and second mortgage loans for \$347,920.00 and
24 \$86,980.00 from Zone Lending to finance Johnson's purchase of
25 real property at 8865 Boreal Way, Elk Grove, California, by
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1 representing, contrary to fact, that the property would be the
2 primary residence of Johnson, and that Johnson's monthly income
3 was \$12,500.

4 (v) Martin, acting as the agent of McDaniel, solicited
5 and obtained first and second mortgage loans for \$327,750.00 and
6 \$140,500.00 from Loan Center of California to finance McDaniel's
7 purchase of real property at 9688 Anton Oaks Way, Elk Grove,
8 California, by representing, contrary to fact, that the property
9 would be the primary residence of McDaniel.

10 (w) Martin, acting as the agent of White, solicited
11 and obtained first and second mortgage loans for \$518,296.00 and
12 \$129,574.00 from Trojan Lending to finance White's purchase of
13 real property at 9181 Quail Brook Circle, Elk Grove, California,
14 by representing, contrary to fact, that the property would be the
15 primary residence of White, and that White's monthly income was
16 \$14,500.

17 (x) Martin, acting as the agent of Romano, solicited
18 and obtained first and second mortgage loans for \$329,600.00 and
19 \$82,400.00 from Long Beach Mortgage to finance Romano's purchase
20 of real property at 5819 Zoller Court, Elk Grove, California, by
21 representing, contrary to fact, that the property would be the
22 primary residence of Romano, and that Johnson's monthly income
23 was \$9,000.

24 (y) Martin, acting as the agent of Correa, solicited
25 and obtained first and second mortgage loans for \$349,600.00 and
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1 \$87,400.00 from Long Beach Mortgage to finance Correa's purchase
2 of real property at 9829 Summer Glen Way, Elk Grove, California,
3 by representing, contrary to fact, that the property would be the
4 primary residence of Correa, and that Correa's monthly income was
5 \$12,100.

6 (z) Martin, acting as the agent of Correa, solicited
7 and obtained first and second mortgage loans for \$349,280.00 and
8 \$87,320.00 from Fremont Investment and Loan to finance Correa's
9 purchase of real property at 10205 Lofton Court, Elk Grove,
10 California, by representing, contrary to fact, that the property
11 would be the primary residence of Correa, and that Correa's
12 monthly income was \$12,000.

13 (aa) Martin, acting as the agent of Oliveras, solicited
14 and obtained first and second mortgage loans for \$304,000.00 and
15 \$76,000.00 from Zone Funding to finance Oliveras' purchase of
16 real property at 9229 Trenholm Drive, Elk Grove, California, by
17 representing, contrary to fact, that the property would be the
18 primary residence of Oliveras, and that Oliveras' monthly income
19 was \$12,000.
20

21 (ab) Martin, acting as the agent of Oliveras, solicited
22 and obtained first and second mortgage loans for \$348,000.00 and
23 \$87,000.00 from Fremont Investment and Loan to finance Oliveras'
24 purchase of real property at 6020 Laguna Vale Way, Elk Grove,
25 California, by representing, contrary to fact, that the property
26 would be the primary residence of Oliveras, and that Oliveras'
27

1. monthly income was \$12,000.

2. (ac) Martin, acting as the agent of Oliveras, solicited
3. and obtained first and second mortgage loans for \$344,000.00 and
4. \$86,000.00 from Trojan Lending to finance Oliveras' purchase of
5. real property at 10153 East Taron Drive, Elk Grove, California,
6. by representing, contrary to fact, that the property would be the
7. primary residence of Oliveras, and that Oliveras' monthly income
8. was \$10,800.

9. (ad) Martin, acting as the agent of Oliveras, solicited
10. and obtained first and second mortgage loans for \$329,600.00 and
11. \$82,400.00 from BNC Mortgage to finance Oliveras' purchase of
12. real property at 3237 Babson Drive, Elk Grove, California, by
13. representing, contrary to fact, that the property would be the
14. primary residence of Oliveras, and that Oliveras' monthly income
15. was \$13,000.

16. (ae) Martin, acting as the agent of Bakos, solicited
17. and obtained first and second mortgage loans for \$341,600.00 and
18. \$85,400.00 from Trojan Lending to finance Bakos' purchase of real
19. property at 5975 Leonardo Way, Elk Grove, California, by
20. representing, contrary to fact, that the property would be the
21. primary residence of Bakos, and that Bakos' monthly income was
22. \$10,200.

23. (af) Martin, acting as the agent of Bakos, solicited
24. and obtained first and second mortgage loans for \$332,800.00 and
25. \$83,200.00 from Long Beach Mortgage to finance Bakos' purchase of
26. real property at 5975 Leonardo Way, Elk Grove, California, by
27. representing, contrary to fact, that the property would be the
primary residence of Bakos, and that Bakos' monthly income was \$10,200.

1 real property at 5822 Jared Court, Elk Grove, California, by
2 representing, contrary to fact, that the property would be the
3 primary residence of Bakos, and that Bakos' monthly income was
4 \$10,200.

5 (ag) Martin, acting as the agent of Bakos, solicited
6 and obtained first and second mortgage loans for \$336,800.00 and
7 \$84,200.00 from BNC Mortgage to finance Bakos' purchase of real
8 property at 9616 Spring Breeze Court, Elk Grove, California, by
9 representing, contrary to fact, that the property would be the
10 primary residence of Bakos, and that Bakos' monthly income was
11 \$10,200.

12 (ah) Martin, acting as the agent of Bakos, solicited
13 and obtained first and second mortgage loans for \$336,000.00 and
14 \$84,000.00 from New Century to finance Bakos' purchase of real
15 property at 9930 Otter Creek Way, Elk Grove, California, by
16 representing, contrary to fact, that the property would be the
17 primary residence of Bakos.
18

19 (ai) Martin, acting as the agent of Bakos, solicited
20 and obtained first and second mortgage loans for \$349,600.00 and
21 \$87,400.00 from Fremont Investment to finance Bakos' purchase of
22 real property at 9783 Cervelli Way, Elk Grove, California, by
23 representing, contrary to fact, that the property would be the
24 primary residence of Bakos, and that Bakos' monthly income was
25 \$10,200.

26 (aj) Martin, acting as the agent of Bakos, solicited
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1 and obtained first and second mortgage loans for \$420,000.00 and
2 \$105,000.00 from Trojan Lending to finance Bakos' purchase of
3 real property at 116 Rocky Cove Court, Elk Grove, California, by
4 representing, contrary to fact, that the property would be the
5 primary residence of Bakos, and that Bakos' monthly income was
6 \$11,500.

7 XXVIII

8 In truth and fact, there were no pre-qualified tenants,
9 and FELLINI and HUANG knew or should have known there were no
10 tenants. In addition, FELLINI knew the purchasers were not
11 buying the subject properties as primary residences, and the
12 monthly income as provided on the loan application was inflated
13 and not the actual income of the purchasers.

14 XXIX

15 The acts and omissions of FELLINI and HUANG described
16 in Paragraphs XXV through XXVIII constitute fraud and/or
17 dishonest dealing, and/or a continued and flagrant course of
18 misrepresentation.

19 XXX

20 The acts and omissions of FELLINI and HUANG described
21 in Paragraphs XXV through XXXVIII constitute the substantial
22 misrepresentation of a material fact and/or the making of a false
23 promise.

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XXXI

The facts described above as to the Third Cause of Accusation constitute cause to suspend or revoke all licenses and license rights of FELLINI and HUANG pursuant to the provisions of Sections 10176(a), 10176(b), 10176(c), and/or 10176(i) of the Code.

FOURTH CAUSE OF ACTION

XXXII

Each and every allegation in Paragraphs I through XXXI, inclusive, above, are incorporated by this reference as if fully set forth herein.

XXXIII

Respondent GALLO failed to exercise reasonable supervision over the acts of Respondents FREEDOM in such a manner as to allow the acts and events described above to occur.

XXXIV

The acts and/or omissions of GALLO described in Paragraph XXXIII, constitute failure on the part of GALLO, as designated broker-officer for FREEDOM, to exercise reasonable supervision and control over the licensed activities of FREEDOM required by Section 10159.2 of the Code.

XXXV

The facts described above as to the Fourth Cause of Accusation constitute cause for the suspension or revocation of the licenses and license rights of Respondent GALLO under Section

1 10177(g) and/or Section 10177(h) of the Code and Section 10159.2
2 of the Code in conjunction with Section 10177(d) of the Code.

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

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11 
12 CHARLES W. KOENIG
13 Deputy Real Estate Commissioner

14 Dated at Sacramento, California,
15 this 15th day of June, 2007
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