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FILED

JUN 15 2017

BUREAU OF REAL ESTATE

By 

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-04899 SD
13)
14 CHRISTOPHER JOHN) ACCUSATION
15 SULENTIC, doing business as)
16 SRE Foreclosure Advocates,)
17 Respondent.)

18 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
19 Bureau of Real Estate ("Bureau"), for cause of Accusation against CHRISTOPHER JOHN
20 SULENTIC ("Respondent"), is informed and alleges as follows:

21 1.

22 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
23 Bureau, makes this Accusation in her official capacity.

24 2.

25 Respondent is presently licensed and/or has license rights under the Real Estate
26 Law (Part 1 of Division 4 of the Business and Professions Code ("Code")) as a real estate
27 broker. The broker license of Respondent will expire on June 30, 2018, unless renewed.

1 3.

2 At no time has Respondent been issued a mortgage loan originator ("MLO")
3 license endorsement.

4 4.

5 Respondent is authorized by the Bureau to use the fictitious business name "SRE
6 Foreclosure Prevention Advocates."

7 5.

8 Whenever acts referred to below are attributed to Respondent those acts are
9 alleged to have been done by Respondent or by and/or through one or more agents, associates,
10 affiliates, and/or co-conspirators.

11 6.

12 At all times mentioned herein, Respondent, for compensation or in expectation
13 of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act
14 as a real estate broker in the State of California within the meaning of Section 10131(a)
15 including advertising for prospective sellers or purchasers of real property, and offering to and
16 negotiating for the purchase, sale or exchange of real property, and Section 10131(d) of the
17 Code conducting mortgage loan brokerage activities with the public including advertising for
18 and soliciting borrowers or lenders for, or negotiating, loans secured directly or collaterally by
19 liens on real property.

20 7.

21 In or around May, 2016, and continuing to the present time, Respondent
22 knowingly advertised, printed, displayed, published, and distributed statements or
23 representations through direct mail solicitation of borrowers for loans secured by deeds of trust
24 on real property marked "Important Information" with regard to the terms or conditions for a
25 mortgage loan which are false, misleading or deceptive.

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During the time period described in Paragraph 7, above, Respondent solicited prospective borrowers by making false, misleading and deceptive representations in a mailer that includes but is not limited to the following characteristics:

a. The mailer lacks the required statement: "Real Estate Broker, CA Bureau of Real Estate."

b. The Bureau has at no time issued to Respondent a mortgage loan originator license endorsement entitling him to take a residential mortgage loan application, or to offer to or to negotiate the terms of a residential mortgage loan for compensation or gain.

c. The mailer contains a representation implying that a governmental agency has endorsed or approved the advertised business activities.

d. The mailer fails to disclose the license under which the loan will be made.

e. The mailer fails to disclose Respondent's license information, license number and an NMLS (Nationwide Mortgage Licensing System and Registry) MLO license endorsement identification number.

f. The mailer contains the consumer's loan number and loan amount without the consent of the consumer. The mailer should, therefore, include a disclosure indicating that the solicitation is not sponsored by, affiliated with or authorized by the lender set forth clearly and conspicuously and in close proximity to the first and most prominent use of the lender name and in the same or larger font.

g. The mailer's use of a prequalification number and pre-approved incentive amount imply that the borrower has already been approved for the program Respondent is offering. The failure to provide evidence that borrower information was obtained to perform the pre-qualification before the mailer was sent renders the mailer misleading.

h. The mailer implies that it is being sent by Respondent's lender.

i. The mailer creates a false sense of urgency through its use of terms such as "urgent," particularly when there is no foreclosure pending.

1 j. The mailer directs the recipient consumer to “immediately contact [phone
2 number] to complete the pre-qualification process.” No representation may be made that loan
3 approval is done by telephone.

4 k. The mailer implies it is a government form. The envelope must contain the
5 following notice: “This is not a government document,” and the advertising must state: “This
6 product or service has not been approved or endorsed by any government agency and this offer
7 is not being made by an agency of the government.”

8 9.

9 The mailer contains violations of the Code and Title 10, Chapter 6, California
10 Code of Regulations (“Regulations”) as set forth below:

11 a. The characteristics described in paragraph 8.a., above, constitute a violation of
12 Code section 10235.5 and Section 2847.3 of the Regulations.

13 b. The characteristics described in paragraph 8.b., above, constitute a violation
14 of Code section 10166.02.

15 c. The characteristics described in paragraph 8.c., above, constitute a violation of
16 Section 2848(a)(12) of the Regulations.

17 d. The characteristics described in paragraph 8.d., above, constitute a violation
18 of Code sections 10235.5 and 17539.4.

19 e. The characteristics described in paragraph 8.e., above, constitute a violation of
20 Code section 10236.4.

21 f. The characteristics described in paragraph 8.f., above, constitute a violation of
22 Code sections 14702 and 10235.

23 g. The characteristics described in paragraph 8.g., above, constitute a violation of
24 Code section 10235.

25 h. The characteristics described in paragraph 8.h., above, constitute a violation
26 of Code section 10235.

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1 i. The characteristics described in paragraph 8.i., above, constitute a violation of
2 Code section 10235.

3 j. The characteristics described in paragraph 8.j., above, constitute a violation of
4 Section 2848(a)(11) of the Regulations.

5 k. The characteristics described in paragraph 8.k., above, constitute a violation
6 of Code sections 17533.6 and 10235.

7 The conduct, acts and/or omissions of Respondent, as set forth, above, violates
8 Code sections 10166.02, 10177(a), 10235, 10235.5, 10236.4, 14702 and 17539.4 and Sections
9 2847.3, 2848(a)(11) and 2848(a)(12) of the Regulations, and is cause for the suspension or
10 revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d)
11 and/or 10177(g).

12 Code Section 10106 provides, in pertinent part, that in any order issued in
13 resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may
14 request the administrative law judge to direct a licensee found to have committed a violation of
15 this part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
16 case.

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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 the licenses and license rights of Respondent CHRISTOPHER
4 JOHN SULENTIC under the Real Estate Law, for the cost of investigation and enforcement as
5 permitted by Code Section 10106, and for such other and further relief as may be proper under
6 other applicable provisions of law.

7 Dated at San Diego, California

8 this 12 day of May, 2017.

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10 
11 Veronica Kilpatrick
12 Deputy Real Estate Commissioner
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24 cc: CHRISTOPHER JOHN SULENTIC
25 Veronica Kilpatrick
26 Sacto.
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