

1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

SEP 09 2021

DEPT. OF REAL ESTATE

By *[Signature]*

8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 To:)
11 MARTIN JOSEPH KANE)
12)
13)
14)
15)

No. H-05247 SD

ORDER TO
DESIST AND REFRAIN

(B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department" or "DRE") caused an investigation to be made of the activities of MARTIN
18 JOSEPH KANE ("KANE"). Based on that investigation, the Commissioner has determined that
19 KANE and/or any other fictitious business name(s) used by KANE, has engaged in, is engaging
20 in, or is attempting to engage in, acts or practices constituting violations of the California
21 Business and Professions Code ("Code"), including violating Code Section 10130 by engaging in
22 the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
23 broker and/or a mortgage loan originator license endorsement holder in the State of California
24 within the meaning of: (1) Code Section 10131(d), by soliciting borrowers or lenders for or
25 negotiating loans or collecting payments or performing services for borrowers or lenders or note

26
27 DRE DESIST & REFRAIN ORDER: MARTIN JOSEPH KANE

1 owners in connection with loans secured directly or collaterally by liens on real property or on a
2 business opportunity and (2) Code Section 10166.03(c), by engaging in the activities of a loan
3 processor or underwriter for a residential mortgage loan. Based on the findings of that
4 investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact,
5 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the
6 Code.

7 Whenever acts referred to below are attributed to KANE, those acts are alleged to
8 have been done by KANE, acting by himself, or by and/or through one or more agents,
9 associates, affiliates, and/or co-conspirators whose name(s) or fictitious name(s) are unknown at
10 this time.

11 **FINDINGS OF FACT**

12 **UNLICENSED MARTIN JOSEPH KANE**

13 1.

14 MARTIN JOSEPH KANE ("KANE") is not now licensed by the Department in
15 any capacity and has no license rights.

16 2.

17 According to DRE records to date:

- 18 a. KANE was originally licensed by the DRE as a restricted real estate
19 salesperson ("RRES"), DRE license ID 01237696, on or about October 9,
20 1998 in DRE Case No. H-02434 SD.
- 21 b. On or about March 2, 2010, KANE's petition for the restriction to be
22 removed from his RRES license was denied.
- 23 c. On or about April 26, 2016, KANE's RRES expired.

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1 3.

2 KANE is not now a holder of a mortgage loan originator license endorsement
3 issued by the Department.

4 **DOLAN GADDI LENDING, INC.**

5 4.

6 4. Dolan Gaddi Lending, Inc. ("DGLI") is presently licensed and/or has license
7 rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker ("REB")
8 (corporation), DRE license ID 01916937.

9 5.

10 According to DRE records to date:

- 11 a. DGLI: has been licensed by the Department as a REB since on or about July
12 10, 2012.
- 13 b. DGLI has two (2) active DBAs under its REB license, for DG Funding, active
14 as of September 4, 2015 and for San Diego Homes & Realty, active as of
15 April 2, 2013.
- 16 c. DGLI has a Nationwide Multistate Licensing System ("NMLS") mortgage
17 loan originator ("MLO") license endorsement, NMLS ID 918742.
- 18 d. An Accusation was filed in DRE Case H-05180 SD against DGLI and its
19 designated officers of record on October 26, 2020.

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1 **KANE'S PROFILE ON DG FUNDING'S WEBSITE**

2 6.

3 According to a July 17, 2020 printout from DG Funding's website,
4 <https://www.dgfunding.com/meet-the-team>, KANE appears on the team roster as a "Transaction
5 Coordinator."

6 7.

7 According to a September 8, 2020 printout from DG Funding's website,
8 <https://www.dgfunding.com/profile/martin-kane/>, KANE has a profile page, which includes his
9 telephone number 858-334-5750, his e-mail address martin@dgfunding.com, and both an NMLS
10 ID and a DRE ID, as he has listed on his profile "NMLS 918742" and "BRE 01916937."¹

11 8.

12 According to DRE records to date, the NMLS identifier 918742 that KANE listed
13 on his DG Funding online profile page as his NMLS ID in fact belongs to DGLI.

14 9.

15 According to DRE records to date, the DRE/BRE ID 01916937 that KANE listed
16 on his DG Funding online profile page as his DRE/BRE ID in fact belongs to DGLI.

17 **KANE's Correspondence with Consumer "Angie Gomez" via martin@dgfunding.com**

18 10.

19 On May 6, 2020, "Angie Gomez" (adgomez174@gmail.com) emailed KANE at
20 the e-mail address listed on his online DG Funding profile page (martin@dgfunding.com) and
21 requested information about refinancing a loan for her mother. "Angie Gomez" asked KANE
22 what the rates are on a \$450,000 loan and how much a credit check would cost. Additionally,
23

24 ¹ Between July 1, 2013 and June 30, 2018, the Department of Real Estate operated as the Bureau of Real Estate
25 ("BRE").

1 "Angie Gomez" inquired about KANE's commission and whether she could pay using a credit
2 card.

3 11.

4 KANE responded to "Angie Gomez" on the same day (May 6, 2020) and
5 indicated that a starting point would be to obtain a copy of her mother's mortgage situation.
6 KANE informed "Angie Gomez" as to the current 30-year fixed rate was, and what closing costs
7 would amount to for a refinance. KANE indicated that normal closing costs for a refinance
8 would be \$4,000, which would be added to the loan amount, and that the only upfront cost (for
9 her) would be \$500 for the appraisal. KANE offered to provide rate options and explained that
10 there would be points if she wanted a lower rate.

11 12.

12 KANE's e-mail signature block to his reply e-mail to "Angie Gomez" included
13 "NMLS 918742," which is DGLI's NMLS ID.

14 13.

15 KANE's e-mail signature block to his reply e-mail to "Angie Gomez" also
16 included "BRE Lic. No. 01237696," which is his former DRE RRES license ID that expired on
17 or about April 26, 2016.

18 14.

19 On May 7, 2020, "Angie Gomez" sent KANE a follow-up email to request a loan
20 form, to which KANE responded on the same day that he normally completes the loan
21 application after the consumer sends him all the application information, and indicated he would
22 need information/documentation such as income, credit, housing information, address, full name,
23 Social Security Number, date of birth, a mortgage statement, and homeowners insurance. KANE
24 represented to "Angie Gomez" that once he completes the application, he will e-mail it for
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1 signature via e-Sign. Within the same e-mail, KANE indicated that he does not “submit loans
2 that aren’t going to be approved.”

3 **KANE’S EMPLOYMENT WITH DGLI**

4 15.

5 On May 27, 2020, the DRE sent a letter to Peter Christopher Gaddi (“Gaddi”),
6 designated officer of DGLI and requested information regarding KANE’s employment
7 relationship with DGLI.

8 16.

9 On or about June 11, 2020, Gaddi submitted his written and documentary
10 response, including affirmation that KANE “has been employed with DG Funding since 2013 in
11 a loan coordinator/marketing position.”

12 17.

13 Included in Gaddi’s June 11, 2020 response to the DRE was a copy of the signed
14 “Independent Contractor Agreement (Processing)” (“ICA”) dated May 1, 2013 between KANE
15 (as “Independent Contractor”) and DGLI (as “Company”). According to the ICA, as of May 1,
16 2013, KANE commenced working under DGLI as a loan processor and provided “services as a
17 representative of Company for the processing of real estate loans and related real estate
18 activities.” Paragraph 4. of the ICA required that, “Independent Contractor agrees to maintain a
19 valid mortgage and/or real estate license, per Company guidelines, for all states where
20 Independent Contractor provides services to Company during the term of this Agreement. (If
21 applicable)”

22 18.

23 According to the 2019 1099-MISC provided by Gaddi to the DRE, KANE was
24 paid \$108,906 by DGLI in tax year 2019.

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1 **CONCLUSIONS OF LAW**

2 19.

3 Based on the findings of fact contained in paragraphs 1 through 18, MARTIN
4 JOSEPH KANE, acting by himself or by and/or through one or more agents, associates,
5 representatives, and/or co-conspirators, whose names or fictitious names are unknown at this
6 time, solicited borrowers or lenders for or negotiated loans or collected payments or performed
7 services for borrowers or lenders or note owners in connection with loans secured directly or
8 collaterally by liens on real property or on a business opportunity, which acts require a real estate
9 broker license under Section 10131(b) of the Code, during a period of time when MARTIN
10 JOSEPH KANE was not licensed by the Department as a real estate broker, in violation of
11 Section 10130 of the Code.

12 20.

13 Based on the findings of fact contained in paragraphs 1 through 18, MARTIN
14 JOSEPH KANE, acting by himself or by and/or through one or more agents, associates,
15 representatives, and/or co-conspirators, whose names or fictitious names are unknown at this
16 time, engaged in the activities of a loan processor or underwriter for a residential mortgage loan,
17 which acts require a mortgage loan originator license endorsement under Section 10166.03 of the
18 Code, during a period of time when MARTIN JOSEPH KANE was not a holder of said license
19 endorsement issued by the Department, in violation of Section 10166.03 of the Code.

20 **DESIST AND REFRAIN ORDER**

21 Based upon the Findings of Fact and Conclusions of Law stated herein, MARTIN
22 JOSEPH KANE, whether doing business under his own name or any other name(s) or fictitious
23 name(s), IS HEREBY ORDERED to immediately desist and refrain from performing any acts
24 within the State of California for which a real estate broker license and/or mortgage loan
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1 originator license endorsement is required. In particular, **MARTIN JOSEPH KANE** is

2 **ORDERED TO DESIST AND REFRAIN from:**

- 3 1. performing any acts within the State of California for which a real
4 estate broker license is required, unless and until he obtains the
5 required license from the Department and is in compliance with
6 Business and Professions Code Section 10130; and
7
8 2. performing any acts within the State of California for which a mortgage
9 loan originator license endorsement is required, unless and until he
10 obtains the required license endorsement from the Department and is in
11 compliance with Business and Professions Code Section 10166.03.

12 DATED: 9.1.21 2021

13 REAL ESTATE COMMISSIONER

14
15 
16 DOUGLAS R. McCAULEY

17
18 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or
19 real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker
20 without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand
21 dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and
22 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000). If a Real
23 Estate Fraud Prosecution Trust Fund, as described in Section 27388 of the Government Code, exists in the county
24 where a person or corporation is convicted, any fine collected from the person in excess of ten thousand dollars
25 (\$10,000) or any fine collected from the corporation in excess of fifty thousand dollars (\$50,000) shall be deposited
26 in that Real Estate Fraud Prosecution Trust Fund."

27 cc: **MARTIN JOSEPH KANE**

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