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FILED

DEC 15 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
STANLEY TYRONE WHIGHAM,  
  
Respondent.

NO. H-5346 SAC

ORDER ACCEPTING VOLUNTARY SURRENDER

On February 17, 2010, an Accusation was filed in this matter against Respondent  
STANLEY TYRONE WHIGHAM.

By Declaration signed November 8, 2010, Respondent STANLEY TYRONE  
WHIGHAM petitioned the Real Estate Commissioner to voluntarily surrender his real estate  
license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondent STANLEY TYRONE  
WHIGHAM for the voluntary surrender of his real estate 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 of Respondent STANLEY TYRONE WHIGHAM, dated November 8, 2010  
(attached hereto as Exhibit "A"). Respondent's license certificate and pocket card shall be sent

1 to the below listed address so that they reach the Department of Real Estate on or before the  
2 effective date of this Order:

3  
4 **DEPARTMENT OF REAL ESTATE**  
5 **Attn: Licensing Flag Section**  
6 P. O. Box 187000  
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon on  
9 January 4, 2011

10 DATED: 12/15/2010

11 JEFF DAVI  
12 Real Estate Commissioner

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15 BY: Barbara J. Bigby  
16 Chief Deputy Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
 )  
 ) No. H-5346 SAC  
 )  
 ) STANLEY TYRONE WHIGHAM,  
 )  
 )  
 ) Respondent.  
 )

DECLARATION

My name is STANLEY TYRONE WHIGHAM, and I am currently licensed as a real estate broker and 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 Government 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.

I understand that by so voluntarily surrendering my license(s), I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of



1 the Government Code. I also understand that by so voluntarily surrendering my license(s), I  
2 agree to the following:

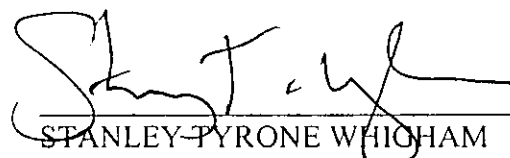
3 1. The filing of this Declaration shall be deemed as my petition for voluntary  
4 surrender.

5 2. It shall also be deemed to be an understanding and agreement by me that I  
6 waive all rights I have to require the Commissioner to prove the allegations contained in the  
7 Accusation filed in this matter at a hearing held in accordance with the provisions of the  
8 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive  
9 other rights afforded to me in connection with the hearing such as the right to discovery, the right  
10 to present evidence in defense of the allegations in the Accusation and the right to cross-examine  
11 witnesses.

12 3. I further agree that upon acceptance by the Commissioner, as evidenced by  
13 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this  
14 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation  
15 filed in the Department Case No. H-5346 SAC, may be considered by the Department to be true  
16 and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to  
17 Government Code Section 11522.

18 4. I freely and voluntarily surrender all my licenses and license rights under the  
19 Real Estate Law.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 above is true and correct and that this declaration was executed November 8, 2010,  
22 at Folsom, California.

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STANLEY TYRONE WHIGHAM



1 MARY F. CLARKE, Counsel (SBN 186744)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000  
5 Telephone: (916) 227-0789  
6 -or- (916) 227-0780 (Direct)

FILED

FEB 17 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 STANLEY TYRONE WHIGHAM, ) NO. H-5346 SAC  
13 Respondent. ) ACCUSATION  
14 )

15 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of  
16 the State of California, for cause of Accusation against STANLEY TYRONE WHIGHAM  
17 (herein "Respondent") dba "Velocity Loss Mitigation" and "Velocity Real Estate," is informed  
18 and alleges as follows:

19 1

20 The Complainant makes this Accusation in her official capacity.

21 2

22 At all times herein mentioned, Respondent was and now is licensed and/or has  
23 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions  
24 Code) (herein "the Code").

25 3

26 At all times herein mentioned, Respondent was and now is licensed by the State  
27 of California Department of Real Estate (herein "the Department") as a real estate broker and

1 was doing business under the fictitious business names "Velocity Loss Mitigation" and  
2 "Velocity Real Estate."

3 4

4 At no time mentioned herein were Velocity Loss Mitigation and Velocity Real  
5 Estate licensed by the Department in any capacity, nor was Respondent authorized by the  
6 Department to use said fictitious business names.

7 5

8 At all times herein mentioned, Respondent engaged in the business of, acted in the  
9 capacity of, advertised, or assumed to act as a real estate broker within the State of California  
10 within the meaning of Section 10131(d) of the Code, including the solicitation of borrowers or  
11 lenders for or negotiation of loans or the collection of payments or performance of services for  
12 borrowers or lenders or note owners in connection with loans secured directly or collaterally by  
13 liens on real property or on a business opportunity. Respondent also provided loan modification  
14 services.

15 6

16 In so acting as a real estate broker, Respondent accepted or received funds in trust  
17 (herein "trust funds") from or on behalf of lenders, investors, borrowers and/or others in  
18 connection with the mortgage loan brokerage activities described in Paragraph 5, above.

19 7

20 The aforesaid trust funds accepted and/or received by Respondent were cashed or  
21 deposited or caused to be deposited by Respondent into one or more bank accounts (herein "trust  
22 fund accounts") maintained by Respondent for the handling of trust funds with:

- 23 (a) The Saint Paul, Minnesota branch of US Bank, P.O. Box 1800; account  
24 name Velocity Loss Mitigation; account #1-534-6079-0071 (herein  
25 "Account #1");  
26 (b) Money Mart, a check cashing business, 2001 Broadway, Sacramento,  
27 California 95818 (herein "Account #2"); and,

1 (c) The Folsom, California branch of Wachovia, 240 Natomas Station Drive;  
2 account name Velocity Loss Mitigation; account #2000044999803  
3 (Account #3).

4 These accounts were not designated as trust accounts.

6 8

7 On about December 3, 2008, an advertisement was placed in the Sacramento Bee  
8 for a loan modification workshop sponsored by Respondent, to take place on December 6, 2008.  
9 On about December 3, 2008, Managing Deputy Commissioner Gary Sibner (herein "Sibner")  
10 contacted Velocity Loss Mitigation and spoke with Respondent who provided information on  
11 loan modifications. Respondent informed Sibner that there was an upfront fee of \$1,995.00 and  
12 that Velocity Loss Mitigation was supported by attorneys.

13 9

14 On about December 4, 2008, Sibner contacted Respondent and advised him not  
15 to continue to collect advance fees unless he submitted his advance fee agreement to the  
16 Department and received permission.

17 10

18 In about December 2008, Respondent was contacted by Tomas and Marcela  
19 Arreola (herein "the Arreolas") to obtain a loan modification for the mortgage on their home  
20 located at 535 Veronica Drive, in Paso Robles. On about December 8, 2008, and prior to receipt  
21 of a no objection letter from the Department, Respondent collected advanced fees in the amount  
22 of \$1,295.00 from the Arreolas' for loan modification services, in violation of Sections 10085  
23 and 10085.5 of the Code, and Section 2970 of Title 10, Chapter 6, of the California Code of  
24 Regulations (herein "the Regulations").

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26 Between about June 2008 and about March 2009, Respondent received advanced  
27 fees from the following individuals for providing loan modification services:

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<u>Name</u>	<u>Date</u>	<u>Amount</u>
Phyrydon & Conceicao Badal	6/16/08	\$895
Anita and Ramtresh Maharaj	9/22/08 & 10/2/08	\$500 & \$1,200
Kalisi Vaioleti	10/10/08	\$1,495
Melesisi Pupunu	10/17/08	\$1,495
William Paraoan	11/20/08	\$2,500
Dennis Schleicher	11/14 & 28/08	\$1,000
Vincent Carvallho	1/26/09	\$2,395
Zenaida Pecson	3/3/09	\$1,995

12

Between about January 2008 and about April 2009, in connection with the collection of said advanced fees, as described in Paragraphs 10-11, above, Respondent:

- (a) failed to submit all materials to be used in advertising, promoting, soliciting, and negotiating an agreement calling for the payment of an advance fee to the Commissioner within ten calendar days before its publication, in violation of Section 10085 of the Code and Section 2970 of the Regulations;
- (b) claimed, demanded, charged, received, collected, or contracted for advanced fees prior to receiving a no objection letter from the Department, in violation of Section 10085.5 of the Code;
- (c) failed to deposit said advanced fees in a trust account with a bank or other recognized depository, in violation of Section 10146 of the Code;
- (d) failed to keep a record in chronological sequence of all trust funds received in Accounts #1, #2, and #3, containing all information required by Section 2831 of the Regulations;
- (e) failed to keep a separate record for each beneficiary, or transaction for Accounts #1 and #3, containing all information required by Section 2831.1 of the Regulations;
- (f) failed to reconcile at least once a month, the balance of all separate beneficiary or transaction records with Accounts #1 and #3, as required by Section 2831.2 of the Regulations; and,

1 (g) failed to furnish to the principals a verified accounting report at the end of  
2 each calendar quarter, in violation of Section 10146 of the Code and Section  
3 2972 of the Regulations.

4 13

5 At all times mentioned herein Respondent failed to notify the Department of the  
6 location or address of the principal place of business, in violation of Section 2715 of the  
7 Regulations.

8 14

9 At all times mentioned herein Respondent failed to obtain a real estate license  
10 bearing the fictitious business names "Velocity Loss Mitigation" and "Velocity Real Estate,"  
11 while conducting activities for which a license was required, in violation of Section 10159.5 of  
12 the Code and Section 2731 of the Regulations.

13 15

14 The facts alleged above are grounds for the suspension or revocation of the  
15 licenses and license rights of Respondent under the following provisions of the Code and/or the  
16 Regulations:

- 17 (a) as to Paragraph 10 under Sections 10085 and 10085.5 of the Code and  
18 Section 2970 of the Regulations, in conjunction with Section 10177(d)  
19 and/or (g) of the Code;
- 20 (b) as to Paragraph 12(a) 10085 of the Code and Section 2970 of the  
21 Regulations, in conjunction with Section 10177(d) and/or (g) of the Code;
- 22 (c) as to Paragraph 12(b) under Section 10085.5 of the Code, in conjunction  
23 with Section 10177(d) and/or (g) of the Code;
- 24 (d) as to Paragraph 12(c) under Section 10146 of the Code, in conjunction with  
25 Section 10177(d) and/or (g) of the Code;
- 26 (e) as to Paragraph 12(d) under Section 2831 of the Regulations, in conjunction  
27 with Section 10177(d) and/or (g) of the Code;

- 1 (f) as to Paragraph 12(e) under Section 2831.1 of the Regulations, in  
2 conjunction with Section 10177(d) and/or (g) of the Code;  
3 (g) as to Paragraph 12(f) under Section 2831.2 of the Regulations, in  
4 conjunction with Section 10177(d) and/or (g) of the Code;  
5 (h) as to Paragraph 12(g) under Section 10146 of the Code and Section 2972 of  
6 the Regulations, in conjunction with Section 10177(d) and/or (g) of the  
7 Code;  
8 (i) as to Paragraph 13 under Section 2715 of the Regulations, in conjunction  
9 with Section 10177(d) and/or (g) of the Code; and,  
10 (j) as to Paragraph 14 under Section 10159.5 of the Code and Section 2731 of  
11 the Regulations, in conjunction with Section 10177(d) and/or (g) of the  
12 Code.

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 Real Estate Law (Part 1 of  
16 Division 4 of the Business and Professions Code) and for such other and further relief as may be  
17 proper under other applicable provisions of law.

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22 TRICIA SOMMERS  
23 Deputy Real Estate Commissioner  
24

25 Dated at Sacramento, California  
26 this 27th day of January 2010.  
27