

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

MAY 02 2023

STATE OF CALIFORNIA

DEPT. OF REAL ESTATE

By 

* * *

In the Matter of the Accusation of:)	
)	DRE No. H-05700 SD
CALIFORNIA HOME FINANCE AND)	
REAL ESTATE SERVICES)	
and)	
)	
WILLIAM R. FAHY,)	
)	
)	
Respondents.)	

DECISION

This Decision 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 April 17, 2023 and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondents CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES (CHFRES) and WILLIAM R. FAHY (FAHY) (collectively, "Respondents"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the

Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On March 08, 2023, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, and regular mail, to Respondents' last known respective mailing address on file with the Department on March 9, 2023.

On April 17, 2023, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code by CHFRES, Respondent CHFRES' default was entered herein. On April 17, 2023, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code by FAHY, Respondent FAHY's default was entered herein.

2.

Respondent CHFRES is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate corporation (broker). Respondent FAHY is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker.

3.

At all times mentioned, Respondent CHFRES was licensed and/or had licensing rights issued by the Department of Real Estate as a real estate corporation (broker). At all times mentioned, Respondent FAHY was licensed and/or had licensing rights issued by the Department of Real Estate as a real estate broker.

4.

At all times mentioned, in the City of Los Angeles, County of Los Angeles, Respondents CHFRES and FAHY acted as real estate brokers, conducting licensed activities within the meaning of Code Section 10131, and performing activities which require a real estate license, including but not limited to activities performed by CHFRES' employees, agents and real estate salespersons, who performed said activities under the supervision of CHFRES' designated officer of record, FAHY.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on March 09, 2023, which is incorporated herein as part of this Decision.

///

DETERMINATION OF ISSUES

6.

The allegations contained in the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondents CHFRES and FAHY under the provisions of Sections 10130, 10137, and 10166.03 of the Business and Professions Code. Additionally, the allegations contained in the Accusation, incorporated herein by reference made in Paragraph 5, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent FAHY under the provisions of Sections 10159.2 and 10177(h) of the Business and Professions Code and Regulation 2725.

7.

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

8.

To date, the DRE has incurred investigative costs relating to this matter in the amount of \$4,743.15.

ORDER

All licenses and licensing rights of Respondent CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES and WILLIAM R. FAHY 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 JUN 01 2023.

DATED: 4/25/2023.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 1651 Exposition, Blvd.
3 Sacramento, CA, 95815

FILED

APR 17 2023

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-05700 SD*
12)
12 CALIFORNIA HOME FINANCE)
13 AND REAL ESTATE SERVICES,) DEFAULT ORDER
14)
14 Respondent.)
15 _____)

16 Respondent CALIFORNIA HOME FINANCE AND REAL ESTATE
17 SERVICES, having failed to file a Notice of Defense within the time required by Section
18 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be
19 entered on the record in this matter.

20 IT IS SO ORDERED APRIL 14, 2023.

21 DOUGLAS R. McCAULEY
22 REAL ESTATE COMMISSIONER

23 By: 
24 CHIKA SUNQUIST
25 Assistant Commissioner, Enforcement
26
27

1 Department of Real Estate
2 1651 Exposition, Blvd.
3 Sacramento, CA, 95815

FILED

APR 17 2023

DEPT. OF REAL ESTATE

By: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-05700 SD*
12)
13 WILLIAM R FAHY,) DEFAULT ORDER
14) Respondent.)

15 Respondent WILLIAM R FAHY, having failed to file a Notice of Defense
16 within the time required by Section 11506 of the Government Code, is now in default. It is,
17 therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED APRIL 14, 2023.

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER

21 
22 By: _____
23 CHIKA SUNQUIST
24 Assistant Commissioner, Enforcement
25
26
27

EXHIBIT "A"

1 Julie L. To, Counsel (SBN 219482)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013
5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916
7 julie.to@dre.ca.gov
8 *Counsel for Complainant*

FILED

MAR 09 2023

DEPT. OF REAL ESTATE

By 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-05700 SD
13)
14 CALIFORNIA HOME FINANCE AND)
15 REAL ESTATE SERVICES) **ACCUSATION**
16)
17 and)
18)
19 WILLIAM R. FAHY,)
20)
21)
22 Respondents.)
23)

24 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
25 State of California, makes this Accusation in her official capacity, and for cause of Accusation
26 against Respondents CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES
27 (CHFRES) and WILLIAM R. FAHY (FAHY) (collectively, "Respondents"), is informed and
alleges as follows:

1.

All references to the "Code" are to the California Business and Professions Code
and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1 **DRE LICENSE HISTORY**

2 **RESPONDENT CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES**

3 **(CHFRES)**

4 2.

5 According to DRE records to date and publicly accessible online
6 (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=02030265), CALIFORNIA HOME
7 FINANCE AND REAL ESTATE SERVICES (CHFRES) is presently licensed and/or has license
8 rights under the Real Estate Law as a corporate real estate broker (REC), DRE license ID
9 02030265, expiring on March 14, 2025.

10 3.

11 According to DRE records to date and publicly accessible online at the above-
12 referenced page, CHFRES' mailing and main address of record are the same: 2525 Camino Del
13 Rio S., #310, San Diego, CA 92108.

14 4.

15 According to DRE records to date and publicly accessible online at the above-
16 referenced page, CHFRES was originally licensed by the DRE on or about March 15, 2017 and its
17 license is presently associated with five (5) DBAs that have all been active since May 1, 2017:
18 California Home Finance, California Refinance, Consumer Home Finance, Veterans Home
19 Finance, and Veterans Refinance.

20 5.

21 According to DRE records to date and publicly accessible online at the above-
22 referenced page, WILLIAM R. FAHY is presently CHFRES' designated officer of record (D.O.)
23 until his officer affiliation expires on March 14, 2025 (with the expiration of CHFRES' license).

24 ///

25 ///

26 ///

1 **RESPONDENT WILLIAM R. FAHY**

2 (FAHY)

3 6.

4 According to DRE records to date and publicly accessible online
5 (https://www2.dre.ca.gov/publicasp/pplinfo.asp?License_id=01348406), WILLIAM R. FAHY
6 (FAHY) is presently licensed and/or has license rights under the Real Estate Law as a real estate
7 broker (REB), DRE license ID 01348406, expiring on July 26, 2023.

8 7.

9 According to DRE records to date and publicly accessible online at the above-
10 referenced page, FAHY's mailing address of record is 404 Camino Del Rio S., Suite 510, San
11 Diego, CA 92108 and FAHY's main address of record is 8960 Capricorn Way, San Diego, CA
12 92126.

13 8.

14 According to DRE records to date and publicly accessible online at the above-
15 referenced page, FAHY was originally licensed by the DRE as a real estate salesperson (RES) on
16 or about December 19, 2002 and as a REB on July 28, 2005, and he is presently a broker associate
17 for KAM Financial & Realty, Inc., DRE license ID 01919999.

18 9.

19 According to DRE records to date and publicly accessible online at the above-
20 referenced page, FAHY's license is presently associated with CHFRES as its D.O. until his officer
21 affiliation expires on March 14, 2025 (with the expiration of CHFRES' license).

22 10.

23 According to DRE records to date and publicly accessible online at the above-
24 referenced page, FAHY has affiliated with his license a mortgage loan originator (MLO) license
25 endorsement, Nationwide Multistate Licensing System and Registry (NMLS) ID 235778.

26 ///

27 DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

[Then-Unlicensed] Rafah Alkhafaji

(Alkhafaji)

11.

According to DRE records to date and publicly accessible online (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=02107310), Rafah Alkhafaji (Alkhafaji) was originally licensed by the DRE as a restricted RES (RRES) on or about July 2, 2021 and is presently licensed and/or has license rights under the Real Estate Law as a RRES, expiring on July 1, 2025. Akhafaji is presently licensed under responsible REB Christoffer William Groves, DRE license ID 01912962.

[Unlicensed] Danielle Figg

(Figg)

12.

According to DRE records to date and publicly accessible online, Danielle Figg (Figg) is not now, and has never been, licensed by the Department in any capacity and has no license rights under the Real Estate Law (Part 1 of Division 4 of the Code) or any license endorsements attaching to any Department licenses.

[Unlicensed] Garrett Lacroix

(Lacroix)

13.

According to DRE records to date and publicly accessible, Garrett Lacroix (Lacroix) is not now, and has never been, licensed by the Department in any capacity and has no license rights under the Real Estate Law (Part 1 of Division 4 of the Code) or any license endorsements attaching to any Department licenses.

///

///

1 **[Unlicensed] Sandra Shean a.k.a. Sandra Figg**

2 (Shean)

3 14.

4 According to DRE records to date and publicly accessible online
5 (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=01170419), Sandra Shean (Shean)
6 was originally licensed by the DRE as a RES on or about October 29, 1993, and Shean's RES
7 license expired on or about October 28, 1997. Shean is not now licensed by the Department in
8 any capacity and has no license rights under the Real Estate Law (Part 1 of Division 4 of the Code)
9 or any license endorsements attaching to any Department licenses.

10 **[Unlicensed] Hugo Silva**

11 (Silva)

12 15.

13 According to DRE records to date and publicly accessible online, Hugo Silva
14 (Silva) is not now, and has never been, licensed by the Department in any capacity and has no
15 license rights under the Real Estate Law (Part 1 of Division 4 of the Code) or any license
16 endorsements attaching to any Department licenses.

17
18 16.

19 At all times mentioned, in the State of California, CHFRES conducted licensed
20 activities within the meaning of Code Section 10131¹ and performed real estate activities, which

21

¹ Pursuant to Code Section 10131 Broker Defined, "A real estate broker within this meaning of this part is a person
22 who, for a compensation or in expectation of a compensation, regardless of the form or time of payment, does or
23 negotiates to do one or more of the following acts for another or others: (a) Sells or offers to sell, buys or offers to
24 buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or
25 exchange of real property or a business opportunity. (b) Leases or rents or offers to lease or rent, or places for rent,
26 or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase or exchanges
27 of leases on real property, or on a business opportunity, or collects rents from real property, or improvements
thereon, or from business opportunities. (c) Assists or offers to assist in filing an application for the purchase or
lease of, or in locating or entering upon, lands owned by the state or federal government. (d) Solicits borrowers or
lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in
connection with loans secured directly or collaterally by liens on real property or on a business opportunity. (e) Sells
or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a

1 require a real estate license, including, but not limited to, activities performed by its employees,
2 agents and RES, all performed under the supervision of its D.O. FAHY.

3 17.

4 At all times mentioned, in the State of California, CHFRES, including, but not
5 limited to unlicensed and/or then-unlicensed Alkhafaji, Figg, Lacroix, Shean and Silva,
6 conducted licensed activities within the meaning of Code Section 10131 and performed real
7 estate sales activities, which require a real estate license, when they were not licensed by the
8 DRE.

9 **FACTS DISCOVERED BY THE DEPARTMENT OF REAL ESTATE**

10 18.

11 **Complaint Received by the DRE (102120 Complaint)**

12 On or about October 21, 2020, the DRE received an anonymous complaint (102120
13 Complaint) regarding FAHY and CHFRES regarding their alleged employment of unlicensed
14 independent contractors and alleged instruction as to performance of licensed MLO duties by said
15 independent contractors. The 102120 Complaint cited examples of MLO duties including
16 “quoting rates to clients, taking applications, and pulling credit” and included attachments of
17 emails from FAHY and FAHY’s sales manager, which included “loan officer assistant” scripts
18 and preapproval letter templates to be distributed to potential home buyers. Additionally, the
19 102120 complaint alleged that FAHY required the complainant to come into the office in spite of
20 complainant’s expression of his COVID-19 fears.

21 19.

22 **CHFRES Information Produced to the DRE (022221 CHFRES Information)**

23 Between February 9, 2021 and February 10, 2021, the DRE sought information
24 from FAHY regarding CHFRES’ employees’ within the last three (3) years, including its
25

26 _____
26 promissory note secured directly or collaterally by a lien on real property or on a business opportunity, and performs
27 services for the holders thereof.”

DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1 employment of: Alkhafaji, Figg, Lacroix, Shean and Silva. Specifically, the DRE's special
2 investigator requested that FAHY and/or CHFRES provide copies of employee files, including
3 compensation paid to CHFRES employees beginning January 1, 2019 and FAHY's explanation of
4 his supervision of CHFRES activities.

5 20.

6 On or about February 22, 2021, FAHY responded to the DRE's investigative
7 request for employee information and provided contract and compensation information for
8 CHFRES' employees. In addition, FAHY explained that he is the President and 51% owner of
9 CHFRES, and that he oversees the back end operations, including the submission of mortgage loan
10 applications to investor banks and the supervision of CHFRES' licensees and its non-licensed loan
11 assistants.

12 21.

13 The DRE's investigation of the 102120 complaint and the 022221 CHFRES
14 information discovered that between approximately March 2020 and February 1, 2021, CHFRES
15 and FAHY compensated unlicensed individuals for independent loan processing services.

16 22.

17 Alkhafaji

18 According to documents (022221 CHFRES information) submitted by FAHY to
19 the DRE, on November 22, 2019, Rafah Alkhafaji signed an "Independent Contractor Agreement"
20 (ICA) with CHFRES dba Veterans Home Finance (VHF). At page 9 of Alkhafaji's ICA was a
21 description of Alkhafaji's independent contractor duties, including, but not limited to: "submit
22 complete loan submissions" in order to facilitate "structuring and processing a loan properly...to
23 close a loan transaction."

24 23.

25 Between April 7, 2020 and June 12, 2020, CHFRES compensated Alkhafaji
26 \$18,046.08 in "Paid Commissions" for his unlicensed independent loan processing services prior
27

1 to his July 2, 2021 licensure. According to CHFRES' 2019 Form 1099-MISC for Alkhafaji,
2 CHFRES paid Alkhafaji \$134,459.01 in nonemployee compensation. According to CHFRES'
3 2020 Form 1099-MISC for Alkhafaji, CHFRES paid Alkhafaji \$38,003.63 in nonemployee
4 compensation.

5 24.

6 Figg

7 According to documents (022221 CHFRES information) submitted by FAHY to
8 the DRE, on June 28, 2019, Danielle Figg signed an "Independent Contractor Agreement" (ICA)
9 with CHFRES dba Veterans Home Finance (VHF). At page 9 of Figg's ICA was a description of
10 Figg's independent contractor duties, including, but not limited to: "submit complete loan
11 submissions" in order to facilitate "structuring and processing a loan properly...to close a loan
12 transaction."

13 25.

14 Between March 13, 2020 and February 1, 2021, CHFRES compensated Figg
15 \$60,045.00 in "Processing Fees" for her unlicensed independent loan processing services.
16 According to CHFRES' 2019 Form 1099-MISC for Figg, CHFRES paid Figg \$8,500 in
17 nonemployee compensation.

18 26.

19 Lacroix

20 According to documents (022221 CHFRES information) submitted by FAHY to
21 the DRE, on May 6, 2019, Garrett Lacroix signed an "Independent Contractor Agreement" (ICA)
22 with CHFRES dba Veterans Home Finance (VHF). At page 9 of Lacroix' ICA was a description
23 of Lacroix' independent contractor duties, including, but not limited to: "submit complete loan
24 submissions" in order to facilitate "structuring and processing a loan properly...to close a loan
25 transaction."

26 ///

27 DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1 27.

2 Included within Lacroix' ICA was Lacroix' IRS Form W-9 and an Addendum
3 describing the compensation Lacroix would receive "for business that has funded and closed and
4 only for which he or she is duly licensed with the appropriate authority: loan origination: 30% of
5 net broker check (to be reviewed after 5th funded loan), \$695 Broker [sic] admin fee per loan."
6 FAHY signed Lacroix' ICA as President of CHFRES dba VHF, and FAHY signed the Addendum
7 as Broker-Owner of CHFRES.

8 28.

9 Between March 9, 2020 and December 7, 2020, CHFRES compensated Lacroix
10 \$32,781.43 in "Paid Commissions" for his unlicensed independent loan processing services.
11 According to CHFRES' 2019 Form 1099-MISC for Lacroix, CHFRES paid Lacroix \$49,319.53
12 in nonemployee compensation. According to CHFRES' 2020 Form 1099-MISC for Lacroix,
13 CHFRES paid Lacroix \$36,897.13 in nonemployee compensation.

14 29.

15 Shean

16 According to documents (022221 CHFRES information) submitted by FAHY to
17 the DRE, on August 28, 2018, Sandra Shean signed an "Independent Contractor Agreement"
18 (ICA) with CHFRES dba Veterans Home Finance (VHF). At page 9 of Shean's ICA was a
19 description of Shean's independent contractor duties, including, but not limited to: "submit
20 complete loan submissions" in order to facilitate "structuring and processing a loan properly...to
21 close a loan transaction." Included within Shean's August 28, 2018 ICA was Shean's IRS Form
22 W-9."

23 30.

24 Between April 13, 2020 and December 28, 2020, CHFRES compensated
25 Shean \$33,058.21 in "Paid Commissions" for her unlicensed independent loan processing services
26 [well after her October 28, 1997 license expiration]. According to CHFRES' 2019 Form 1099-

1 MISC for Shean, CHFRES paid Shean \$77,506.66 in nonemployee compensation.

2 31.

3 Silva

4 According to documents (022221 CHFRES information) submitted by FAHY to
5 the DRE, on April 1, 2019 and again on November 22, 2019, Hugo Silva signed an “Independent
6 Contractor Agreement” (ICA) with CHFRES dba Veterans Home Finance (VHF). At page 9 of
7 both of Silva’s ICAs was a description of Silva’s independent contractor duties, including, but not
8 limited to: “submit complete loan submissions” in order to facilitate “structuring and processing a
9 loan properly...to close a loan transaction.”

10 32.

11 Included within Silva’s April 1, 2019 ICAs was an Addendum describing the
12 compensation Silva would receive “for business that has funded and closed and only for which he
13 or she is duly licensed with the appropriate authority: loan origination: 30% of net broker check
14 (to be reviewed after 5th funded loan).” FAHY signed Silva’s ICAs as President/Broker of
15 CHFRES dba VHF, and FAHY signed the Addendum as Broker-Owner of CHFRES

16 33.

17 On March 20, 2020, CHFRES compensated Silva \$1,543.50 in “Paid
18 Commissions” for his unlicensed independent loan processing services. According to CHFRES’
19 2020 Form 1099-MISC for Silva, CHFRES paid Silva \$18,418.87 in nonemployee compensation.

20 **APPLICABLE SECTIONS OF THE REAL ESTATE LAW**

21 34.

22 **License Required**

23 **(Code Sections 10130 and 10131)**

24 Pursuant to Code Section 10130 *License Required:*

25 “It is unlawful for any person to engage in the business of, act in the capacity of,
26 advertise as, or assume to act as a real estate broker or a real estate salesperson within this state

27 DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1 without first obtaining a real estate license from the department, or to engage in the business of,
2 act in the capacity of, advertise as, or assume to act as a mortgage loan originator within this
3 state without having obtained a license endorsement. The commissioner may prefer a complaint
4 for violation of this section before any court of competent jurisdiction, and the commissioner and
5 his or her counsel, deputies, or assistants, may assist in presenting the law or facts at the
6 trial. *Prosecution of Violations:* It is the duty of the district attorney of each county in this state
7 to prosecute all violations of this section in their respective counties in which the violations
8 occur.”

9 35.

10 Pursuant to Code Section 10131 *Broker Defined:*

11 “A real estate broker within this meaning of this part is a person who, for a
12 compensation or in expectation of a compensation, regardless of the form or time of payment,
13 does or negotiates to do one or more of the following acts for another or others:

14 (a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or
15 purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or
16 exchange of real property or a business opportunity.

17 (b) Leases or rents or offers to lease or rent, or places for rent, or solicits listings
18 of places for rent, or solicits for prospective tenants, or negotiates the sale,
19 purchase or exchanges of leases of real property, or on a business opportunity, or
20 collects rents from real property, or improvements thereon, or from business
21 opportunities.

22 (c) Assists or offers to assist in filing an application for the purchase or lease of,
23 or in locating or entering upon, lands owned by the state or federal government.

24 (d) Solicits borrowers or lenders for or negotiates loans or collects payments or
25 performs services for borrowers or lenders or note owners in connection with
26

1 loans secured directly or collaterally by liens on real property or on a business
2 opportunity.

3 (e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange
4 a real property sales contract, or a promissory note secured directly or collaterally
5 by a lien on real property or on a business opportunity, and performs services for
6 the holders thereof.”

7 36.

8 **Unlawful Employment or Payment of Compensation - Penalty**

9 (Code Section 10137)

10 Pursuant to Code Section 10137 *Unlawful Employment or Payment of*
11 *Compensation – Penalty:*

12 “It is unlawful for any licensed real estate broker to employ or compensate,
13 directly or indirectly, any person for performing any of the acts within the scope of this chapter
14 who is not a license real estate broker, or a real estate salesperson licensed under the broker
15 employing or compensating him or her, or to employ or compensate, directly or indirectly, any
16 licensee for engaging in any activity for which a mortgage loan originator license endorsement is
17 required, if that licensee does not hold a mortgage loan originator license endorsement; provided,
18 however, that a licensed real estate broker may pay a commission to a broker of another state.
19 No real estate salesperson shall be employed by or accept compensation for activity requiring a
20 real estate license from any person other than the broker under whom he or she is at the time
21 licensed. It is unlawful for any licensed real estate salesperson to pay any compensation for
22 performing any of the acts within the scope of this chapter to any real estate licensee except
23 through the broker under whom he or she is at the time licensed. For a violation of any of the
24 provisions of this section, the commissioner may temporarily suspend or permanently revoke the
25 license of the real estate licensee, in accordance with the provisions of this part relating to
26 hearings.”

27 DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

37.

Broker Supervision

(Code Section 10159.2 and Regulation 2725)

Pursuant to Code Section 10159.2 *Responsibility of Corporate Officer in Charge:*

“(a) The officer designated by a corporate broker licensee pursuant to Section 10211 shall be responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of this division, including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

(b) A corporate broker licensee that has procured additional licenses in accordance with Section 10158 through officers other than the officer designated pursuant to Section 10211 may, by appropriate resolution of its board of directors, assign supervisory responsibility over salespersons licensed to the corporation to its broker-officers.

(c) A certified copy of any resolution of the board of directors assigning supervisory responsibility over real estate salespersons licensed to the corporation shall be filed with the Real Estate Commissioner within five days after the adoption or modification thereof.”

38.

Pursuant to Regulation 2725 *Broker Supervision:*

“A broker shall exercise reasonable supervision over the activities of his or her salespersons. Reasonable supervision includes, as appropriate, the establishment of policies, rules, procedures and systems to review, oversee, inspect and manage:

(a) Transactions requiring a real estate license.

(b) Documents which may have a material effect upon the rights or obligations of a party to the transaction.

(c) Filing, storage and maintenance of such documents.

(d) The handling of trust funds.

1 (e) Advertising of any service for which a license is required.

2 (f) Familiarizing salespersons with the requirements of federal and state laws
3 relating to the prohibition of discrimination.

4 (g) Regular and consistent reports of licensed activities of salespersons.

5 The form and extent of such policies, rules, procedures and systems shall take into
6 consideration the number of salespersons employed and the number and location of branch
7 offices. A broker shall establish a system for monitoring compliance with such policies, rules,
8 procedures and systems. A broker may use the services of brokers and salespersons to assist in
9 administering the provisions of this section so long as the broker does not relinquish overall
10 responsibility for supervision of the acts of salespersons licensed to the broker.”

11 39.

12 **Loan Processor, Underwriter or Independent Contractor - Endorsement**

13 **(Code Section 10166.03)**

14 Pursuant to Code Section 10166.03 *Loan Processor, Underwriter or Independent*
15 *Contractor – Endorsement:*

16 “(a) A loan processor or underwriter who does not represent to the public, through
17 advertising or other means of communicating or providing information, including the use of
18 business cards, stationery, brochures, signs, rate lists, or other promotional items, that the
19 individual can or will perform any of the activities of a mortgage loan originator shall not be
20 required to obtain a license endorsement as a mortgage loan originator.

21 (b) An individual engaging solely in loan processor or underwriter activities shall
22 not represent to the public, through advertising or other means of communicating or providing
23 information including the use of business cards, stationery, brochures, signs, rate lists, or other
24 promotional items, that the individual can or will perform any of the activities of a mortgage loan
25 originator.

1 (c) An independent contractor who is employed by a mortgage loan originator
2 may not engage in the activities of a loan processor or underwriter for a residential mortgage
3 loan unless the independent contractor loan processor or underwriter obtains and maintains an
4 endorsement as a mortgage loan originator under this article. Each independent contractor loan
5 processor or underwriter who obtains and maintains an endorsement as a mortgage loan
6 originator under this article shall have and maintain a valid unique identifier issued by the
7 Nationwide Mortgage Licensing System and Registry.”

8 40.

9 **Further Grounds for Disciplinary Action**

10 **(Code Section 10177 (selected portions))**

11 Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action*
12 (selected portions):

13 “The commissioner may suspend or revoke the license of a real estate licensee,
14 delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an
15 applicant, who has done any of the following:

16 . . .

17 (h) As a broker licensee, failed to exercise reasonable supervision over the
18 activities of his or her salespersons, or, as the officer designated by a corporate broker licensee,
19 failed to exercise reasonable supervision and control of the activities of the corporation for which
20 a real estate license is required...”

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1
2 **VIOLATIONS OF THE REAL ESTATE LAW – CAUSES FOR DISCIPLINE**

3 41.

4 Complainant re-alleges and incorporates by reference the preceding paragraphs as
5 set forth herein.

6 42.

7 **First Cause for Discipline**

8 **(Code Sections 10130 and 10137)**

9 In the course of the activities described above, and based on the facts discovered
10 by the Department, as described above in Paragraphs 18 through 33, the acts and/or omissions of
11 Respondent **CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES** and
12 **WILLIAM R. FAHY** are in violation of **Code Sections 10130 and 10137** and constitute cause
13 for the suspension or revocation of all licenses, license rights and license endorsements of
14 Respondents **CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES** and
15 **WILLIAM R. FAHY** under the Real Estate Law.

16 43.

17 **Second Cause for Discipline**

18 **(Code Section 10166.03)**

19 In the course of the activities described above, and based on the facts discovered
20 by the Department, as described above in Paragraphs 18 through 33, the acts and/or omissions of
21 Respondent **CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES** and
22 **WILLIAM R. FAHY** are in violation of **Code Section 10166.03** and constitute cause for the
23 suspension or revocation of all licenses, license rights and license endorsements of Respondents
24 **CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES** and **WILLIAM R. FAHY**
25 under the Real Estate Law.

26 ///

27 DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1 44.

2 **Third Cause for Discipline**

3 **(Code Section 10159.2)**

4 In the course of the activities described above, and based on the facts discovered
5 by the Department, as described above in Paragraphs 18 through 33, the acts and/or omissions of
6 Respondent **WILLIAM R. FAHY** are in violation of **Code Sections 10159.2 and Regulation**
7 **2725 and Code Section 10177(h)** and constitute cause for the suspension or revocation of all
8 licenses, license rights and license endorsements of Respondent WILLIAM R. FAHY under the
9 Real Estate Law.

10 **COSTS**

11 45.

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

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 DRE Accusation against California Home Finance and Real Estate Services & William R. Fahy, H-05700 SD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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 the licenses, license rights, and license endorsements of Respondents CALIFORNIA HOME FINANCE AND REAL ESTATE SERVICES and WILLIAM R. FAHY 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 applicable provisions of law.

Dated at San Diego, California
this 8th day of March 2023.

Veronica Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: California Home Finance and Real Estate Services
William R. Fahy
V.Kilpatrick
Sacto.