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FILED

NOV 23 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 OSCAR AMADOR,) NO. H-11252 SF
14 Respondent.) ACCUSATION
15)

16 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the
17 State of California, for Accusation against OSCAR AMADOR (herein "Respondent") is
18 informed and alleges as follows:

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20 Complainant makes this Accusation against Respondent in his official capacity.

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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").

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

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At all times mentioned herein, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent solicited lenders or borrowers for or negotiated loans, including loan modifications, or collected payments or performed 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.

In about November 2008, Respondent solicited Emilio and Julia Castro (herein "the Castro's") to provide loan modification services in order to save the Castro's residence located at 2004 Lyons Drive, San Jose, California, CA 96115, from foreclosure.

On about November 28, 2008, Respondent collected an advance fee in the amount of about \$4,500 for said loan modification services prior to submitting to the Department any or all materials used in advanced fee agreements, including but not limited to the contract form, any letters or cards used to solicit prospective sellers, and radio and television advertising, at least ten (10) calendar days before it was used in obtaining an advance fee agreement and prior to the Castro's obligation to complete the loan, in violation of Sections 10085 (submission of advance fee agreement) and 10085.5 (collection of advance fees) of the Code and Section 2970 (submission of advance fee agreement) of Title 10, Chapter 6 of the California Code of Regulations (herein the "Regulations").

At all times mentioned herein, Respondent failed to provide to the Castro's an accounting of said advance fees collected, as required by Section 10146 of the Code and Section 2972 of the Regulations.


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On about August 17, 2011, Respondent failed to maintain a definite place of business in the State of California, in violation of Section 10162 of the Code and Section 2715 of the Regulations.

The facts alleged above are grounds for the suspension or revocation of the license and license rights of Respondent under the following provisions of the Code:

- (a) as to Paragraph 6, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 7, under Sections 10146 of the Code and Section 2972 of the Regulations in conjunction with Section 10177(d) of the Code; and
- (c) as to Paragraph 8, under Section 10162 of the Code and Section 2715 of the Regulations, 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 the license and license rights of Respondent 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.


E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California
this 9 day of November, 2011