

FILED

DEC 22 2021

DEPARTMENT OF REAL ESTATE
By B. A. Cholas

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)	
)	DRE No. H-12549 SF
<u>VERSO REAL ESTATE SERVICES</u>)	
<u>INC.</u> , and EARLE F. MAKIN,)	
)	
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 December 10, 2021, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondents, VERSO REAL ESTATE SERVICES INC. (VRESI) and Earle F. Makin (Makin) ; (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 (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 August 26, 2021, Stephanie Yee 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:

VRESI's last known main address and mailing address on file with the Department, ATTN: Earle F. Makin 545 Los Coches Street, Suite 108, Milpitas, California 95035, on September 8, 2021;

Makin at 2565 Flagstone Drive, San Jose, California 95132, and 545 Los Coches Street, Suite 108, Milpitas, California 95035 on September 8, 2021; and

VRESI's last known main address and mailing address on file with the Department, ATTN: Henry Pham (as Chief Executive Officer and President of VRESI) 545 Los Coches Street, Suite 108, Milpitas, California 95035, on October 18, 2021; and

Spiegel & Utrera, P.C., as Agent for Services of Process for VRESI, P.O. Box 450605, Miami, Florida 33245 on October 18, 2021.

On December 10, 2021, no Notice of Defense having been received or filed on behalf of VRESI herein within the time prescribed by Section 11506 of the Government Code, VRESI's default was entered herein.

2.

VRESI is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code.

3.

At all times mentioned, VRESI was and is licensed by the Department as a real estate broker corporation.

4.

At all times mentioned after September 1, 2017, the corporate powers, rights and privileges of VRESI were forfeited pursuant to the provisions of the Revenue and Taxation Code.

5.

At all times mentioned, Makin was and is licensed by the Department individually as a real estate broker, and as the designated broker officer of VRESI. As said designated broker officer, Makin was responsible pursuant to Section 10159.2 of the Code for the supervision of

the activities of the officers, agents, real estate licensees, and employees of VRESI for which a license is required.

6.

Whenever reference is made in an allegation in this Accusation to an act or omission of VRESI, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with VRESI committed such acts or omissions while engaged in furtherance of the business or operation of VRESI and while acting within the course and scope of their corporate authority and employment.

7.

At all times mentioned, VRESI engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein VRESI solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by VRESI on behalf of others for compensation or in expectation of a compensation.

8.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on September 8, 2021, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

9.

The allegations contained in the First Cause of Action in the Accusation, incorporated herein by reference made in Paragraph 8, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of VRESI under the provisions of Section 10177(d) of the Code in conjunction with Section 2742(c) of the Regulations.

10.

The allegations contained in the Second Cause of Action in the Accusation, incorporated herein by reference made in Paragraph 8, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of VRESI under the provisions of Sections 10177(a) and 10177(j) of the Code.

11.

The allegations contained in the Third Cause of Action in the Accusation, incorporated herein by reference made in Paragraph 8, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of VRESI under the

provisions of Sections 10177(d) and 10177(g) of the Code in conjunction with Sections 10240(a), 10236.4, 10140.6(b) of the Code, and Section 2840 and 2773 of the Regulations.

12.

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

ORDER

All licenses and licensing rights of Respondent VERSO REAL ESTATE SERVICES INC. 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 JAN 12 2022.

DATED: 12.20.21.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

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

FILED

DEC 10 2021

DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. ***H-12549 SF***
12)
12 VERSO REAL ESTATE) DEFAULT ORDER
13 SERVICES INC. and)
13 EARLE F. MAKIN)
14 Respondent.)
15 _____)

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

19 IT IS SO ORDERED DECEMBER 03, 2021.

20 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

21
22 By: 
23 CHIKA SUNQUIST
24 Assistant Commissioner, Enforcement
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