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FILED

JUL 05 2000

DEPARTMENT OF REAL ESTATE

By Jean A. Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-26549 LA
HELEN MARIE COMTE,)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 17, 1997, an Order was rendered herein, revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on May 14, 1997, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On June 14, 1999, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate broker
6 license and that it would not be against the public interest to
7 issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 broker license be issued to Respondent if Respondent satisfies
11 the following conditions within nine months from the date of this
12 Order:

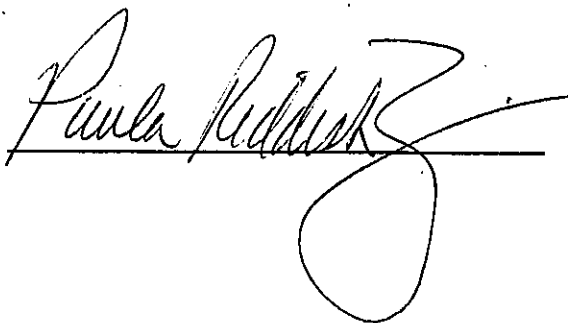
13 1. Submittal of a completed application and payment of
14 the fee for a real estate broker license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2:5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: June 26, 2000.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24 
25
26
27

SACTO

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
APR 24 1997
DEPARTMENT OF REAL ESTATE
By *[Signature]*

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26549 LA
MORTGAGE HELP NETWORK, INC.,)	
a California corporate broker, dba;)	STIPULATION AND
Mortgage Help Network; RAYMOND LAURENCE)	AGREEMENT
HALLE, individually, dba American State)	IN SETTLEMENT AND ORDER
Mortgage, MCA Mortgage Division/Maehall)	
of California & Associates, Pioneer)	
Financial Services, Pioneer West Real)	
Estate and Southern California Mortgage)	
& Loan and as designated officer of)	
Mortgage Help Network, Inc. and HELEN)	
MARIE COMTE, individually, as officer)	
of Mortgage Help Network, Inc., also)	
dba American Capital Network, American)	
Dream Home Realty, H and K Property)	
Management and San Juan Capistrano)	
Property Management,)	
Respondents.)	

22 It is hereby stipulated by and between and HELEN MARIE
23 COMTE (sometimes referred to as Respondent), acting by and through
24 Burt Cook, Esq., Respondent's Counsel, and the Complainant, acting
25 by and through Sean Crahan, Counsel for the Department of Real
26 Estate, as follows for the purpose of settling and disposing of the
27 Accusation filed on April 30, 1996, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be held
4 in accordance with the provisions of the Administrative Procedure
5 Act (APA), shall instead and in place thereof be submitted solely
6 on the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 6, 1996, Respondent COMTE filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that she
17 understands that by withdrawing said Notice of Defense, she will
18 thereby waive her right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that she will waive
21 other rights afforded to her in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. Respondents, pursuant to the limitations set forth
25 below, hereby admit that the factual allegations in Paragraphs one
26 (1) through nine (9) in the Accusation filed in this proceeding are
27 true and correct and the Real Estate Commissioner shall not be

1 required to provide further evidence to prove such allegations.

2 5. It is understood by the parties that the Real Estate
3 Commissioner may adopt the Order in this Stipulation as his
4 decision and order in this matter thereby imposing the penalty and
5 sanctions on Respondents' real estate licenses and/or license
6 rights as set forth in the below Order. In the event that the
7 Commissioner in his discretion does not adopt the Stipulation, the
8 Stipulation And Agreement In Settlement shall be void and of no
9 effect, and Respondents shall retain the right to a hearing and
10 proceeding on the Accusation under all the provisions of the APA
11 and shall not be bound by any admission or waiver made herein.

12 6. The Order or any subsequent Order of the Real Estate
13 Commissioner made pursuant to this Stipulation shall not constitute
14 an estoppel, merger or bar to any further administrative or civil
15 proceedings by the Department of Real Estate with respect to any
16 matters which were not specifically alleged to be causes for
17 accusation in this proceeding.

18 7. Respondent MHNI may be required, pursuant to Code
19 Section 10148, if the findings set forth below in the Determination
20 of Issues become final as to it, the Commissioner may charge
21 Respondent MHNI for the costs of an audit conducted pursuant to
22 Section 10148 of the Code to determine if Respondent MHNI is in
23 compliance with the Real Estate Law. The maximum costs of said
24 audit will not exceed \$2,200.

25 DETERMINATION OF ISSUES

26 By reason of the foregoing stipulations and waivers, made
27 solely for the purpose of settlement of the pending Accusation



1 without a hearing, it is stipulated and agreed that the following
2 Determination of Issues shall be made:

3 The conduct or omissions of Respondent HELEN MARIE COMTE,
4 as set forth in paragraph one (1) through nine (9) of the
5 Accusation constitute cause to suspend or revoke his real estate
6 broker license and/or license rights under the provisions of 10137,
7 10177(f) and 10177(d) for violations of Code Sections 10145,
8 10159.5 and Regulations 2731 and 2832.1.

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 All licenses and license rights of Respondent HELEN MARIE
12 COMTE under Part 1 of Division 4 of the Business and Professions
13 Code are revoked; provided, however, restricted real estate broker
14 licenses shall be issued to Respondent HELEN MARIE COMTE pursuant
15 to Section 10156.5 of the Code if Respondent COMTE makes
16 application therefor and pays to the Department of Real Estate the
17 appropriate fee for said licenses within ninety (90) days from the
18 effective date of the Decision. The restricted licenses issued to
19 Respondent COMTE shall be subject to all of the provisions of
20 Section 10156.7 of the Business and Professions Code and to the
21 following limitations, conditions and restrictions imposed under
22 authority of Section 10156.6 of said Code:

23 (1) The restricted licenses may be suspended prior
24 to hearing by order of the Real Estate Commissioner in the event of
25 Respondent COMTE's conviction or plea of nolo contendere to a crime
26 which bears a significant relation to Respondent's fitness or
27 capacity as a real estate licensee.

1 (2) The restricted licenses may be suspended prior
2 to hearing by Order of the Real Estate Commissioner on evidence
3 satisfactory to the Commissioner that Respondent COMTE has violated
4 provisions of the California Real Estate Law, the Subdivided Lands
5 Law, Regulations of the Real Estate Commissioner, or the conditions
6 attaching to these restricted licenses.

7 (3) Respondent COMTE shall not, during the time she
8 holds a restricted license, become an officer or designated officer
9 of a corporate broker, nor become the broker for a business of any
10 form, unless she owns 51 or more percent of such corporation or
11 business.

12 (4) Respondent COMTE shall report in writing to the
13 Department of Real Estate as the Real Estate Commissioner shall
14 direct by his Order herein or by separate written order issued
15 while Respondent holds a restricted license, such information
16 concerning Respondent's activities for which a real estate license
17 is required as the Commissioner shall deem to be appropriate to
18 protect the public interest.

19 (5) Respondent COMTE shall not be eligible to apply
20 for the issuance of an unrestricted real estate license nor the
21 removal of any of the conditions, limitations or restrictions of a
22 restricted license until two (2) years have elapsed from the date
23 of issuance of the restricted license to Respondent COMTE.

24 (6) Respondent COMTE shall, within nine (9) months
25 from the effective date of this Decision, present evidence
26 satisfactory to the Real Estate Commissioner that Respondent has,
27 since the most recent issuance of an original or renewal real



1 estate license, taken and successfully completed the continuing
2 education requirements of Article 2.5 of Chapter 3 of the Real
3 Estate Law for renewal of a real estate license. If Respondent
4 COMTE fails to satisfy this condition, the Commissioner may order
5 the suspension of the restricted license until the Respondent
6 presents such evidence. The Commissioner shall afford Respondent
7 the opportunity for a hearing pursuant to the Administrative
8 Procedure Act to present such evidence.

9 (7) Respondent COMTE shall, within six months from
10 the effective date of this Decision, take and pass the Professional
11 Responsibility Examination administered by the Department including
12 payment of the appropriate examination fee. If Respondent fails to
13 satisfy this condition, the Commissioner may order suspension of
14 Respondent COMTE's license until she passes the examination.

15 (8) Respondent COMTE shall be jointly and severally
16 liable for payment of a chargeable follow-up audit of Mortgage Help
17 Network, Inc. if one is completed within two years from the date of
18 this order.

19 * * * * *

20 I have read the Stipulation And Agreement In Settlement
21 And Order, and its terms are understood by me and are agreeable and
22 acceptable to me. I understand that I am waiving rights given to
23 me by the California Administrative Procedure Act (including but
24 not limited to Sections 11506, 11508, 11509 and 11513 of the
25 Government Code), and I willingly, intelligently and voluntarily
26 waive those rights, including the right of requiring the
27 Commissioner to prove the allegations in the Accusation at a

1 hearing at which I would have the right to cross-examine witnesses
2 against me and to present evidence in defense and mitigation of the
3 charges.

4 DATED: 4/3/97

Helen Marie Comte
HELEN MARIE COMTE, Respondent.

6 DATED: 4/3/97

Burt Cook
BURT COOK, ESQ. of The Law Offices
of Burt Cook, Counsel for
Respondent Helen Marie Comte,
approved as to form.

10 DATED: 4-7-97

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

14 * * * * *

16 The foregoing Stipulation And Agreement In Settlement is
17 hereby adopted as my Decision and Order as to respondent HELEN
18 MARIE COMTE in case H-26549 LA and shall become effective at 12
19 o'clock noon on MAY 14 1997, 1997.

21 IT IS SO ORDERED 4/17 1997.

24 JIM ANTT, JR
Real Estate Commissioner
J. Antt

Sacto

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012
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FILED
APR 24 1997
DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

<p>11 In the Matter of the Accusation of) 12 MORTGAGE HELP NETWORK, INC.,) 13 a California corporate broker, dba;) 14 Mortgage Help Network; RAYMOND LAURENCE) 15 HALLE, individually, dba American State) 16 Mortgage, MCA Mortgage Division/Maehall) 17 of California & Associates, Pioneer) 18 Financial Services, Pioneer West Real) 19 Estate and Southern California Mortgage) 20 & Loan and as designated officer of) 21 Mortgage Help Network, Inc. and HELEN) MARIE COMTE, individually, as officer) of Mortgage Help Network, Inc., also) dba American Capital Network, American) Dream Home Realty, H and K Property) Management and San Juan Capistrano) Property Management,) Respondents.)</p>	<p>No. H-26549 LA</p> <p>STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER</p>
---	--

22 It is hereby stipulated by and between RAYMOND LAURENCE
23 HALLE (sometimes referred to as Respondent), acting by and through
24 Edgar C. Johnson, Jr. Esq. of Johnson and Flyer, Respondent's
25 Counsel, and the Complainant, acting by and through Sean Crahan,
26 Counsel for the Department of Real Estate, as follows for the
27 purpose of settling and disposing of the Accusation filed on April

1 30, 1996, in this matter:

2 1. All issues which were to be contested and all
3 evidence which was to be presented by Complainant and Respondents
4 at a formal hearing on the Accusation, which hearing was to be held
5 in accordance with the provisions of the Administrative Procedure
6 Act (APA), shall instead and in place thereof be submitted solely
7 on the basis of the provisions of this Stipulation And Agreement In
8 Settlement And Order (hereafter Stipulation).

9 2. Respondent has received, read and understands the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation, filed by the Department of Real Estate in this
12 proceeding.

13 3. On May 10, 1996, Respondent filed a Notice of
14 Defense pursuant to Section 11505 of the Government Code for the
15 purpose of requesting a hearing on the allegations in the
16 Accusation. Respondent hereby freely and voluntarily withdraws
17 said Notice of Defense. Respondent acknowledges that he
18 understands that by withdrawing said Notice of Defense, he will
19 thereby waive his right to require the Commissioner to prove the
20 allegations in the Accusation at a contested hearing held in
21 accordance with the provisions of the APA and that he will waive
22 other rights afforded to him in connection with the hearing such as
23 the right to present evidence in defense of the allegations in the
24 Accusation and the right to cross-examine witnesses.

25 4. Respondent, pursuant to the limitations set forth
26 below, hereby admits that the factual allegations in Paragraphs one
27 (1) through nine (9) and in the paragraph, Prior Disciplinary

1 Action, in the Accusation filed in this proceeding are true and
2 correct and the Real Estate Commissioner shall not be required to
3 provide further evidence to prove such allegations.

4 5. It is understood by the parties that the Real Estate
5 Commissioner may adopt the Order in this Stipulation as his
6 decision and order in this matter thereby imposing the penalty and
7 sanctions on Respondent's real estate licenses and/or license
8 rights as set forth in the below Order. In the event that the
9 Commissioner in his discretion does not adopt the Stipulation, the
10 Stipulation And Agreement In Settlement shall be void and of no
11 effect, and Respondent shall retain the right to a hearing and
12 proceeding on the Accusation under all the provisions of the APA
13 and shall not be bound by any admission or waiver made herein.

14 6. The Order or any subsequent Order of the Real Estate
15 Commissioner made pursuant to this Stipulation shall not constitute
16 an estoppel, merger or bar to any further administrative or civil
17 proceedings by the Department of Real Estate with respect to any
18 matters which were not specifically alleged to be causes for
19 accusation in this proceeding.

20 7. Respondent HALLE is aware that by agreeing to this
21 Stipulation And Agreement In Settlement, if the findings set forth
22 below in the Determination of Issues become final, the Commissioner
23 may charge Respondent MORTGAGE HELP NETWORK, INC., (MHNI) for the
24 costs of an audit conducted pursuant to Section 10148 of the Code
25 to determine if Respondent MHNI is in compliance with the Real
26 Estate Law. The maximum costs of said audit will not exceed \$2,200
27 and that Respondents MHNI and HALLE may be held jointly and



1 severally liable for the charges

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers, made
4 solely for the purpose of settlement of the pending Accusation
5 without a hearing, it is stipulated and agreed that the following
6 Determination of Issues shall be made:

7 The conduct or omissions of Respondent RAYMOND LAURENCE
8 HALLE, as set forth in paragraphs one (1) through nine (9) of the
9 Accusation constitute cause to suspend or revoke his restricted
10 real estate broker license and/or license rights under the
11 provisions of Code Sections 10177(f) and 10177(d) for violations of
12 Code Sections 10145, 10159.2 and 10159.5 and Regulations 2731 and
13 2832.1.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and license rights of Respondent RAYMOND
17 LAURENCE HALLE, under Part 1 of Division 4 of the Business and
18 Professions Code, are revoked; provided, however, restricted real
19 estate broker licenses shall be issued to Respondent HALLE pursuant
20 to Section 10156.5 of the Code if Respondent HALLE makes
21 application therefor and pays to the Department of Real Estate the
22 appropriate fee for said licenses within ninety (90) days from the
23 effective date of the Decision. The restricted licenses issued to
24 Respondent HALLE shall be subject to all of the provisions of
25 Section 10156.7 of the Business and Professions Code and to the
26 following limitations, conditions and restrictions imposed under
27 authority of Section 10156.6 of said Code:



2 A. Any license issued to Respondent RAYMOND LAURENCE
3 HALLE shall be suspended for ninety 90 days. However, if
4 respondent petitions, the first thirty (30) days of said suspension
5 shall be stayed if Respondent HALLE pays a monetary penalty
6 pursuant to Section 10175.2 of the Business and Professions Code of
7 \$3,000. The restricted licenses issued to Respondent HALLE shall
8 then be suspended for sixty (60) days from issuance thereof.

9 (1) Said payment shall be in the form of a
10 cashier's check or certified check made payable to the Recovery
11 Account of the Real Estate Fund. Said check must be delivered to
12 the Department prior to the effective date of the Order in this
13 matter;

14 (2) If Respondent fails to pay the monetary penalty
15 in accordance with the terms of this paragraph or this Order, the
16 Commissioner may, without a hearing, order the immediate execution
17 of all or any part of the thirty (30) days stayed suspension, in
18 which event the Respondent shall not be entitled to any repayment
19 nor credit, prorated or otherwise, for money paid to the Department
20 under the terms of this Order.

21 B. The restricted licenses issued to Respondent RAYMOND
22 LAURENCE HALLE shall be subject to all of the provisions of Section
23 10156.7 of the Business and Professions Code and to the following
24 limitations, conditions and restrictions imposed under authority of
25 Section 10156.6 of said Code:

26 (1) The restricted licenses may be suspended prior
27 to hearing by order of the Real Estate Commissioner in the event of
Respondent HALLE 's conviction or plea of nolo contendere to a



1 crime which bears a significant relation to Respondent's fitness or
2 capacity as a real estate licensee.

3 (2) The restricted licenses may be suspended prior
4 to hearing by Order of the Real Estate Commissioner on evidence
5 satisfactory to the Commissioner that Respondent HALLE has violated
6 provisions of the California Real Estate Law, the Subdivided Lands
7 Law, Regulations of the Real Estate Commissioner, or the conditions
8 attaching to these restricted licenses.

9 (3) Respondent HALLE shall not, during the time he
10 holds a restricted license, become an officer or designated officer
11 of a corporate broker, nor become the broker for a business of any
12 form, unless he owns 51 or more percent of such corporation or
13 business.

14 (4) Respondent HALLE shall report in writing to the
15 Department of Real Estate as the Real Estate Commissioner shall
16 direct by his Order herein or by separate written order issued
17 while Respondent holds a restricted license, such information
18 concerning Respondent's activities for which a real estate license
19 is required as the Commissioner shall deem to be appropriate to
20 protect the public interest.

21 (5) Respondent HALLE shall not be eligible to apply
22 for the issuance of an unrestricted real estate license nor the
23 removal of any of the conditions, limitations or restrictions of a
24 restricted license until three (3) years have elapsed from the date
25 of issuance of the restricted license to Respondent HALLE.

26 (6) Pursuant to Code Section 10148, Respondents
27 MHNI and HALLE, jointly or severally, shall pay the Commissioner's

1 reasonable cost for an audit to determine if Respondent MHNI is in
2 compliance with the Real Estate Law. In calculating the amount of
3 the Commissioner's reasonable cost, the Commissioner may use the
4 estimated average hourly salary for all persons performing audits
5 of real estate brokers, and shall include an allocation for travel
6 time to and from the auditor's place of work. The cost of said
7 chargeable audit shall not exceed \$2,200. Respondent MHNI and/or
8 HALLE shall pay such cost within 45 days of receiving an invoice
9 from the Commissioner detailing the activities performed during the
10 audit and the amount of time spend performing those activities.
11 The Commissioner may suspend the restricted licenses issued to
12 Respondent MHNI and/or HALLE pending a hearing held in accordance
13 with Section 11500, et. seq., of the Government Code, if payment is
14 not timely made as provided for herein, or as provided for in a
15 subsequent agreement between the Respondent and the Commissioner.
16 The suspension shall remain in effect until payment is made in full
17 or until Respondent enters into an agreement satisfactory to the
18 Commissioner to provide for payment, or until a decision providing
19 otherwise is adopted following a hearing held pursuant to this
20 condition. The suspension will remain in effect until payment is
21 made in full, or until Respondent enters into an agreement
22 satisfactory to the Commissioner to provide for payment, or until a
23 decision providing otherwise is adopted following a hearing
24 pursuant to this condition.

25 (7) Respondent HALLE shall, within nine (9) months
26 from the effective date of this Decision, present evidence
27 satisfactory to the Real Estate Commissioner that Respondent has,

1 since the most recent issuance of an original or renewal real
2 estate license, taken and successfully completed the continuing
3 education requirements of Article 2.5 of Chapter 3 of the Real
4 Estate Law for renewal of a real estate license. If Respondent
5 fails to satisfy this condition, the Commissioner may order the
6 suspension of Respondent's restricted licenses until the Respondent
7 presents such evidence. The Commissioner shall afford Respondent
8 the opportunity for a hearing pursuant to the Administrative
9 Procedure Act to present such evidence.

10 (8) Respondent HALLE shall, within six months from
11 the effective date of this Decision, take and pass the Professional
12 Responsibility Examination administered by the Department including
13 payment of the appropriate examination fee. If Respondent fails to
14 satisfy this condition, the Commissioner may order suspension of
15 Respondent HALLE 's license until he passes the examination.

16 * * * * *

17 I have read the Stipulation And Agreement In Settlement
18 And Order, and its terms are understood by me and are agreeable and
19 acceptable to me. We understand that we are waiving rights given
20 to us by the California Administrative Procedure Act (including but
21 not limited to Sections 11506, 11508, 11509 and 11513 of the
22 Government Code), and we willingly, intelligently and voluntarily
23 waive those rights, including the right of requiring the
24 Commissioner to prove the allegations in the Accusation at a
25 hearing at which we would have the right to cross-examine witnesses
26 against us and to present evidence in defense and mitigation of the
27 charges.

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DATED: 3/11/97

Raymond Halle
RAYMOND LAURENCE HALLE, Respondent.

DATED: 3/11/97

Edgar C. Johnson, Jr.
EDGAR C. JOHNSON, JR. ESQ. of
Johnson and Flyer, Counsel for
Respondent Raymond Laurence Halle,
approved as to form.

DATED: 3-14-97

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to respondent RAYMOND
LAURENCE HALLE in case H-26549 LA and shall become effective at 12
o'clock noon on May 14, 1997.

IT IS SO ORDERED 4/17 1997.

JIM ANTT, JR.
Real Estate Commissioner
J. Antt, Jr.

Sachs

FILED
APR 10 1997
DEPARTMENT OF REAL ESTATE
By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26549 LA
)	
MORTGAGE HELP NETWORK, INC.,)	
a California corporate broker, dba;)	
Mortgage Help Network; RAYMOND LAURENCE)	
HALLE, individually, dba American State)	
Mortgage, MCA Mortgage Division/Maehall)	
of California & Associates, Pioneer)	
Financial Services, Pioneer West Real)	
Estate and Southern California Mortgage)	
& Loan and as designated officer of)	
Mortgage Help Network, Inc. and HELEN)	
MARIE COMTE, individually, as officer)	
of Mortgage Help Network, Inc., also)	
dba American Capital Network, American)	
Dream Home Realty, H and K Property)	
Management and San Juan Capistrano)	
Property Management,)	
)	
Respondents.)	

DECISION AFTER DEFAULT

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 of MORTGAGE HELP NETWORK, INC., filed on March 14, 1997, and the findings of fact set forth herein are based on one or more of the following: (1) respondent's express admissions; (2) affidavits; and (3) other evidence. The remaining respondents are severed from this default proceeding.

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FINDINGS OF FACT

I

(a) On April 30, 1996, Thomas Mc Crady made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to respondent's last known mailing address on file with the Department on April 30, 1996 and again on February 26, 1997.

(b) On March 14, 1997, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, respondent's default was entered herein.

II

MORTGAGE HELP NETWORK, INC. (hereafter respondent MHNI) is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter cited as the Code). All times herein mentioned, respondent MHNI was and is licensed by the Department of Real Estate of the State of California (hereafter the Department) as a corporate real estate broker doing business as Mortgage Help Network.

III

(a) At times herein mentioned, respondent MHNI was engaged in the mortgage loan brokerage business as defined by Code Section 10131(d) in that respondent MHNI, for or in expectation of compensation, solicited and negotiated with borrowers for loans from third-party lenders secured by real property (secured loans).

(b) At times herein mentioned, respondent MHNI was engaged in the property management business as defined by Code Section 10131(b) in that respondent MHNI, for or in expectation of compensation, on behalf of landlords, solicited and negotiated with tenants to rent properties and collected rents from the tenants.

IV

Tom Dugan (Dugan) was not licensed by the Department as a real estate broker or salesperson after July 12, 1993. Respondent MHNI employed or compensated Dugan to solicit borrowers for or to negotiated the following loans to be funded by third parties:

Borrower: Funded:	Date Applied:	Date
Samuel and Anita Kryngel	2-14-94	6-10-94
Paul Walker	1-12-94	4-5-94.

V

Stephen Mugavero (Mugavero) was not licensed by the Department as a real estate broker or salesperson between September 13, 1994, the date his conditional sales license was suspended, until it was reinstated on December 9, 1994. Respondent MHNI employed or compensated Mugavero to solicit borrowers for or to negotiated the following loan to be funded by third parties:

Borrower:	Date Applied:	Date Funded:
Kierstin Church	11-18-94	12-8-94

VI

From time to time between April 26 and May 22, 1995, an auditor from the Department examined the books and records of respondent MHNI covering a period of time from October 1, 1993 through March 31, 1995 (hereafter the "audit period"). That audit revealed that respondents MHNI, HALLE and COMTE, during the audit period, violated the following Code Sections and Regulations from Title 10, Chapter 6, California Code of Regulations (hereafter Regulations):

(a) In performing property management activities, respondent MHNI used the fictitious business name of San Juan Capistrano Property Management without having a real estate license to do so, in willful violation of Code Section 10159.5 and Regulation 2731.

(b) Respondent MHNI maintained a trust account at Union Bank, account number 0450016446 entitled Mortgage Help Network, Inc. Escrow Trust Account. This trust account was used for the receipt and disbursement of rent collections. This trust account was under the control of Respondent COMTE. As of March 31, 1995, Respondent MHNI's adjusted bank balance in the trust account was \$3,669.67. Respondent MHNI's accountability to owners on that date was (\$4,056.32) leaving a shortage of \$386.65. The shortage was caused by over disbursements on two separate properties. The shortage was in willful violation of Code Section 10145 and Regulation 2832.1.

(c) Karla Hendrix, a salesperson licensed to Respondent COMTE after June 15, 1994, and not to Respondent MHNI, on behalf of respondent MHNI, signed management agreements and rental contracts in violation of Code Section 10137.

(d) Respondent MHNI, through Respondent COMTE, performed escrows on loans negotiated by American Capital Network for borrowers Kenneth Wayne Baun, escrow number 285 and for Henry Fajardo, escrow number 288. American Capital Network was a fictitious business name licensed to Respondent

COMTE. Respondent MHNI was not licensed by the Department of Corporations to conduct escrows. The conduct of escrows by Respondent MHNI was in violation of Financial Code Section 17000 and was not exempt by Financial Code Section 17006(a)(4).

DETERMINATION OF ISSUES

The conduct or omissions of respondent MHNI as set forth above subject its real estate license and license rights to suspension or revocation under the following Code Sections:

(a) Code Sections 10137 for employing or compensating unlicensed persons, as set forth in paragraphs IV, V and VI(c) above.

(b) Code Section 10177(d) for willful violation of:

(i) Code Section 10159.5 and Regulation 2731 for use of an unlicensed fictitious business name, as set forth in paragraph VI(a) above.

(ii) Code Section 10145 and Regulation 2832.1 for the shortage, as set forth in paragraph VI(b) above.

(c) Code Section 10177(f) for conduct which would warrant the denial of an application for a real estate license for the conduct of escrows without proper licensure, as set forth in Paragraph VI(d) above.

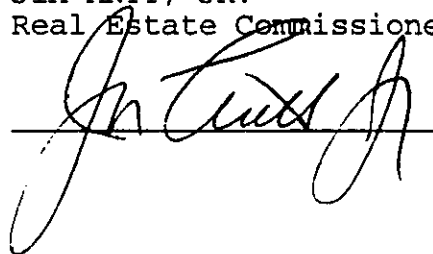
ORDER

All real estate licenses and license rights of MORTGAGE HELP NETWORK, INC., a California corporate broker, are hereby revoked.

This Decision shall become effective at 12 o'clock noon on April 30, 1997.

IT IS SO ORDERED 3/31, 1997.

JIM ANTT, JR.
Real Estate Commissioner

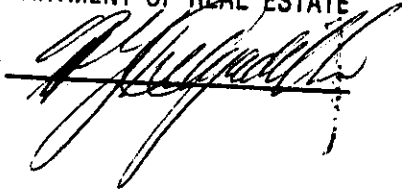


SACTO

294-0615-006
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of)
)
MORTGAGE HELP NETWORK, INC.,)
) a California corporate broker, dba;)
) Mortgage Help Network; **RAYMOND LAURENCE**)
) **HALLE**, individually, dba American State)
) Mortgage, MCA Mortgage Division/Machall)
) of California & Associates, Pioneer)
) Financial Services, Pioneer West Real)
) Estate and Southern California Mortgage)
) & Loan and as designated officer of)
) Mortgage Help Network, Inc. and **HELEN**)
) **MARIE COMTE**, individually, as officer)
) of Mortgage Help Network, Inc., also)
) dba American Capital Network, American)
) Dream Home Realty, H and K Property)
) Management and San Juan Capistrano)
) Property Management,)
)
) Respondents.)

FILED
JUN 20 1996
DEPARTMENT OF REAL ESTATE

By 

NOTICE OF HEARING ON ACCUSATION
No. H-26549 LA
L- 9605127

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 West First Street, Los Angeles, California 90012 on March 12-14, 1997 at 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: June 20, 1996

DEPARTMENT OF REAL ESTATE

By:



SEAN CRAHAN
SRE, Counsel

cc: Raymond Laurence Halle
Helen Marie Conte
Ed Johnson, Esq.
ML, OAH & SACTO

SAE TO
flag
22

1 SEAN CRAHAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 897-3937

FILED
APR 30 1996
DEPARTMENT OF REAL ESTATE



DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

11	In the Matter of the Accusation of)	No. H-26549 LA
12)	
13	MORTGAGE HELP NETWORK, INC.,)	
14	a California corporate broker, dba;)	A C C U S A T I O N
15	Mortgage Help Network; RAYMOND LAURENCE)	
16	HALLE, individually, dba American State)	
17	Mortgage, MCA Mortgage Division/Maehall)	
18	of California & Associates, Pioneer)	
19	Financial Services, Pioneer West Real)	
20	Estate and Southern California Mortgage)	
21	& Loan and as designated officer of)	
22	Mortgage Help Network, Inc. and HELEN)	
23	MARIE COMTE, individually, as officer)	
24	of Mortgage Help Network, Inc., also)	
25	dba American Capital Network, American)	
26	Dream Home Realty, H and K Property)	
27	Management and San Juan Capistrano)	
	Property Management,)	
)	
	Respondents.)	

23 The Complainant, Tom Mc Crady, a Deputy Real Estate
24 Commissioner of the State of California, for cause of accusation
25 against MORTGAGE HELP NETWORK, INC., a California corporate broker
26 doing business as Mortgage Help Network; RAYMOND LAURENCE HALLE,
27 individually, as designated officer of Mortgage Help Network, Inc.

1 and also doing business as American State Mortgage, MCA Mortgage
2 Division/Maehall of California & Associates, Pioneer Financial
3 Services, Pioneer West Real Estate and Southern California Mortgage
4 & Loan and HELEN MARIE COMTE, individually, as officer of Mortgage
5 Help Network, Inc., also doing business as American Capital
6 Network, American Dream Home Realty, H and K Property Management
7 and San Juan Capistrano Property Management, alleges as follows:

8 1.

9 The Complainant, Tom Mc Crady, a deputy real estate
10 commissioner, brings this Accusation in his official capacity.

11 2.

12 MORTGAGE HELP NETWORK, INC. (hereafter respondent MHNI)
13 is presently licensed and/or has license rights under the Real
14 Estate Law, Part 1 of Division 4 of the California Business and
15 Professions Code (hereafter cited as the Code).

16 (a) All times herein mentioned, respondent MHNI was and
17 is licensed by the Department of Real Estate of the State of
18 California (hereafter the Department) as a corporate real estate
19 broker doing business as Mortgage Help Network.

20 3.

21 RAYMOND LAURENCE HALLE (hereafter respondent HALLE) is
22 presently licensed and/or has license rights under the Real Estate
23 Law.

24 (a) At all times herein mentioned, respondent HALLE was
25 licensed by the Department as a restricted real estate broker,
26 individually and as designated officer of respondent MHNI from
27 March 25, 1994 to the present. Respondent HALLE was and is

1 licensed by the Department to do business as American State
2 Mortgage, MCA Mortgage Division/Maehall of California & Associates,
3 Pioneer Financial Services, Pioneer West Real Estate and Southern
4 California Mortgage & Loan.

5 (b) Pursuant to Code Section 10159.2, respondent HALLE
6 was responsible for the supervision of the officers, agents and
7 employees of respondent MHNI for which a real estate license was
8 required, during his time as designated officer.

9

4.

10 HELEN MARIE COMTE (hereafter respondent COMTE) is
11 presently licensed and/or has license rights under the Real Estate
12 Law.

13 (a) At all times herein mentioned, respondent COMTE was
14 licensed by the Department as a real estate broker, individually,
15 as officer of Mortgage Help Network, Inc. from April 20, 1992 to
16 the present, and also doing business as American Capital Network,
17 American Dream Home Realty, H and K Property Management and San
18 Juan Capistrano Property Management.

19 (b) At all times herein mentioned, respondent COMTE was
20 the chief financial officer and secretary of Respondent MHNI.
21 Respondent COMTE exercised management and control over the
22 operations of Respondent MHNI at its main office.

23

5.

24 (a) At times herein mentioned, respondent MHNI was
25 engaged in the mortgage loan brokerage business as defined by Code
26 Section 10131(d) in that respondent MHNI, for or in expectation of
27 compensation, solicited and negotiated with borrowers for loans

1 from third-party lenders secured by real property (secured loans).

2 (b) At times herein mentioned, respondent MHNI was
3 engaged in the property management business as defined by Code
4 Section 10131(b) in that respondent MHNI, for or in expectation of
5 compensation, on behalf of landlords, solicited and negotiated with
6 tenants to rent properties and collected rents from the tenants.

7 6.

8 Tom Dugan (Dugan) was not licensed by the Department as a
9 real estate broker or salesperson after July 12, 1993. Respondent
10 MHNI employed or compensated Dugan to solicit borrowers for or to
11 negotiated the following loans to be funded by third parties:

12 Borrower:	Date Applied:	Date Funded:
13 Samuel and Anita Kryngel	2-14-94	6-10-94
14 Paul Walker	1-12-94	4-5-94.

15 7.

16 Stephen Mugavero (Mugavero) was not licensed by the
17 Department as a real estate broker or salesperson between September
18 13, 1994, the date his conditional sales license was suspended,
19 until it was reinstated on December 9, 1994. Respondent MHNI
20 employed or compensated Mugavero to solicit borrowers for or to
21 negotiated the following loan to be funded by third parties:

22 Borrower:	Date Applied:	Date Funded:
23 Kierstin Church	11-18-94	12-8-94

24 8.

25 From time to time between April 26 and May 22, 1995, an
26 auditor from the Department examined the books and records of
27 respondent MHNI covering a period of time from October 1, 1993

1 through March 31, 1995 (hereafter the "audit period"). That audit
2 revealed that respondents MHNI, HALLE and COMTE, during the audit
3 period, violated the following Code Sections and Regulations from
4 Title 10, Chapter 6, California Code of Regulations (hereafter
5 Regulations):

6 (a) In performing this property management business,
7 respondent MHNI used the fictitious business name of San Juan
8 Capistrano Property Management without having a real estate license
9 to do so, in willful violation of Code Section 10159.5 and
10 Regulation 2731

11 (b) Respondent MHNI maintained a trust account at Union
12 Bank, account number 0450016446 entitled Mortgage Help Network,
13 Inc. Escrow Trust Account. This trust account was used for the
14 receipt and disbursement of rent collections. This trust account was
15 under the control of Respondent COMTE. As of March 31, 1995,
16 Respondent MHNI's adjusted bank balance in the trust account was
17 \$3,669.67. Respondent MHNI's accountability to owners on that date
18 was (\$4,056.32) leaving a shortage of \$386.65. The shortage was
19 caused by over disbursements on two separate properties. The
20 shortage was in willful violation of Code Section 10145 and
21 Regulation 2832.1.

22 (c) Karla Hendrix, a salesperson licensed to Respondent
23 COMTE after June 15, 1994, and not to Respondent MHNI, on behalf of
24 respondent MHNI, signed management agreements and rental contracts
25 in violation of Code Section 10137.

26 (d) Respondent MHNI, through Respondent COMTE, performed
27 escrows on loans negotiated by American Capital Network for

1 borrowers Kenneth Wayne Baun, escrow number 285 and for Henry
2 Fajardo, escrow number 288. American Capital Network was a
3 fictitious business name licensed to Respondent COMTE. Respondent
4 MHNI was not licensed by the Department of Corporations to conduct
5 escrows. The conduct of escrows by Respondent MHNI was in
6 violation of Financial Code 17000 and was not exempt by Financial
7 Code 17006(a)(4).

8 9.

9 Respondents HALLE and COMTE knew or should have known
10 that the above violations occurred or were occurring. Respondent
11 HALLE failed to exercise reasonable supervision over the activities
12 of officers and employees of respondent MHNI for which a real
13 estate license was required so as to prevent the violations.

14 10.

15 The conduct or omissions of respondent MHNI as set forth
16 above subject its real estate license and license rights to
17 suspension or revocation under the following Code Sections:

18 (a) Code Sections 10137 for employing or compensating
19 unlicensed persons, as set forth in paragraphs 6, 7 and 8(c) above.

20 (b) Code Section 10177(d) for willful violation of:

21 (i) Code Section 10159.5 and Regulation 2731 for
22 use of an unlicensed fictitious business name, as set forth in
23 paragraph 8(a) above.

24 (ii) Code Section 10145 and Regulation 2832.1 for
25 the shortage, as alleged in paragraph 8(b) above.

26 (c) Code Section 10177(f) for conduct which would
27 warrant the denial of an application for a real estate license for

1 the conduct of escrows without proper licensure, as set forth in
2 Paragraph 8(d) above.

3 11.

4 The conduct or omissions of respondent HALLE as set forth
5 above subject his real estate licenses and license rights to
6 suspension or revocation under the following Code Sections:

7 (a) Code Sections 10137 for employing or compensating
8 unlicensed persons, as set forth in paragraphs 6, 7 and 8(c) above.

9 (b) Code Section 10177(d) for willful violation of:

10 (i) Code Section 10159.5 and Regulation 2731 for
11 use of an unlicensed fictitious business name, as set forth in
12 paragraph 8(a) above.

13 (ii) Code Section 10145 and Regulation 2832.1 for
14 the shortage, as alleged in paragraph 8(b) above.

15 (c) Code Section 10177(d) for willful violation of Code
16 Sections 10159.2 for failure to supervise the employees of
17 respondent MHNI as set forth in paragraph 9 above.

18 12.

19 The conduct or omissions of respondent COMTE, as set
20 forth above, subject her real estate license and license rights to
21 suspension or revocation under the following Code Sections:

22 (a) Code Sections 10137 for employing or compensating
23 unlicensed persons, as set forth in paragraphs 6, and 8(c) above.

24 (b) Code Section 10177(d) for willful violation of:

25 (i) Code Section 10159.5 and Regulation 2731 for
26 use of an unlicensed fictitious business name, as set forth in
27 paragraph 8(a) above.

1 (ii) Code Section 10145 and Regulation 2832.1 for
2 the shortage, as alleged in paragraph 8(b) above.

3 (c) 10177(f) for the conduct of escrows without
4 licensure of the Department of Corporations, as set forth in
5 paragraph 8(d).

6 PRIOR DISCIPLINARY ACTION

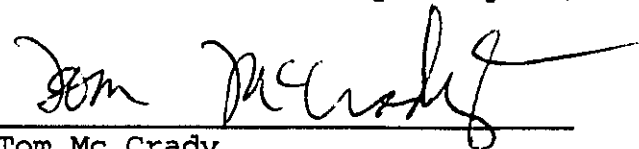
7 Effective on or about February 24, 1993 Respondent
8 HALLE's broker license was revoked with a right to a restricted
9 real estate broker license on terms and conditioned in case Number
10 H-1259 SA.

11 WHEREFORE, Complainant prays that a hearing be conducted
12 on the allegations of this Accusation and, that upon proof thereof,
13 a decision be rendered imposing disciplinary action against all
14 licenses and license rights of Respondents MORTGAGE HELP NETWORK,
15 INC., a California corporate broker doing business as Mortgage Help
16 Network; RAYMOND LAURENCE HALLE, individually, as designated
17 officer of Mortgage Help Network, Inc. and also doing business as
18 American State Mortgage, MCA Mortgage Division/Maehall of
19 California & Associates, Pioneer Financial Services, Pioneer West
20 Real Estate and Southern California Mortgage & Loan and HELEN MARIE
21 COMTE, individually, as officer of Mortgage Help Network, Inc.,
22 also doing business as American Capital Network, American Dream
23 Home Realty, H and K Property Management and San Juan Capistrano
24 Property Management, under the Real Estate Law (Part 1 of Division

25 /
26 /
27 /

1 4 of the Business and Professions Code) and for such other and
2 ner relief as may be proper under other applicable provisions
3 of law.

4 Dated at Los Angeles, California this 30th day of April, 1996.

5 

6 _____
7 Tom Mc Crady,
8 Deputy Real Estate Commissioner

9
10
11 cc: Mortgage Help Network, Inc.
12 Raymond Laurence Halle
13 Helen Marie Comte
14 Sacto
15 MCL

16 SC/sc
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