

FILED
MAR 17 1998
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laura B. Owen

* * * * *

In the Matter of the Accusation of)

No. H-27195 LA

ROBBY DEE THONE, individually)
and dba One Stop Loan Shop)
Financial, and as designated)
officer of Sanchez-Morgan Inc.,)

L-1997060404

Respondent(s).)

DECISION

The Proposed Decision dated February 18, 1998,
of the Administrative Law Judge of the Office of
Administrative Hearings, is hereby adopted as the Decision
of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on April 7, 1998

IT IS SO ORDERED

3/12/98

JIM ANTT, JR.
Real Estate Commissioner

J. Antt

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:) No. H-27195 LA
)
) OAH No. L-1997060404
ROBBY DEE THONE, individually)
and dba One Stop Loan Shop)
Financial, and as designated)
officer of Sanchez-Morgan Inc.,)
)
Respondent.)
_____)

PROPOSED DECISION

This matter came on regularly for hearing before W.F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on February 3, 1998. Sean Crahan, Counsel, represented the complainant. The respondent represented himself. Evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner.

II

Respondent Robby Dee Thone is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code). At all times relevant hereto, respondent was and is licensed by the Department of Real Estate as a real estate broker, individually and doing business as One Stop Loan Shop Financial (hereinafter One Stop) and as designated officer of Sanchez-Morgan, Inc.

III

At no time after June 3, 1994, was Gary Steven Demill (hereinafter Demill) licensed by the Department as a real estate broker or real estate salesperson, his salesperson's license having expired on June 3, 1994.

IV

Respondent, doing business as One Stop, was engaged in the mortgage loan brokerage business as defined by Business and Professions Code section 10131(d) in that One Stop, for or in expectation of compensation, solicited and negotiated with borrowers for loans from third-party lenders secured by real property (secured loans). Respondent, doing business as One Stop, employed or compensated Demill to solicit and negotiate with borrowers and third party lenders for secured loans.

V

On or about July 6, 1995, Demill solicited and negotiated with Vincent W. Servin to refinance a loan secured by 5530 North Academy Avenue, Clovis, California. In connection with this loan, Servin entrusted \$400 to One Stop. Respondent failed to place Servin's \$400 into a trust account. Servin has been repaid \$200.

VI

Respondent did not have actual knowledge, but should have known, that Demill's real estate license had expired prior to the above-described Servin transaction.

VII

A. In connection with the conduct of One Stop, respondent failed to review, initial, and date this loan application and other documents which might have a material bearing on the rights of Servin, lenders, or others, in violation of Regulation 2725.

B. It was not established that respondent failed to provide Servin with a Mortgage Loan Disclosure Statement (Borrower); the proposed loan never got to that point.

* * * * *

Pursuant to the foregoing findings of fact, the following is the legal basis for the decision:

Cause exists for license discipline against respondent, as follows:

A. For violation of Business and Professions Code section 10137 for employing or compensating Demill for acts requiring a real estate license, by reason of Findings III and IV.

B. Pursuant to Business and Professions Code section 10177(d), as follows:

1. For violation of 10 CCR 2725, by reason of Finding VII(A).
2. For violation of Business and Professions Code section 10145 and 10 CCR 2830, by reason of Finding V.

C. For violation of Business and Professions Code section 10177(g) for negligence in a transaction requiring a real estate license.

D. For violation of Business and Professions Code section 10177(h) for failure to adequately supervise the operations of One Stop.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Robby Dee Thone under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until 2 years have elapsed from the effective date of this Decision.


4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent shall, prior to the issuance of the restricted license and as a condition of the issuance of said restricted license, submit proof satisfactory to the Commissioner of payment of restitution in the amount of \$200 to Vincent W. Servin.

6. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

Dated: 2-18-98


W.F. BYRNES
Administrative Law Judge
Office of Administrative Hearings

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SEAN CRAHAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAY 08 1997
DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27195 LA
)	
ROBBY DEE THONE, individually)	<u>A C C U S A T I O N</u>
and dba One Stop Loan Shop Financial,)	
and as designated officer of Sanchez-)	
Morgan Inc,)	
)	
Respondent.)	

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ROBBY DEE THONE, individually and doing business as One Stop Loan Shop Financial and as designated officer of Sanchez-Morgan Inc, alleges as follows:

1.

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

2.

ROBBY DEE THONE, (hereafter Respondent) 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

1 (hereafter cited as the Code). At all times herein mentioned,
2 Respondent was and is licensed by the Department of Real Estate of
3 the State of California (hereafter the Department) as a real estate
4 broker, individually and doing business as One Stop Loan Shop
5 Financial (hereafter One Stop) and as designated officer of
6 Sanchez-Morgan Inc.

7 3.

8 At no time after June 3, 1994, was Gary Steven Demill
9 (hereafter Demill) licensed by the Department as a real estate
10 broker or real estate salesperson.

11 4.

12 Respondent, doing business as One Stop, was engaged in
13 the mortgage loan brokerage business as defined by Code Section
14 10131(d) in that One Stop, for or in expectation of compensation,
15 solicited and negotiated with borrowers for loans from third-party
16 lenders secured by real property (secured loans). Respondent,
17 doing business as One Stop, employed or compensated Demill to
18 solicit and negotiate with borrowers and third party lenders for
19 secured loans.

20 5.

21 On or about July 6, 1995, Demill solicited and negotiated
22 with Vincent W. Servin to refinance a loan secured by 5530 North
23 Academy Avenue, Clovis, California. In connection with this loan,
24 Servin entrusted \$400 to One Stop.

25 6.

26 Respondent knew or should have known that Demill was
27 unlicensed but that Demill was soliciting borrowers and lenders for



1 secur loans Respondent failed to require that Demill obtain a
2 real estate license prior to permitting Demill and One Stop to use
3 respondent's license.

4 7.

5 (a) In connection with the conduct of One Stop, you,
6 THONE, failed to review, initial and date loan applications and
7 other documents which might have a material bearing on the rights
8 of Servin, lenders or others, in willful violation of Regulation
9 2725.

10 (b) Respondent failed to provide Servin with a Mortgage
11 Loan Disclosure Statement (Borrower) in willful violation of Code
12 Section 10240 and Regulation 2840.

13 8.

14 The conduct or omissions of Respondent as set forth above
15 subject Respondent's real estate licenses and license rights to
16 suspension or revocation under the following Code Sections:

17 (a) Code Section 10137 for employing or compensating
18 Demill for acts requiring a real estate license, as set forth in
19 paragraph 5 above.

20 (b). Code Section 10177(d) for willful violations of the
21 following Code Sections and Regulations:

22 (i) Regulation 2725 for failure to review, initial
23 and date the Servin loan applications, as set forth in paragraph
24 7(a) above.

25 (ii) Code Section 10240 and Regulation 2840 for
26 failing to provide a Mortgage Loan Disclosure Statement (Borrower)
27 to Servin, as set forth in paragraph 7(b) above.



1 (c) Code Section 10177(g) for negligence in a
2 transaction requiring a real estate license.

3 (d) Code Section 10177(h) for failure to adequately
4 supervise the operations of One Stop.

5 WHEREFORE, Complainant prays that a hearing be
6 conducted on the allegations of this Accusation and, that upon
7 proof thereof, a decision be rendered imposing disciplinary action
8 against all licenses and license rights of Respondent ROBBY DEE
9 THONE, individually and doing business as One Stop Loan Shop
10 Financial and as designated officer of Sanchez-Morgan Inc, under
11 the Real Estate Law (Part 1 of Division 4 of the Business and
12 Professions Code), and for such other and further relief as may be
13 proper under other applicable provisions of law.

14 Dated at Los Angeles, California this 8th day of
15 May, 1997.

16 THOMAS MC CRADY

17 Thomas Mc Crady,
18 Deputy Real Estate Commissioner

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25
26 cc: Robby Dee Thone
Sacto
BSV

27 SC/sc

