

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105

4 (213) 576-6982

FILED

NOV 14 2007

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:

12 MARK A. SMITH

No. H-34495LA

ORDER TO DESIST

AND REFRAIN

15 The Real Estate Commissioner of the State of California
16 (Commissioner) has caused an investigation to be conducted of
17 your activities, as described herein, and based upon the findings
18 of that investigation, is of the opinion that:

19 YOU, MARK A. SMITH ("SMITH"), have violated Section
20 10130 of the California Business and Professional Code ("Code").
21

22 1.

23 At no time herein mentioned, were YOU, SMITH licensed
24 by the Department of Real Estate of the State of California
25 (Department) as a real estate broker or a real estate salesperson
26 employed by a real estate broker.

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2.

On January 17, 2007, the Department completed an audit examination of the books and records of Goodyear Home Loan Corporation pertaining to its residential resale, mortgage loan and broker controlled escrow activities that require a real estate license. The audit examination covered a period of time beginning on June 1, 2005 to September 30, 2006. The audit examination revealed violations of the Code including the unlicensed loan agent activity of you, SMITH.

3.

At all times mentioned, in the City of Corona, County of Orange, you, SMITH, where you were ostensibly self-employed as a "transaction coordinator". In truth and in fact, You, SMITH, in acted as a real estate broker and as an unlicensed sales agent where you negotiated and arranged real estate sales pursuant to Code Section 10131(a) requiring a real estate license.

4.

In the course of activities described in Paragraph 3 above, and during the examination period described in Paragraph 2, you, SMITH acted in violation of the Code in that you, on or about May 15, 2006 through May 26, 2006, acted in the capacity as a real estate broker and sales agent for seller Ursela Cato's sale of her property located at 314 West Glencoe Street, Compton, including listing yourself on the purchase agreement as the agent.

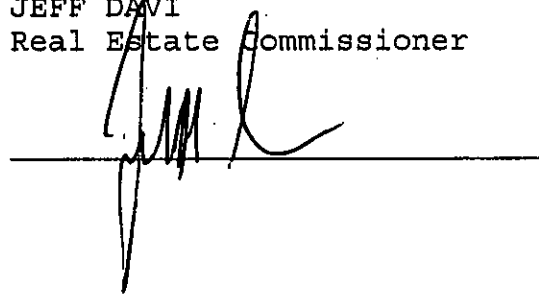
5.

Your conduct, SMITH, as described in Paragraphs 3 and 4, is in violation of Code Section 10130.

NOW, THEREFORE, YOU, MARK A. SMITH, ARE ORDERED TO DESIST AND REFRAIN from performing any and all acts requiring a real estate license in California unless and until you are licensed by the Department of Real Estate.

DATED 11-7, 2007.

JEFF DAVI
Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized with a large initial 'J' and a long, sweeping tail.

cc: Mark A. Smith
c/o Goodyear Home Loan Corporation
430 River Road #D, Corona CA 92880

Mark A. Smith
7244 New Mexico Court
Fontana, Ca. 92337