

By S. [Signature]

## STATE OF CALIFORNIA

\* \* \*

Respondent.

TO: RONALD CLAUDE QUINTERO  
26072 Red Corral  
Laguna Hills, CA 92653

1           On December 16, 2009, the Real Estate Commissioner  
2 rendered a Decision effective February 1, 2010, in Case  
3 No. H-35789 LA. The Decision stayed a suspension of your real  
4 estate broker license for two years upon certain terms,  
5 conditions, and restrictions. Among the terms and conditions of  
6 said Decision, you were required to, within six months from the  
7 effective date of the Decision, provide proof of payment in the  
8 specified amount to the following individuals: Sandra Mendoza  
9 (\$2,000), Delia Santos (\$1,600), Jaime Velasco (\$2,400), Kathy  
10 Nunes (\$3,500), and Robert Rodriguez (\$2,600). The Commissioner  
11 has determined that as of August 1, 2010, you have failed to  
12 satisfy this condition.

13           NOW, THEREFORE, IT IS ORDERED under authority of the  
14 Order issued in this matter that the real estate broker license  
15 heretofore issued to Respondent and the exercise of any  
16 privileges thereunder is hereby suspended until such time as you  
17 provide proof satisfactory to the Department of compliance with  
18 the "condition" referred to above, or pending final  
19 determination made after hearing (see "Hearing Rights" set forth  
20 below).

21           IT IS FURTHER ORDERED that all license certificates  
22 and identification cards issued by Department which are in the  
23 possession of Respondent be immediately surrendered by personal  
24 delivery or by mailing in the enclosed, self-addressed envelope  
25 to:

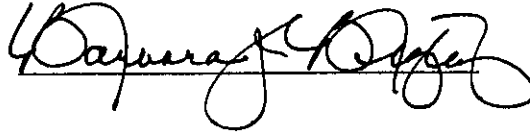
26                     Department of Real Estate  
27                     Attn: Flag Section  
                      P. O. Box 187000  
                      Sacramento, CA 95818-7000

1           HEARING RIGHTS: You have the right to a hearing to  
2 contest the Commissioner's determination that you are in  
3 violation of the Order issued in this matter. If you desire a  
4 hearing, you must submit a written request. The request may be  
5 in any form, as long as it is in writing and indicates that you  
6 want a hearing. Unless a written request for a hearing, signed  
7 by or on behalf of you, is delivered or mailed to the Department  
8 at 320 W. 4<sup>th</sup> Street, Room 350, Los Angeles, California 90013,  
9 within 20 days after the date that this Order was mailed to or  
10 served on you, the Department will not be obligated or required  
11 to provide you with a hearing.

12           This Order shall be effective immediately.

13           DATED: 10/20, 2010.

14                   JEFF DAVI  
15                   Real Estate Commissioner

16                   

3XV  
1 Department of Real Estate  
320 West Fourth Street, #350  
2 Los Angeles, California 90013

FILED  
JAN 12 2010  
DEPARTMENT OF REAL ESTATE

By C.A.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-35789 LA  
L-2009040044

12 RONALD CLAUDE QUINTERO, )

individually and doing business )

STIPULATION AND AGREEMENT

13 as American Mortgage )

14 Modification, Inc., American )

Mortgage Modification, )

15 Mortgageleadersedge.com, and )

Debt Advisory Alliance, )

16 MICHAEL TUBBIOLA, individually )

17 and doing business as American )

Mortgage Modification, Inc., )

18 American Mortgage Modification, )

Debt Advisory Alliance, )

19 Loan Modification Solutions, )

Foreclosure Avoidance )

20 Network.com, Loanmodpro, Home )

Retention Solutions, and )

21 Landmark Mortgage Services, Inc. )

22 Respondent. )

23  
24 It is hereby stipulated by and between RONALD CLAUDE  
25 QUINTERO (hereinafter "Respondent") and his attorney, Jeffrey S.  
26 Benice, and the Complainant, acting by and through Lissete  
27 Garcia, Counsel for the Department of Real Estate, as follows for

1 the purpose of settling and disposing of the First Amended  
2 Accusation filed on June 18, 2009, in this matter:

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

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

14 3. On March 20, 2009, Respondent filed a Notice of  
15 Defense pursuant to Section 11506 of the Government Code for the  
16 purpose of requesting a hearing on the allegations in the initial  
17 Accusation. Respondent hereby freely and voluntarily withdraws  
18 said Notice of Defense. Respondent acknowledges that he  
19 understands that by withdrawing said Notice of Defense he will  
20 thereby waive his right to require the Commissioner to prove the  
21 allegations in the First Amended Accusation at a contested  
22 hearing held in accordance with the provisions of the APA and  
23 that he will waive other rights afforded to him in connection  
24 with the hearing such as the right to present evidence in defense  
25 of the allegations in the First Amended Accusation and the right  
26 to cross-examine witnesses.

1           4. This Stipulation is based on the factual  
2 allegations contained in the First Amended Accusation filed in  
3 this proceeding, which Respondent contests. In the interest of  
4 expedience and economy, Respondent chooses not to contest these  
5 factual allegations at a formal hearing, but to remain silent and  
6 understands that, as a result thereof, these factual statements,  
7 will serve as a prima facie basis for the disciplinary action  
8 stipulated to herein. The Real Estate Commissioner shall not be  
9 required to provide further evidence to prove such allegations.

10           5. This Stipulation and Respondent's decision not to  
11 contest the First Amended Accusation are made for the purpose of  
12 reaching an agreed disposition of this proceeding and are  
13 expressly limited to this proceeding and any other proceeding or  
14 case in which the Department of Real Estate ("Department"), or  
15 another licensing agency of this state, another state or if the  
16 federal government is involved, and otherwise shall not be  
17 admissible in any other criminal or civil proceedings.

18           6. It is understood by the parties that the Real  
19 Estate Commissioner may adopt the Stipulation as his decision in  
20 this matter thereby imposing the penalty and sanctions on  
21 Respondent's real estate license and license rights as set forth  
22 in the below "Order". In the event that the Commissioner in his  
23 discretion does not adopt the Stipulation, the Stipulation shall  
24 be void and of no effect, and Respondent shall retain the right  
25 to a hearing on the First Amended Accusation under all the  
26 provisions of the APA and shall not be bound by any stipulation  
27 or waiver made herein.

1           7.    The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation shall not  
3 constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Department of Real  
5 Estate with respect to any conduct which was not specifically  
6 alleged to be causes for accusation in this proceeding.

7                           DETERMINATION OF ISSUES

8           By reason of the foregoing stipulations and waivers and  
9 solely for the purpose of settlement of the pending First Amended  
10 Accusation without a hearing, it is stipulated and agreed that  
11 the following determination of issues shall be made:

12           The conduct, acts and/or omissions of Respondent  
13 RONALD CLAUDE QUINTERO, as set forth in the First Amended  
14 Accusation, constitute cause for the suspension or revocation of  
15 all the real estate licenses and license rights of Respondent  
16 RONALD CLAUDE QUINTERO under the provisions of Sections 10177(d),  
17 and 10177(g) of the Business and Professions Code ("Code") for  
18 violations of Code Sections 10085 and 10159.5.

19                           ORDER

20           WHEREFORE, THE FOLLOWING ORDER is hereby made:

21           I.   All licenses and licensing rights of Respondent  
22 RONALD CLAUDE QUINTERO under the Real Estate Law are suspended  
23 for a period of ninety (90) days from the effective date of this  
24 Decision; provided, however, said suspension shall be stayed for  
25 two (2) years upon the following terms and conditions:

1           1. Respondent shall obey all laws, rules and  
2 regulations governing the rights, duties and responsibilities of  
3 a real estate licensee in the State of California; and

4           2. That no final subsequent determination be made  
5 after hearing or upon stipulation that cause for disciplinary  
6 action occurred within two (2) years of the effective date of  
7 this Decision. Should such a determination be made, the  
8 Commissioner may, in his discretion vacate and set aside the stay  
9 order and reimpose all or a portion of the stayed suspension.  
10 Should no such determination be made, the stay imposed herein  
11 shall become permanent.

12           3. Respondent shall, within six months from the  
13 effective date of this Decision, take and pass the Professional  
14 Responsibility Examination administered by the Department  
15 including the payment of the appropriate examination fee. If  
16 Respondent fails to satisfy this condition, the Commissioner may  
17 order suspension of Respondent's license until Respondent passes  
18 the examination; and

19           4. Respondent shall, within six months from the  
20 effective date of this Decision, provide proof of payment in the  
21 specified amount to the following individuals: Sandra Mendoza  
22 (\$2,000), Delia Santos (\$1,600), Jaime Velasco (\$2,400), Kathy  
23 Nunes (\$3,500), and Robert Rodriguez (\$2,600). If Respondent  
24 fails to satisfy this condition, the Commissioner may order  
25 suspension of Respondent's license until Respondent provides

26 ///



1 proof of payment of said amounts.

2  
3 DATED: 11/18/09

Lisette Garcia  
LISSETE GARCIA, Counsel for Complainant

4  
5 \* \* \*

6 I have read the Stipulation and Agreement, have  
7 discussed it with my counsel, and its terms are understood by me  
8 and are agreeable and acceptable to me. I understand that I am  
9 waiving rights given to me by the California Administrative  
10 Procedure Act (including but not limited to Sections 11506,  
11 11508, 11509 and 11513 of the Government Code), and I willingly,  
12 intelligently and voluntarily waive those rights, including the  
13 right of requiring the Commissioner to prove the allegations in  
14 the First Amended Accusation at a hearing at which I would have  
15 the right to cross-examine witnesses against me and to present  
16 evidence in defense and mitigation of the charges.

17 Respondent can signify acceptance and approval of the  
18 terms and conditions of this Stipulation and Agreement by faxing  
19 a copy of the signature page, as actually signed by Respondent,  
20 to the Department at fax number (213) 576-6917. Respondent  
21 agrees, acknowledges and understands that by electronically  
22 sending to the Department a fax copy of his actual signature as  
23 it appears on the Stipulation and Agreement, that receipt of the  
24 faxed copy by the Department shall be as binding on Respondent as  
25 if the Department had received the original signed Stipulation  
26  
27

1 and Agreement.

2  
3 DATED: 11/11/2009

  
RONALD CLAUDE QUINTERO, Respondent

4 I have reviewed the Stipulation and Agreement as to  
5 form and content and have advised my client accordingly.

6  
7 DATED: 11/11/2009

  
JEFFREY S. BENICE  
Attorney for Respondent

9  
10 \* \* \*

11 The foregoing Stipulation and Agreement is hereby  
12 adopted as my Decision in this matter and shall become effective  
13 at 12 o'clock noon on February 1, 2010.

14  
15 IT IS SO ORDERED 12/16/09.

16 JEFF DAVI  
17 Real Estate Commissioner  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
AUG 20 2009  
DEPARTMENT OF REAL ESTATE

\* \* \* \*

By C.B.

In the Matter of the Accusation of ) No. H-35789 LA  
)  
RONALD CLAUDE QUINTERO, )  
individually and doing business )  
as American Mortgage )  
Modification, Inc., American )  
Mortgage Modification, )  
Mortgageleadersedge.com, and )  
Debt Advisory Alliance, )  
)  
MICHAEL TUBBIOLA, individually )  
and doing business as American )  
Mortgage Modification, Inc., )  
American Mortgage Modification, )  
Debt Advisory Alliance, )  
Loan Modification Solutions, )  
Foreclosure Avoidance )  
Network.com, Loanmodpro, Home )  
Retention Solutions, and )  
Landmark Mortgage Services, Inc. )  
)  
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 July 30, 2009, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent MICHAEL TUBBIOLA's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On June 11, 2009, Maria Suarez made the First Amended Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. On June 18, 2009, the First Amended Accusation, Statement to Respondent MICHAEL TUBBIOLA ("Respondent"), and Notice of Defense were mailed by certified mail, return receipt requested, to Respondent's last known main office address on file with the Department of Real Estate ("Department") at 18350 Mount Langley Street, #210,

Fountain Valley, California 92708. The certified mailing receipt was returned by the post office marked, "Return to Sender Attempted Not Known."

On June 23, 2009, the First Amended Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to the Respondent's last known mailing address at 18981 Crimson Circle, Huntington Beach, California 92646. The certified mailing receipt and the regular mailing were not returned by the post office.

On July 30, 2009, 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.

2.

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 ("Code"), as a real estate broker. Respondent was first issued a real estate broker license by the Department on or about January 16, 2007. Respondent was licensed as a real estate salesperson from approximately March 24, 2003, through January 15, 2007.

3.

From an unknown period of time beginning no later than April 1, 2008, and continuing through the present time, Respondent 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 Code Sections 10131(d) and 10131.2, for or in expectation of compensation. Respondent, doing business as American Mortgage Modification, Inc. (sometimes referred to as "AMMI"), American Mortgage Modification (sometimes referred to as "AMM"), Mortgageleadersedge.com, Debt Advisory Alliance, Loan Modification Solutions, Foreclosure Avoidance Network.com, Loanmodpro, Home Retention Solutions and/or Landmark Mortgage Services, Inc., advertised, solicited, and offered to represent borrowers in negotiating, modifying terms and obtaining mortgage loans, and collected advance fees within the meaning of Code Sections 10026 and 10131.2, pursuant to written agreements which constituted advance fee agreements within the meaning of Code Section 10085. Respondent failed to submit these advance fee agreements to the Commissioner before using them.

A. On or about April 1, 2008, American Mortgage Modification, Inc. and/or American Mortgage Modification, contracted to collect and/or collected an advance fee of \$2,000.00 from Sandra Mendoza pursuant to the provisions of a written agreement for performance of loan modification services

with respect to a loan secured by the real property located at 1119 Cimmaron Court, Vallejo, California 94589. Respondent doing business as AMM and/or AMMI, failed to perform the services promised or to obtain a loan for Ms. Mendoza on more favorable terms.

B. On or about June 12, 2008, American Mortgage Modification, Inc. and/or American Mortgage Modification, contracted to collect and/or collected an advance fee of \$1,600.00 from Delia Santos pursuant to the provisions of a written agreement for performance of loan modification services with respect to a loan secured by the real property located at 15776 Gilbert Court, Victorville, California 92394. Respondent doing business as AMM and/or AMMI, failed to perform the services promised or to obtain a loan for Ms. Santos on more favorable terms.

C. On or about July 11, 2008, American Mortgage Modification, Inc. and/or American Mortgage Modification, contracted to collect and/or collected an advance fee of \$2,400.00 from Jaime Velasco pursuant to the provisions of a written agreement for performance of loan modification services with respect to a loan secured by the real property located at 715 S. Riverside Avenue, Rialto, California 92376. Respondent doing business as AMM and/or AMMI, failed to perform the services promised or to obtain a loan for Mr. Velasco on more favorable terms.

D. On or about September 10, 2008, American Mortgage Modification, Inc. and/or American Mortgage Modification, contracted to collect and/or collected an advance fee of \$3,500.00 from Kathy M. Nunes pursuant to the provisions of a written agreement for performance of loan modification services with respect to a loan secured by the real property located at 3463 Joanne Avenue, San Jose, California 95127. Respondent doing business as AMM and/or AMMI, failed to perform the services promised or to obtain a loan for Ms. Nunes on more favorable terms.

E. On or about November 12, 2008, American Mortgage Modification, Inc., American Mortgage Modification and/or Debt Advisory Alliance contracted to collect and/or collected an advance fee of \$2,600.00 from Robert Rodriguez pursuant to the provisions of a written agreement for performance of loan modification services with respect to a loan secured by the real property located at 16545 Deodar Street, Hesperia, California 92345. Respondent doing business as AMM, AMMI and/or Debt Advisory Alliance, failed to perform the services promised or to obtain a loan for Mr. Rodriguez on more favorable terms.

4.

The written agreements described in Paragraph 3, above, constitute an advance fee agreement within the meaning of Code Section 10085.

5.

Respondent ordered, caused, authorized or participated in the conduct of AMMI, AMM, Mortgageleadersedge.com, and/or Debt Advisory Alliance. Respondent also ordered, caused, authorized or participated in the conduct of Loan Modification Solutions, Foreclosure Avoidance Network.com, Loanmodpro, Home Retention Solutions and/or Landmark Mortgage Services, Inc.

6.

In the course of activities described in Findings 3 through 5 above, Respondent acted in violation of the Code and the Regulations.

#### DETERMINATION OF ISSUES

1.

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

2.

The conduct of Respondent described in Findings 3 through 5, above, violated the Code and Title 10, California Code of Regulations ("Regulations") as set forth below:

A. Code Section 10176(a) for substantial misrepresentation to homeowners Sandra Mendoza, Delia Santos, Jaime Velasco, Kathy M. Nuñez and Robert Rodriguez, to induce them to enter into AMMI, AMM and/or Debt Advisory Alliance's loan modification agreement.

B. Code Section 10176(b) for making false promises of a character likely to influence, persuade or induce the aforesaid homeowners, to enter into AMMI, AMM and/or Debt Advisory Alliance's loan modification agreement.

C. Code Section 10085.5 and Regulation 2970 for charging, claiming, demanding, receiving or collecting an advance fee for soliciting lenders on behalf of borrowers or performing services in connection with loan modification services without complying with the provisions of Code Section 10085 and Regulation 2970.

D. Code Section 10176(i) for conversion of trust funds, to wit, the advance fees of the aforesaid homeowners, in the amount of \$12,100, received by Respondent doing business as AMMI, AMM, and/or Debt Advisory Alliance's, in connection with loan modification services.

E. Code Section 10177(d) for willful disregard or violation of the Real Estate Law, in connection with AMMI, AMM and/or Debt Advisory Alliance's loan modification scheme.

F. Code Section 10177(g) for negligence in connection with AMMI, AMM and/or Debt Advisory Alliance's loan modification scheme.

G. Code Section 10176(c) for making a continued and flagrant course of misrepresentations and/or false promises through real estate agents or salespersons, including Respondent and through unlicensed individuals, with respect to AMM, AMMI and/or Debt Advisory Alliance's loan modification scheme.

H. Code Sections 10176(a), 10176(i) and 10177(g) for intentionally engaging in the conduct above set forth in Finding 3. Alternatively, said Respondent engaged in negligent misrepresentation, fraud or dishonest dealing, negligence and/or negligent misrepresentation to the aforesaid homeowners, for AMMI, AMM and/or Debt Advisory Alliance's loan modification service transactions for which real estate licenses are required.

I. Code Section 10176(i) for systematically employing unlicensed persons as loan modification and foreclosure rescue agents to solicit advance fees without an advance fee agreement, in connection with loan modification services provided to distressed homeowners, including but not limited to, Sandra Mendoza, Delia Santos, Jaime Velasco, Kathy M. Nuñez and Robert Rodriguez, which constitutes fraud and/or dishonest dealing.

J. Code Section 10137 for employing or compensating unlicensed persons as loan modification or foreclosure rescue consultants to solicit advance fees without an advance fee agreement, in connection with loan modification services provided to distressed homeowners, including but not limited to, Sandra Mendoza, Delia Santos, Jaime Velasco, Kathy M. Nuñez and Robert Rodriguez.

K. Code Section 10159.5 and Regulation 2731, during a period of time from approximately April 1, 2008, and continuing through the present, for using, causing or permitting the use of the fictitious names "American Mortgage Modification, Inc.", "American Mortgage Modification", "Debt Advisory Alliance", "Mortgageleadersedge.com", "Loan Modification Solutions", "Foreclosure Avoidance Network.com", "Loanmodpro.com", and/or "Home Retention Solutions" in the conduct of activities for which a license is required, to wit, loan modification and

foreclosure rescue under the Real Estate Law without holding a license bearing said fictitious business names.

3.

The conduct, acts and/or omissions of Respondent MICHAEL TUBBIOLA, as set forth in Findings 3 through 5 above, violated Code Sections 10085.5, 10137, 10159.5 and Regulations 2970 and 2731, and therefore grounds exist to discipline Respondent's license and/or license rights pursuant to Business and Professions Code Sections 10176(a), 10176(b), 10176(c), 10176(i), 10177(d) and 10177(g).

ORDER

The license and license rights of Respondent, MICHAEL TUBBIOLA, 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 September 9, 2009.

DATED: 8/17/09.

JEFF DAVI  
Real Estate Commissioner



BY: Barbara J. Bigby  
Chief Deputy Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 (213) 576-6982

FILED  
JUL 30 2009  
DEPARTMENT OF REAL ESTATE

By                     

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

11 In the Matter of the Accusation of )

NO. H-35789 LA

12 RONALD CLAUDE QUINTERO, )  
13 individually and doing business )  
14 as American Mortgage )  
15 Modification, Inc., American )  
16 Mortgage Modification, )  
17 Mortgageleadersedge.com, and )  
18 Debt Advisory Alliance, )

DEFAULT ORDER

16 MICHAEL TUBBIOLA, individually )  
17 and doing business as American )  
18 Mortgage Modification, Inc., )  
19 American Mortgage Modification, )  
20 Debt Advisory Alliance, )  
21 Loan Modification Solutions, )  
22 Foreclosure Avoidance )  
23 Network.com, Loanmodpro, Home )  
24 Retention Solutions, and )  
25 Landmark Mortgage Services, Inc. )

Respondents. )

23  
24 Respondent, MICHAEL TUBBIOLA, individually and doing  
25 business as American Mortgage Modification, Inc., American  
26 Mortgage Modification, Debt Advisory Alliance, Loan Modification  
27 Solutions, Foreclosure Avoidance Network.com, Loanmodpro, Home  
Retention Solutions, and Landmark Mortgage Services, Inc., having

1 failed to file a Notice of Defense within the time required by  
2 Section 11506 of the Government Code, is now in default. It is,  
3 therefore, ordered that a default be entered on the record in  
4 this matter.

5 IT IS SO ORDERED

July 30, 2009.

6 JEFF DAVI  
7 Real Estate Commissioner

8 Dolores Weeks

9 By: DOLORES WEEKS  
10 Regional Manager  
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SAC.  
1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West Fourth St., Ste. #350  
4 Los Angeles, CA 90013

FILED  
JUNE 18, 2009  
DEPARTMENT OF REAL ESTATE

4 (213) 576-6982  
5 (213) 576-6914

By CR

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of ) No. H-35789 LA  
12 ) L-2009040044  
13 RONALD CLAUDE QUINTERO, )  
14 individually and doing business )  
15 as American Mortgage )  
16 Modification, Inc., American )  
17 Mortgage Modification, )  
18 Mortgageleadersedge.com, and )  
19 Debt Advisory Alliance, )  
20 )  
21 MICHAEL TUBBIOLA, individually )  
22 and doing business as American )  
23 Mortgage Modification, Inc., )  
24 American Mortgage Modification, )  
25 Debt Advisory Alliance, )  
26 Loan Modification Solutions, )  
27 Foreclosure Avoidance )  
Network.com, Loanmodpro, Home )  
Retention Solutions, and )  
Landmark Mortgage Services, Inc. )  
Respondents. )

24  
25 This First Amended Accusation amends the Accusation  
26 filed on March 18, 2009 in its entirety. The Complainant, Maria  
27 Suarez, a Deputy Real Estate Commissioner, for cause of

1 Accusation against RONALD CLAUDE QUINTERO, doing business as  
2 American Mortgage Modification, Inc., American Mortgage  
3 Modification, Mortgageleadersedge.com, and Debt Advisory  
4 Alliance; and MICHAEL TUBBIOLA, doing business as American  
5 Mortgage Modification, Inc., American Mortgage Modification, Debt  
6 Advisory Alliance, Loan Modification Solutions, Foreclosure  
7 Avoidance Network.com, Loanmodpro, Home Retention Solutions and  
8 Landmark Mortgage Services, Inc., is informed and alleges as  
9 follows:

10 1.

11 The Complainant, Maria Suarez, a Deputy Real Estate  
12 Commissioner of the State of California, makes this First Amended  
13 Accusation in her official capacity.

14 2.

15 A. At all times herein mentioned, Respondent RONALD  
16 CLAUDE QUINTERO (sometimes referred to as Respondent "QUINTERO")  
17 and Respondent MICHAEL TUBBIOLA (sometimes referred to as  
18 Respondent "TUBBIOLA") were licensed and/or have license rights  
19 under the Business and Professions Code ("Code") as real estate  
20 brokers.

21 B. Respondent QUINTERO was first licensed as a real  
22 estate broker on or about February 13, 1990. Respondent QUINTERO  
23 was licensed as a salesperson prior to that time, from  
24 approximately June 1, 1984 through February 12, 1990.

25 C. Respondent TUBBIOLA was first licensed as a real  
26 estate broker on or about January 16, 2007. Respondent TUBBIOLA  
27 was licensed as a salesperson prior to that time, from

1 approximately March 24, 2003 through January 15, 2007.

2 3.

3 At all times mentioned herein, American Mortgage  
4 Modification, Inc. (hereinafter "AMMI") is and was a California  
5 corporation. On or about July 7, 2008, Respondent QUINTERO was  
6 listed as the Agent for Service of Process on the Articles of  
7 Incorporation for AMMI. A SI-200 Statement of Information dated  
8 July 28, 2008, listing Respondent QUINTERO as the CEO and CFO of  
9 AMMI and Respondent TUBBIOLA as the Secretary, was filed with the  
10 Secretary of State of California on November 12, 2008. At all  
11 times relevant, Respondents QUINTERO and TUBBIOLA owned or  
12 controlled more than 10% of American Mortgage Modification,  
13 Inc.'s stock. American Mortgage Modification (hereinafter "AMM")  
14 and Mortgageleadersedge.com were fictitious business names of  
15 Respondent QUINTERO. AMM is also a fictitious business name of  
16 Respondent TUBBIOLA.

17 4.

18 All further references to "Respondents" includes the  
19 parties listed in the preamble, Paragraphs 2 and 3, as well as  
20 all the officers, directors, employees, agents and real estate  
21 licensees employed by or associated with Respondents QUINTERO and  
22 TUBBIOLA and who at all times herein mentioned were engaged in  
23 the furtherance of the business or operations of Respondents  
24 QUINTERO and TUBBIOLA, and who were acting within the course and  
25 scope of their authority and employment.  
26  
27

1 5.

2 From an unknown period of time beginning no later than  
3 April 1, 2008, and continuing through the present time,  
4 Respondents engaged in the business of, acted in the capacity of,  
5 advertised or assumed to act as real estate brokers in the State  
6 of California, within the meaning of Code Sections 10131(d) and  
7 10131.2, for or in expectation of compensation. Respondents,  
8 individually and/or jointly doing business as AMMI, AMM,  
9 Mortgageleadersedge.com, Debt Advisory Alliance, Loan  
10 Modification Solutions, Foreclosure Avoidance Network.com,  
11 Loanmodpro, Home Retention Solutions and/or Landmark Mortgage  
12 Services, Inc. advertised, solicited, and offered to represent  
13 borrowers in negotiating, modifying terms and obtaining mortgage  
14 loans, and collected advance fees within the meaning of Code  
15 Sections 10026 and 10131.2, pursuant to written agreements which  
16 constituted advance fee agreements within the meaning of Code  
17 Section 10085. Respondents QUINTERO and TUBBIOLA failed to  
18 submit these advance fee agreements to the Commissioner before  
19 using them.

20 A. On or about April 1, 2008, American Mortgage  
21 Modification, Inc. and/or American Mortgage Modification,  
22 contracted to collect and/or collected an advance fee of  
23 \$2,000.00 from Sandra Mendoza pursuant to the provisions of a  
24 written agreement for performance of loan modification services  
25 with respect to a loan secured by the real property located at  
26 1119 Cimmaron Court, Vallejo, California 94589. Respondents  
27 doing business as AMM and/or AMMI, failed to perform the services

1 promised or to obtain a loan for Ms. Mendoza on more favorable  
2 terms.

3           B.    On or about June 12, 2008, American Mortgage  
4 Modification, Inc. and/or American Mortgage Modification,  
5 contracted to collect and/or collected an advance fee of  
6 \$1,600.00 from Delia Santos pursuant to the provisions of a  
7 written agreement for performance of loan modification services  
8 with respect to a loan secured by the real property located at  
9 15776 Gilbert Court, Victorville, California 92394. Respondents  
10 doing business as AMM and/or AMMI, failed to perform the services  
11 promised or to obtain a loan for Ms. Santos on more favorable  
12 terms.

13           C.    On or about July 11, 2008, American Mortgage  
14 Modification, Inc. and/or American Mortgage Modification,  
15 contracted to collect and/or collected an advance fee of  
16 \$2,400.00 from Jaime Velasco pursuant to the provisions of a  
17 written agreement for performance of loan modification services  
18 with respect to a loan secured by the real property located at  
19 715 S. Riverside Avenue, Rialto, California 92376. Respondents  
20 doing business as AMM and/or AMMI, failed to perform the services  
21 promised or to obtain a loan for Mr. Velasco on more favorable  
22 terms.

23           D.    On or about September 10, 2008, American Mortgage  
24 Modification, Inc. and/or American Mortgage Modification,  
25 contracted to collect and/or collected an advance fee of  
26 \$3,500.00 from Kathy M. Nunes pursuant to the provisions of a  
27 written agreement for performance of loan modification services

1 with respect to a loan secured by the real property located at  
2 3463 Joanne Avenue, San Jose, California 95127. Respondents  
3 doing business as AMM and/or AMMI, failed to perform the services  
4 promised or to obtain a loan for Ms. Nunes on more favorable  
5 terms.

6 E. On or about November 12, 2008, American Mortgage  
7 Modification, Inc., American Mortgage Modification and/or Debt  
8 Advisory Alliance contracted to collect and/or collected an  
9 advance fee of \$2,600.00 from Robert Rodriguez pursuant to the  
10 provisions of a written agreement for performance of loan  
11 modification services with respect to a loan secured by the real  
12 property located at 16545 Deodar Street, Hesperia, California  
13 92345. Respondents doing business as AMM, AMMI and/or Debt  
14 Advisory Alliance, failed to perform the services promised or to  
15 obtain a loan for Mr. Rodriguez on more favorable terms.

16 6.

17 The written agreements described in Paragraph 5, above,  
18 constitute an advance fee agreement within the meaning of Code  
19 Section 10085.

20 7.

21 Respondents QUINTERO and TUBBIOLA ordered, caused,  
22 authorized or participated in the conduct of AMMI, AMM,  
23 Mortgageleadersedge.com, and/or Debt Advisory Alliance as is  
24 alleged in this First Amended Accusation. Respondent TUBBIOLA  
25 also ordered, caused, authorized or participated in the conduct  
26 of Loan Modification Solutions, Foreclosure Avoidance  
27 Network.com, Loanmodpro, Home Retention Solutions and/or Landmark



1 Mortgage Services, Inc., as is alleged in this First Amended  
2 Accusation.

3 DISCIPLINE STATUTES AND REGULATIONS

4 8.

5 The conduct of Respondents QUINTERO and TUBBIOLA  
6 described in Paragraph 5, above, violated the Code and the  
7 Regulations as set forth below:

8 A. Code Section 10176(a) for substantial  
9 misrepresentation to homeowners Sandra Mendoza, Delia Santos,  
10 Jaime Velasco, Kathy M. Nuñez and Robert Rodriguez, to induce  
11 them to enter into AMMI, AMM and/or Debt Advisory Alliance's loan  
12 modification agreement.

13 B. Code Section 10176(b) for making false promises of  
14 a character likely to influence, persuade or induce the aforesaid  
15 homeowners, to enter into AMMI, AMM and/or Debt Advisory  
16 Alliance's loan modification agreement.

17 C. Code Section 10085.5 and Regulation 2970 for  
18 charging, claiming, demanding, receiving or collecting an advance  
19 fee for soliciting lenders on behalf of borrowers or performing  
20 services in connection with loan modification services without  
21 complying with the provisions of Code Section 10085 and  
22 Regulation 2970.

23 D. Code Section 10176(i) for conversion of trust  
24 funds, to wit, the advance fees of the aforesaid homeowners, in  
25 the amount of \$12,100, received by Respondents doing business as  
26 AMMI, AMM, and/or Debt Advisory Alliance's, in connection with  
27 loan modification services.

1           E. Code Section 10177(d) for willful disregard or  
2 violation of the Real Estate Law, in connection with AMMI, AMM  
3 and/or Debt Advisory Alliance's loan modification scheme.

4           F. Code Section 10177(g) for negligence in connection  
5 with AMMI, AMM and/or Debt Advisory Alliance's loan modification  
6 scheme.

7           G. Code Section 10176(c) for making a continued and  
8 flagrant course of misrepresentations and/or false promises  
9 through real estate agents or salespersons, including Respondents  
10 QUINTERO and TUBBIOLA and through unlicensed individuals, with  
11 respect to AMM, AMMI and/or Debt Advisory Alliance's loan  
12 modification scheme.

13           H. Code Sections 10176(a), 10176(i) and/or 10177(g)  
14 for intentionally engaging in the conduct above set forth in  
15 Paragraph 5. Alternatively, said Respondents engaged in  
16 negligent misrepresentation, fraud or dishonest dealing,  
17 negligence and/or negligent misrepresentation to the aforesaid  
18 homeowners, for AMMI, AMM and/or Debt Advisory Alliance's loan  
19 modification Service transactions for which real estate licenses  
20 are required.

21           I. Code Section 10176(i) for systematically employing  
22 unlicensed persons as loan modification and foreclosure rescue  
23 agents to solicit advance fees without an advance fee agreement,  
24 in connection with loan modification services provided to  
25 distressed homeowners, including but not limited to, Sandra  
26 Mendoza, Delia Santos, Jaime Velasco, Kathy M. Nuñez and Robert  
27 Rodriguez, which constitutes fraud or dishonest dealing.

1 J. Code Section 10137 for employing or compensating  
2 unlicensed persons as loan modification or foreclosure rescue  
3 consultants to solicit advance fees without an advance fee  
4 agreement, in connection with loan modification services provided  
5 to distressed homeowners, including but not limited to, Sandra  
6 Mendoza, Delia Santos, Jaime Velasco, Kathy M. Nuñez and Robert  
7 Rodriguez.

8 K. Code Section 10159.5 and Regulation 2731, during a  
9 period of time from approximately April 1, 2008, and continuing  
10 through the present, for using, causing or permitting the use of  
11 the fictitious names "American Mortgage Modification, Inc.",  
12 "American Mortgage Modification", "Debt Advisory Alliance",  
13 "Mortgageleadersedge.com", "Loan Modification Solutions",  
14 "Foreclosure Avoidance Network.com", "Loanmodpro.com", and/or  
15 "Home Retention Solutions" in the conduct of activities for which  
16 a license is required, to wit, loan modification and foreclosure  
17 rescue under the Real Estate Law without holding a license  
18 bearing said fictitious business names.

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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this First Amended Accusation and  
3 that upon proof thereof, a decision be rendered imposing  
4 disciplinary action against all licenses and/or license rights of  
5 Respondents, RONALD CLAUDE QUINTERO and MICHAEL TUBBIOLA, under  
6 the Real Estate Law, and for such other and further relief as may  
7 be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

9 this 11th day of June, 2009.

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12   
13 MARIA SUAREZ  
14 Deputy Real Estate Commissioner  
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23

24 cc: Ronald Claude Quintero  
25 Michael Tubbiola  
26 Jeffrey S. Benice, Esq.  
27 Maria Suarez  
Phillip Ihde  
Sacto  
OAH

1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West Fourth St., Ste. #350  
4 Los Angeles, CA 90013

FILED  
MARCH 18, 2009  
DEPARTMENT OF REAL ESTATE

4 (213) 576-6982  
5 (213) 576-6914

By C. J.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of ) No. H-35789 LA  
12 )  
12 RONALD CLAUDE QUINTERO, ) A C C U S A T I O N  
13 doing business as American )  
13 Mortgage Modification, Inc.; )  
14 American Mortgage Modification; )  
14 and Mortgageleadersedge.com, )  
15 )  
15 Respondent. )  
16 )

17  
18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner, for cause of Accusation against RONALD CLAUDE  
20 QUINTERO, doing business as American Mortgage Modification, Inc.,  
21 American Mortgage Modification, and Mortgageleadersedge.com, is  
22 informed and alleges as follows:

23 1.

24 The Complainant, Robin Trujillo, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation in  
26 her official capacity.

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1 2.

2 At all times herein mentioned, Respondent RONALD CLAUDE  
3 QUINTERO (sometimes referred to as Respondent "QUINTERO") was  
4 licensed and/or has license rights under the Business and  
5 Professions Code as a real estate broker. Respondent QUINTERO  
6 was first licensed as a real estate broker on or about February  
7 13, 1990. Respondent QUINTERO was licensed as a salesperson  
8 prior to that time, from approximately June 1, 1984 through  
9 February 12, 1990.

10 3.

11 At all times herein mentioned, American Mortgage  
12 Modification, Inc., is and was a California corporation.  
13 Respondent QUINTERO is the CEO and CFO of American Mortgage  
14 Modification, Inc. At all times relevant herein, Respondent  
15 QUINTERO has owned or controlled more than 10% of American  
16 Mortgage Modification, Inc.'s stock. American Mortgage  
17 Modification and Mortgageleadersedge.com are fictitious business  
18 names of American Mortgage Modification, Inc.

19 4.

20 All further references to "Respondent" includes the  
21 parties listed in Paragraphs 2 and 3, as well as all the  
22 officers, directors, employees, agents and real estate licensees  
23 employed by or associated with Respondent QUINTERO and who at all  
24 times herein mentioned were engaged in the furtherance of the  
25 business or operations of Respondent QUINTERO, and who were  
26 acting within the course and scope of their authority and  
27 employment.

During a period of time from approximately April 1, 2008, and continuing through November 12, 2008, American Mortgage Modification, Inc. and American Mortgage Modification engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Sections 10131(d) and 10131.2, for or in expectation of compensation. American Mortgage Modification, Inc. and American Mortgage Modification represented borrowers in negotiating and modifying terms and obtaining mortgage loans, and collected advance fees within the meaning of Code Sections 10026 and 10131.2, pursuant to written agreements which constituted advance fee agreements within the meaning of Code Section 10085. Respondent QUINTERO failed to submit these advance fee agreements to the Commissioner before using them.

a. On or about April 1, 2008, American Mortgage Modification, Inc., contracted to collect and/or collected an advance fee of \$2,000.00 from Sandra Mendoza pursuant to the provisions of a written agreement for performance of loan modification services with respect to a loan secured by the real property located at 1119 Cimmaron Court, Vallejo, California 94589. Respondent QUINTERO failed to perform the services promised or to obtain a loan for Ms. Mendoza on more favorable terms.

b. On or about June 12, 2008, American Mortgage Modification, Inc., contracted to collect and/or collected an advance fee of \$1,600.00 from Delia Santos pursuant to the

1 provisions of a written agreement for performance of loan  
2 modification services with respect to a loan secured by the real  
3 property located at 15776 Gilbert Court, Victorville, California  
4 92394. Respondent QUINTERO failed to perform the services  
5 promised or to obtain a loan for Ms. Santos on more favorable  
6 terms.

7           c. On or about July 11, 2008, American Mortgage  
8 Modification, Inc., contracted to collect and/or collected an  
9 advance fee of \$2,400.00 from Jaime Velasco pursuant to the  
10 provisions of a written agreement for performance of loan  
11 modification services with respect to a loan secured by the real  
12 property located at 715 S. Riverside Avenue, Rialto, California  
13 92376. Respondent QUINTERO failed to perform the services  
14 promised or to obtain a loan for Mr. Velasco on more favorable  
15 terms.

16           d. On or about September 10, 2008, American Mortgage  
17 Modification, Inc., contracted to collect and/or collected an  
18 advance fee of \$3,500.00 from Kathy M. Nunes pursuant to the  
19 provisions of a written agreement for performance of loan  
20 modification services with respect to a loan secured by the real  
21 property located at 3463 Joanne Avenue, San Jose, California  
22 95127. Respondent QUINTERO failed to perform the services  
23 promised or to obtain a loan for Ms. Nunes on more favorable  
24 terms.

25           e. On or about November 12, 2008, American Mortgage  
26 Modification, Inc., contracted to collect and/or collected an  
27 advance fee of \$2,600.00 from Robert Rodriguez pursuant to the



1 provisions of a written agreement for performance of loan  
2 modification services with respect to a loan secured by the real  
3 property located at 16545 Deodar Street, Hesperia, California  
4 92345. Respondent QUINTERO failed to perform the services  
5 promised or to obtain a loan for Mr. Rodriguez on more favorable  
6 terms.

7 6.

8 The written agreements described in Paragraph 5, above,  
9 constitute an advance fee agreement within the meaning of Code  
10 Section 10085.

11 7.

12 Respondent QUINTERO ordered, caused, authorized or  
13 participated in the conduct of American Mortgage Modification,  
14 Inc., American Mortgage Modification, and  
15 Mortgageleadersedge.com, as is alleged in this Accusation.

16 8.

17 Respondent QUINTERO failed to submit the written  
18 agreements referred to in Paragraph 5, above, to the Commissioner  
19 ten days before using them, in violation of Code Section 10085  
20 and Regulation 2970.

21 9.

22 The conduct, acts and/or omissions of Respondent  
23 QUINTERO, as set forth in Paragraphs 5 through 8 above, in  
24 collecting advance fees from prospective borrowers pursuant to a  
25 written fee agreement, which agreement was not submitted to the  
26 Department for review prior to use, was in violation of Code  
27 Section 10085 and Regulation 2970, and constitutes grounds for

1 discipline of the licenses and license rights of Respondent  
2 RONALD CLAUDE QUINTERO pursuant to Code Sections 10177(d) and/or  
3 10177(g).

4 10.

5 During a period of time from approximately April 1,  
6 2008, and continuing through November 12, 2008, Respondent  
7 QUINTERO used, caused or permitted the use of the fictitious  
8 names "American Mortgage Modification, Inc.", "American Mortgage  
9 Modification" and/or "Mortgageleadersedge.com" in the conduct of  
10 activities for which a license is required under the Real Estate  
11 Law without holding a license bearing the fictitious business  
12 names.

13 11.

14 Respondent QUINTERO's conduct, as alleged in Paragraph  
15 10, above, is in violation of Section 2731 of Chapter 6, Title  
16 10, California Code of Regulations, and constitutes grounds for  
17 discipline of the licenses and license rights of Respondent  
18 RONALD CLAUDE QUINTERO pursuant to Code Sections 10177(d) and/or  
19 10177(g).

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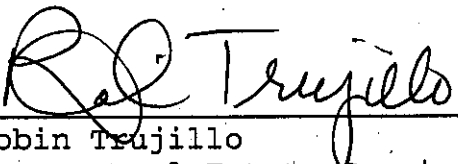
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27 ///

1           WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondent,  
5 RONALD CLAUDE QUINTERO, under the Real Estate Law, and for such  
6 other and further relief as may be proper under other applicable  
7 provisions of law.

8 Dated at Los Angeles, California

9 this 12 day of March, 2009.

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12   
13 Robin Trujillo  
14 Deputy Real Estate Commissioner  
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21  
22  
23

24 cc: Ronald Claude Quintero  
25 26072 Red Corral  
26 Laguna Hills, CA 92653  
27