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**FILED**

NOV - 1 2010

DEPARTMENT OF REAL ESTATE  
BY: *James B. Wilson*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of ) No. H-35823 LA  
)  
GREGORY COLE, individually, and )  
doing business as Adiem Consultants and )  
MARIA ELENA LOCSIN, )  
)  
Respondents. )

FIRST AMENDED ORDER SUSPENDING REAL ESTATE LICENSE

TO: MARIA ELENA LOCSIN  
6721 Kurl Way  
Reseda, CA 91335

This Amended Order amends the Order Suspending Restricted Real Estate License filed on July 7, 2010. On October 5, 2009 a restricted real estate salesperson license was issued by the Department of Real Estate to respondent on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Order in Case No. H-35823 LA. Among those terms, conditions and restrictions, respondent was required to take and pass the Professional Responsibility Examination within six (6) months from the effective date of the Decision and respondent was to submit, within nine (9) months from the aforementioned effective date, evidence of having completed the continuing education requirements of Article

1 2.5 of Chapter 3 of the Real Estate Law. The Commissioner has determined that as of April 5,  
2 2010, respondent has failed to satisfy the Professional Responsibility Examination passage  
3 condition. The Commissioner has also determined that as of July 5, 2010, respondent has failed  
4 to submit evidence of satisfying the continuing educational courses condition.

5 NOW, THEREFORE, IT IS ORDERED under authority of the Order issued in  
6 this matter that the restricted real estate salesperson license heretofore issued to respondent and  
7 the exercise of any privileges thereunder is hereby suspended until such time as respondent  
8 provides proof satisfactory to the Department of compliance with the "condition" referred to  
9 above, or pending final determination made after hearing (see "Hearing Rights" set forth below).

10 IT IS FURTHER ORDERED that all license certificates and identification cards  
11 issued by Department which are in the possession of respondent be immediately surrendered by  
12 personal delivery or by mailing in the enclosed, self-addressed envelope to:

13 Department of Real Estate  
14 Attn: Flag Section  
15 P. O. Box 187000  
16 Sacramento, CA 95818-7000

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

25 This Order shall be effective immediately.

26 DATED: 10/20, 2010.

27 JEFF DAVI  
Real Estate Commissioner



*fact*

**FILED**

JUL - 7 2010

DEPARTMENT OF REAL ESTATE  
BY: *Laura B. Olson*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-35823 LA  
)  
GREGORY COLE, individually and )  
doing business as )  
Adiem Consultants and )  
MARIA ELENA LOCSIN, )  
)  
Respondents. )

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: Maria Elena Locsin  
6721 Kurl Way  
Reseda, CA 91335

On October 5, 2009, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent MARIA ELENA LOCSIN (hereinafter "Respondent") on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision of September 2, 2009, in Case No. H-35823 LA. The Decision, which was effective October 5, 2009, granted Respondent the right to the

1 issuance of a restricted real estate salesperson license  
2 subject to the provisions of Section 10156.7 of the Business  
3 and Professions Code and to enumerated additional terms,  
4 conditions and restrictions imposed under authority of Section  
5 10156.6 of said Code. Among those terms, conditions and  
6 restrictions, was the requirement that:

7  
8 "Respondents shall, within six months from the  
9 effective date of this Decision, take and pass the  
10 Professional Responsibility Examination  
11 administered by the Department including the  
12 payment of the appropriate examination fee. If  
13 Respondents fail to satisfy this condition, the  
14 Commissioner may order suspension of Respondents'  
15 license until Respondents pass the examination."

16 The Commissioner has determined that as of  
17 April 5, 2010, Respondent has failed to satisfy this  
18 condition, and as such, is in violation of Section 10177(k) of  
19 the Business and Professions Code. (Respondent has no right  
20 to renew the restricted license if this condition isn't  
21 satisfied by the date of its expiration. (Section 10156.7 of  
22 the Business and Professions Code.)

23 NOW, THEREFORE, IT IS ORDERED under authority of  
24 Section 10156.7 of the Business and Professions Code of the  
25 State of California that the restricted real estate  
26 salesperson license heretofore issued to respondent and the  
27 exercise of any privileges thereunder is hereby suspended  
until such time as Respondent provides proof satisfactory to  
the Department of compliance with the condition(s) referred to

1 above, or pending final determination made after hearing (see  
2 "Hearing Rights" set forth below).

3 IT IS FURTHER ORDERED that all license certificates  
4 and identification cards issued by Department which are in the  
5 possession of respondent be immediately surrendered by  
6 personal delivery or by mailing in the enclosed,  
7 self-addressed envelope to:

8 Department of Real Estate  
9 Attn: Flag Section  
10 P. O. Box 187000  
11 Sacramento, CA 95818-7000

12 HEARING RIGHTS: Pursuant to the provisions of  
13 Section 10156.7 of the Business and Professions Code, you have  
14 the right to a hearing to contest the Commissioner's  
15 determination that you are in violation of Section 10177(k).  
16 If you desire a hearing, you must submit a written request.  
17 The request may be in any form, as long as it is in writing  
18 and indicates that you want a hearing. Unless a written  
19 request for a hearing, signed by or on behalf of you, is  
20 delivered or mailed to the Department at 320 West 4<sup>th</sup> Street,  
21 Room 350, Los Angeles, California, 90013, within 20 days after  
22 the date that this Order was mailed to or served on you, the  
23 Department will not be obligated or required to provide you  
24 with a hearing.

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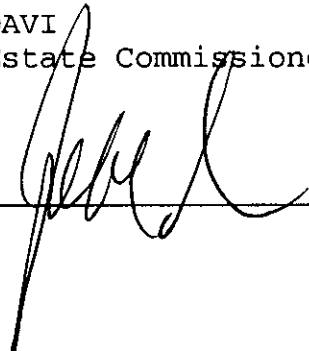
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This Order shall be effective immediately.

DATED: 6-17-2000

JEFF DAVIS  
Real Estate Commissioner

  
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(213) 576-6982

By C. J. [Signature]

\* \* \*

## STIPULATION AND AGREEMENT

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement ("Stipulation").

3           2. Respondents have received, read and understand the  
4 Statement to Respondent, the Discovery Provisions of the APA and  
5 the Accusation filed by the Department of Real Estate in this  
6 proceeding.

7           3. On April 17, 2009, Respondent GREGORY COLE filed a  
8 Notice of Defense pursuant to Section 11506 of the Government  
9 Code for the purpose of requesting a hearing on the allegations  
10 in the Accusation. On April 28, 2009, Respondent MARIA ELENA  
11 LOCSIN filed a Notice of Defense pursuant to Section 11506 of the  
12 Government Code for the purpose of requesting a hearing on the  
13 allegations in the Accusation. Respondents hereby freely and  
14 voluntarily withdraw said Notices of Defense. Respondents  
15 acknowledge that they understand that by withdrawing said Notice  
16 of Defense they will thereby waive their right to require the  
17 Commissioner to prove the allegations in the Accusation at a  
18 contested hearing held in accordance with the provisions of the  
19 APA and that they will waive other rights afforded to them in  
20 connection with the hearing such as the right to present evidence  
21 in defense of the allegations in the Accusation and the right to  
22 cross-examine witnesses.

23           4. This Stipulation is based on the factual  
24 allegations contained in the Accusation filed in this proceeding.  
25 In the interest of expedience and economy, Respondents choose not  
26 to contest these factual allegations, but to remain silent and  
27 understand that, as a result thereof, these factual statements,



1 will serve as a prima facie basis for the disciplinary action  
2 stipulated to herein. The Real Estate Commissioner shall not be  
3 required to provide further evidence to prove such allegations.

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

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

#### 20                           DETERMINATION OF ISSUES

21           By reason of the foregoing stipulations, admissions and  
22 waivers and solely for the purpose of settlement of the pending  
23 Accusation without a hearing, it is stipulated and agreed that  
24 the following determination of issues shall be made:

25           The conduct of Respondents as set forth in the  
26 Accusation constitutes cause for the suspension or revocation of  
27 all the real estate licenses and license rights of Respondents

1 GREGORY COLE and MARIA ELENA LOCSIN under the provisions of  
2 Section 10177(d) of the Business and Professions Code ("Code")  
3 for violation of Code Section 10130.

4 ORDER

5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 All licenses and licensing rights of Respondents

7 GREGORY COLE and MARIA ELENA LOCSIN under the Real Estate Law are  
8 revoked; provided, however, a restricted real estate salesperson  
9 license shall be issued to Respondents pursuant to Section  
10 10156.5 of the Business and Professions Code if Respondents makes  
11 application therefor and pay to the Department of Real Estate the  
12 appropriate fee for the restricted license within 90 days from  
13 the effective date of this Decision. The restricted license  
14 issued to Respondents shall be subject to all of the provisions  
15 of Section 10156.7 of the Business and Professions Code and to  
16 the following limitations, conditions and restrictions imposed  
17 under authority of Section 10156.6 of that Code:

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

23 2. The restricted license issued to Respondents may be  
24 suspended prior to hearing by Order of the Real Estate  
25 Commissioner on evidence satisfactory to the Commissioner that  
26 Respondents have violated provisions of the California Real  
27 Estate Law, the Subdivided Lands Law, Regulations of the Real

1 Estate Commissioner, or conditions attaching to the restricted  
2 license.

3           3. Respondents shall not be eligible to apply for the  
4 issuance of an unrestricted real estate license nor for the  
5 removal of any of the conditions, limitations or restrictions  
6 of a restricted license until two (2) years have elapsed from the  
7 date of issuance of the restricted license to Respondents.

8           4. Respondents shall submit with any application for  
9 license under an employing broker, or any application for  
10 transfer to a new employing broker, a statement signed by the  
11 prospective employing real estate broker on a form approved by  
12 the Department of Real Estate which shall certify:

13                   (a) That the employing broker has read the  
14 Decision of the Commissioner which granted the right to a  
15 restricted license; and

16                   (b) That the employing broker will exercise close  
17 supervision over the performance by the restricted licensee  
18 relating to activities for which a real estate license is  
19 required.

20           5. Respondents shall, within nine months from the  
21 effective date of this Decision, present evidence satisfactory to  
22 the Real Estate Commissioner that Respondents have, since the  
23 most recent issuance of an original or renewal real estate  
24 license, taken and successfully completed the continuing  
25 education requirements of Article 2.5 of Chapter 3 of the Real  
26 Estate Law for renewal of a real estate license. If Respondents  
27 fail to satisfy this condition, the Commissioner may order the

1 suspension of the restricted license until the Respondents  
2 present such evidence. The Commissioner shall afford Respondents  
3 the opportunity for a hearing pursuant to the Administrative  
4 Procedure Act to present such evidence.

5 6. Respondents shall, within six months from the  
6 effective date of this Decision, take and pass the Professional  
7 Responsibility Examination administered by the Department  
8 including the payment of the appropriate examination fee. If  
9 Respondents fail to satisfy this condition, the Commissioner may  
10 order suspension of Respondents' license until Respondents pass  
11 the examination.

12  
13 DATED: 8/13/07



LISSETTE GARCIA

Counsel for the Department of  
Real Estate

14  
15  
16 \* \* \*

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

1 Respondents can signify acceptance and approval of the  
2 terms and conditions of this Stipulation and Agreement by faxing  
3 a copy of the signature page, as actually signed by Respondent,  
4 to the Department at the following fax number: (213) 576-6917.  
5 Respondents agree, acknowledge and understand that by  
6 electronically sending to the Department a fax copy of his/her  
7 actual signature as it appears on the Stipulation and Agreement,  
8 that receipt of the faxed copy by the Department shall be as  
9 binding on Respondent as if the Department had received the  
10 original signed Stipulation and Agreement.

11 DATED: 8/6/9

Gregory Cole  
12 GREGORY COLE  
13 Respondent

14 DATED: 8/6/09

Maria Elena Locsin  
15 MARIA ELENA LOCSIN  
16 Respondent

17 \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision in this matter, and shall become effective  
20 at 12 o'clock noon on October 5, 2009.

21 IT IS SO ORDERED 9-2-09

22  
23 JEFF DAVI  
24 Real Estate Commissioner

25 Jeff Davi  
26  
27

LISSETE GARCIA, Counsel (SBN 211552)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6914

**FILED**  
APRIL 2, 2009  
DEPARTMENT OF REAL ESTATE

By C. A.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	NO. H-35823 LA
GREGORY COLE, individually )	<u>A C C U S A T I O N</u>
and doing business as )	
Adiem Consultants and )	
MARIA ELENA LOCSIN, )	
Respondents. )	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner, for cause of Accusation against GREGORY COLE, aka Cris Cole and also doing business as Adiem Consultants and MARIA ELENA LOCSIN, is informed and alleges as follows:

1.

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

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2.

At all times mentioned herein, Respondents GREGORY COLE and MARIA ELENA LOCSIN, are not now and have never been licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker. At all times material herein, Respondent Gregory Cole was doing business as Adiem Consultants, a business entity not licensed by the Department.

3.

At all times material herein, Respondent GREGORY COLE was licensed and/or has license rights under the Business and Professions Code ("Code") as a real estate salesperson not acting in the employ of a real estate broker.

4.

At all times material herein, Respondent MARIA ELENA LOCSIN was licensed and/or has license rights under the Code as a real estate salesperson acting in the employ of Jon Paul Bourgault.

5.

During a period of time from approximately September 15, 2008, and continuing through the present, Respondents GREGORY COLE, individually and dba Adiem Consultants and MARIA ELENA LOCSIN, without her employing broker's knowledge, 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, in that, for compensation or in expectation of compensation, including for fees received in advance, as well as

at the conclusion of transactions, Respondents contracted to perform loan modification services with respect to loans which were secured by liens on real property, including, but not limited to, the following:

On or about September 15, 2008, Respondents GREGORY COLE dba Adiem Consultants and MARIA ELENA LOCSIN, collected an advance fee of \$1,000 from Eloise Figueroa pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondents with respect to loan secured by the real properties located at 26992 Marbella, Mission Viejo, California 92691 and 26742 Dulcinea, Mission Viejo, California 92691.

6.

The conduct, acts and/or omissions of Respondents GREGORY COLE, individually and dba Adiem Consultants and MARIA ELENA LOCSIN, as set forth in Paragraph 5 above, in performing services for borrowers, including the collection of advance fees from prospective borrowers pursuant to a written fee agreement, is in violation of Code Section 10130 and constitutes grounds to discipline the licenses and license rights of Respondents GREGORY COLE and MARIA ELENA LOCSIN pursuant to Code Sections 10130, 10131(d), 10131.2 and 10177(d).

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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 Respondents  
5 GREGORY COLE, dba Adiem Consultants and MARIA ELENA LOCSIN under  
6 the Real Estate Law (Part 1 of Division 4 of the Business and  
7 Professions Code) and for such other and further relief as may  
8 be proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 1 day of April, 2009.

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12   
13 ROBIN TRUJILLO  
14 Deputy Real Estate Commissioner  
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23

24 cc: Gregory Cole  
25 Maria Elena Locsin  
26 Jon Paul Bourgault  
27 Robin Trujillo  
28 Sacto