

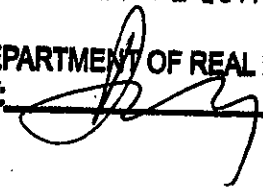
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**FILED**

DEC 12 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

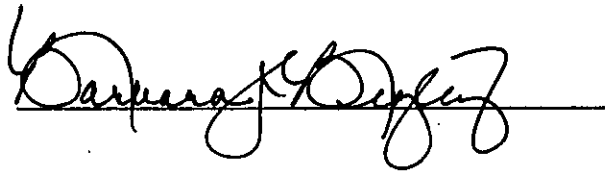
In the Matter of the Accusation of	)	No. H-36474 LA
	)	
DIAMOND FUNDING CORPORATION;	)	
and BARAK VOLNER, individually	)	
and as designated officer of	)	
Diamond Funding Corporation; and	)	
<u>ROBERT DOMENIC LONARDO,</u>	)	
	)	
Respondent.	)	

DISMISSAL

Respondent's conditional salesperson license was suspended on May 17, 2007. On November 15, 2009, Respondent's conditional license rights expired without renewal rights, pursuant to Business and Professions Code Section 10154. Based thereon, the Accusation filed against ROBERT DOMENIC LONARDO, on February 26, 2010, is DISMISSED.

IT IS SO ORDERED this 5<sup>th</sup> day of December, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



*fact*

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**FILED**

NOV - 1 2010

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-36474 LA
	)	
<u>DIAMOND FUNDING CORPORATION;</u>	)	
and BARAK VOLNER, individually	)	
and as designated officer of	)	
Diamond Funding Corporation;	)	
and ROBERT DOMENIC LONARDO,	)	
	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 26, 2010, an Accusation was filed in this matter against Respondent DIAMOND FUNDING CORPORATION

On August 16, 2010, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

///  
///

1 IT IS HEREBY ORDERED that Respondent DIAMOND FUNDING  
2 CORPORATION's petition for voluntary surrender of its real estate  
3 broker license rights is accepted as of the effective date of  
4 this Order as set forth below, based upon the understanding and  
5 agreement expressed in Respondent's Declaration dated August 16,  
6 2010, (attached as Exhibit "A" hereto). Respondent's license  
7 certificate, pocket card and any branch office license  
8 certificate shall be sent to the below listed address so that  
9 they reach the Department on or before the effective date of this  
10 Order:

11  
12 Department of Real Estate  
13 Atten: Licensing, Flag Section  
14 P.O. Box 187000  
15 Sacramento, CA 95818-7000

16 This Order shall become effective at 12 o'clock noon on  
17 November 22, 2010.

18 DATED: 10/20, 2010

19 JEFF DAVI  
20 Real Estate Commissioner

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EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
 )  
 DIAMOND FUNDING CORPORATION; )  
 and BARAK VOLNER, individually )  
 and as designated officer of )  
 Diamond Funding Corporation; and )  
 ROBERT DOMENIC LONARDO, )  
 Respondents. )

No. H-36474 LA

DECLARATION

My name is Barak Volner and I am the designated officer of DIAMOND FUNDING CORPORATION, which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized to sign this declaration on behalf of DIAMOND FUNDING CORPORATION.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedures Act (Sections 11400 et seq., of the Government Code) DIAMOND FUNDING CORPORATION wishes to voluntarily surrender its real

1 estate license issued by the Department of Real Estate  
2 ("Department"), pursuant to Business and Professions Code  
3 Section 10100.2.


4 I understand that DIAMOND FUNDING CORPORATION, by so  
5 voluntarily surrendering its license, can only have it  
6 reinstated in accordance with the provisions of Section 11522 of  
7 the Government Code. I also understand that by so voluntarily  
8 surrendering its license rights, DIAMOND FUNDING CORPORATION  
9 agrees to the following:

10 The filing of this Declaration shall be deemed as its  
11 petition for voluntary surrender. It shall also be deemed to be  
12 an understanding and agreement by DIAMOND FUNDING CORPORATION  
13 that, it waives all rights it has to require the Commissioner to  
14 prove the allegations contained in the Accusation ("Accusation")  
15 filed in this matter at a hearing held in accordance with the  
16 provisions of the Administrative Procedures Act (Government Code  
17 Sections 11400 et seq.), and that it also waives other rights  
18 afforded to it in connection with the hearing such as the right  
19 to discovery, the right to present evidence in defense of the  
20 allegations in the Accusation and the right to cross examine  
21 witnesses. I further agree on behalf of DIAMOND FUNDING  
22 CORPORATION that upon acceptance by the Commissioner, as  
23 evidenced by an appropriate order, all affidavits and all  
24 relevant evidence obtained by the Department in this matter  
25 prior to the Commissioner's acceptance, and all allegations  
26  
27

1 contained in the Accusation filed in the Department Case No. H-  
2 36474 LA, may be considered by the Department to be true and  
3 correct for the purpose of deciding whether or not to grant  
4 reinstatement of DIAMOND FUNDING CORPORATION's license pursuant  
5 to Government Code Section 11522 with respect to negligence  
6 only.

7 I declare under penalty of perjury under the laws of  
8 the State of California that the above is true and correct and  
9 that I am acting freely and voluntarily on behalf of DIAMOND  
10 FUNDING CORPORATION to surrender its license and all license  
11 rights attached thereto.

12  
13 Los Angeles 8/16/ 2010  
14 Date and Place

15  
16   
17 \_\_\_\_\_  
18 DIAMOND FUNDING CORPORATION  
19 BY: BARAK VOLNER,  
20 Designated Officer  
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*Barak*

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**FILED**

SEP -9 2010

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-36474 LA
	)	
DIAMOND FUNDING CORPORATION;	)	
and <u>BARAK VOLNER</u> , individually	)	
and as designated officer of	)	
Diamond Funding Corporation;	)	
and ROBERT DOMENIC LONARDO,	)	
	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 26, 2010, an Accusation was filed in this matter against Respondent BARAK VOLNER.

On June 1, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent BARAK VOLNER's petition for voluntary surrender of his real estate broker license rights is accepted as of the effective date of this Order

1 as set forth below, based upon the understanding and agreement  
2 expressed in Respondent's Declaration dated June 1, 2010,  
3 (attached as Exhibit "A" hereto). Respondent's license  
4 certificate, pocket card and any branch office license  
5 certificate shall be sent to the below listed address so that  
6 they reach the Department on or before the effective date of this  
7 Order:

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

13 This Order shall become effective at 12 o'clock noon on  
14 September 29, 2010.

15 DATED: 8/24, 2010

16 JEFF DAVI  
17 Real Estate Commissioner

18 

19 BY: Barbara J. Bigby  
20 Chief Deputy Commissioner



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EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	
DIAMOND FUNDING CORPORATION;	)	No. H-36474 LA
and <u>BARAK VOLNER</u> , individually	)	
and as designated officer of	)	
Diamond Funding Corporation; and	)	
ROBERT DOMENIC LONARDO,	)	
	)	
Respondents.	)	
	)	
	)	

DECLARATION

My name is BARAK VOLNER, and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license rights issued by the Department of Real Estate ("Department"), pursuant to

Business and Professions Code Section 10100.2.

1  
2 I understand that by so voluntarily surrendering my  
3 license rights, I may be relicensed as a broker or as a  
4 salesperson only by petitioning for reinstatement pursuant to  
5 Section 11522 of the Government Code. I also understand that by  
6 so voluntarily surrendering my license(s), I agree to the  
7 following:

8 1. The filing of this Declaration shall be deemed as  
9 my petition for voluntary surrender.

10 2. It shall also be deemed to be an understanding  
11 and agreement by me that I waive all rights I have to require  
12 the Commissioner to prove the allegations contained in the  
13 Accusation ("Accusation") filed in this matter at a hearing held  
14 in accordance with the provisions of the Administrative  
15 Procedure Act (Government Code Sections 11400 et seq.), and that  
16 I also waive other rights afforded to me in connection with the  
17 hearing such as the right to discovery, the right to present  
18 evidence in defense of the allegations in the Accusation and the  
19 right to cross-examine witnesses.  
20

21 3. I further agree that upon acceptance by the  
22 Commissioner, as evidenced by an appropriate order, all  
23 affidavits and all relevant evidence obtained by the Department  
24 in this matter prior to the Commissioner's acceptance, and all  
25 allegations contained in the Accusation filed in the Department  
26 Case No. H-36474 LA, may be considered by the Department to be  
27

1 true and correct for the purpose of deciding whether to grant  
2 relicensure or reinstatement pursuant to Government Code Section  
3 11522 with respect to negligence only.

4 4. This Declaration is not an admission by BARAK  
5 VOLNER as to the allegations in the Accusation. This  
6 Declaration is made for the purpose of reaching a resolution of  
7 allegations contained in the DRE Case number H-36474 LA, and is  
8 expressly limited to this proceeding and any other proceeding or  
9 case in which the Department of Real Estate is a party and shall  
10 not otherwise be admissible or relied upon by any third parties  
11 for any purpose.

12 5. I freely and voluntarily surrender all my licenses  
13 and license rights under the Real Estate Law.

14  
15 I declare under penalty of perjury under the laws of  
16 the State of California that the above is true and correct and  
17 that this declaration was executed on June 2, 2010,  
18 at Los Angeles, California.

19  
20  
21   
22 BARAK VOLNER  
23  
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1 ELLIOTT MAC LENNAN SBN 195298  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)  
6 -or- (213) 576-6982 (office)

**FILED**

FEB 26 2010

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

12 DIAMOND FUNDING CORPORATION; )  
13 and BARAK VOLNER, individually )  
14 and as designated officer of )  
15 Diamond Funding Corporation; and )  
16 ROBERT DOMENIC LONARDO, )

17 Respondents. )

No. H-36474 LA

A C C U S A T I O N

18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of Accusation  
20 against DIAMOND FUNDING CORPORATION, BARAK VOLNER, individually  
21 and as designated officer of Diamond Funding Corporation, and  
22 ROBERT DOMENIC LONARDO aka Robert Leonardo, alleges as follows:

23 1.

24 The Complainant, Robin Trujillo, acting in her official  
25 capacity as a Deputy Real Estate Commissioner of the State of  
26 California, makes this Accusation against DIAMOND FUNDING  
27 CORPORATION, BARAK VOLNER and ROBERT DOMENIC LONARDO.

2.

1 All references to the "Code" are to the California  
2 Business and Professions Code and all references to "Regulations"  
3 are to Title 10, Chapter 6, California Code of Regulations.  
4

3.

5  
6 License History

7 A. DIAMOND FUNDING CORPORATION ("DFC"). At all times  
8 mentioned, Respondent DFC was licensed or had license rights  
9 issued by the Department of Real Estate ("Department") as a real  
10 estate broker. On November 15, 2007, DFC was originally licensed  
11 as a corporate real estate broker. At all times mentioned  
12 herein, Respondent DFC was authorized to act by and through  
13 Respondent BARAK VOLNER as DFC's broker designated pursuant to  
14 Business and Professions Code (hereinafter "Code") Sections  
15 10159.2 and 10211 to be responsible for ensuring compliance with  
16 the Real Estate Law.

17 B. BARAK VOLNER. At all times mentioned, Respondent  
18 BARAK VOLNER ("VOLNER") was licensed or had license rights issued  
19 by the Department as a real estate broker. On November 5, 2007,  
20 VOLNER was originally licensed as a real estate broker and on  
21 November 16, 2007, became the designated officer of DFC.

22 C. ROBERT DOMENIC LONARDO. At all times mentioned,  
23 Respondent ROBERT DOMENIC LONARDO aka Robert Leonardo dba  
24 Mitigation Online Consultants and Rob Lonardo Consulting and  
25 Productions Inc. (LONARDO) was licensed or had license rights  
26  
27

1 issued by the Department as a real estate salesperson. On  
2 November 16, 2005, LONARDO was originally licensed as a real  
3 estate salesperson. On May 17, 2007, LONARDO's salesperson  
4 license was conditionally suspended pursuant to Code Section  
5 10156.7. On November 15, 2009, LONARDO's salesperson license  
6 expired. The Department retains jurisdiction over expired and  
7 lapsed license rights pursuant to Code Section 10103.

8 D. BARAK VOLNER is the corporate President and Chief  
9 Executive Officer of DFC. Sam Volner, an unlicensed person, is  
10 the sole shareholder of DFC.

11 Brokerage

12 4.

13 At all times mentioned, in the City and County of Los  
14 Angeles, DFC and VOLNER acted as real estate brokers conducting  
15 licensed activities within the meaning of Code Sections 10131(d)  
16 and 10131.2. DFC, VOLNER and LONARDO engaged in the business of:

17 A. A mortgage and loan brokerage engaging in  
18 activities with the public wherein lenders and borrowers were  
19 solicited for loans secured directly or collaterally by liens on  
20 real property, wherein such loans were arranged, negotiated,  
21 processed and consummated on behalf of others for compensation or  
22 in expectation of compensation and for fees often collected in  
23 advance as well as at the conclusion of transactions  
24

25 B. A loan modification and an advance fee brokerage.  
26 For compensation or in expectation of compensation and for fees  
27

1 often collected in advance, Respondents contacted lenders' loss  
 2 mitigation departments on behalf of economically distressed  
 3 homeowner-borrowers seeking modification of the terms of their  
 4 home loans including, but not limited to, repayment plans,  
 5 forbearance, Deed-In-Lieu of Foreclosure, partial claims, and  
 6 reduction in principal or interest. DFC, VOLNER and LONARDO  
 7 handled the following loan modifications during the audit period:

Loan Modifications	Advance Fees Collected	Time Period 11-20-08 to 05-20-09
241	\$404,105.14	

13  
 14 FIRST CAUSE OF ACCUSATION  
 (Audit Examination)

15 5.

16 On October 23, 2009, the Department completed an audit  
 17 examination of the books and records of DFC pertaining to the  
 18 mortgage loan brokerage, loan modification and advance fee  
 19 activities described in Paragraph 4, which require a real estate  
 20 license. The audit examination covered a period of time  
 21 beginning on November 16, 2006 to June 30, 2009. The audit  
 22 examination revealed violations of the Code and the Regulations  
 23 as set forth in the following paragraphs, and more fully  
 24 discussed in Audit Report LA 090005 and the exhibits and work  
 25 papers attached to said audit report.  
 26  
 27

Bank and Trust Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, DFC accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including lenders, borrowers, homeowners for loan modifications handled by DFC. Thereafter DFC made deposits and or disbursements of such trust funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by DFC in the bank account as follows:

"Diamond Funding Corporation dba Loss Mitigation Consultants Bank Account  
Account No. 200041727560  
Wachovia Bank  
P.O. Box 563966  
Charlotte NC 28256-3966

(B/A #1)

"Diamond Funding Corporation dba Loss Mitigation Consultants Account No. 03118-74135  
Bank of America  
P.O. Box 37176  
San Francisco, CA 94137

"Diamond Funding Corporation dba Loss Mitigation Consultants Bank Account  
Account No. 200043768255  
Wachovia Bank  
P.O. Box 563966  
Charlotte NC 28256-3966

(B/A #3)





1 (c) Permitted LONARDO, an expired licensee and  
2 unbonded person, to be a signatory on B/A #2, in violation of  
3 Code Section 10145 and Regulation 2834.

4 (d) Failed to provide and/or maintain an approved  
5 Mortgage Loan Disclosure Statement containing all the information  
6 required by Code Section 10241 before borrowers Kelly/Aaron  
7 Campbell, Mark/Sandra Boselo, Edward Culbertson, Cheryl/William  
8 Northey, Edward Quiroga, and Joan Dominguez, became obligated to  
9 perform under the terms of their respective loans, in violation  
10 of Code Section 10240 and Regulations 2840 and 2840.1.

11 (e) Collected advance fees within the meaning of Code  
12 Section 10026 from homeowner-borrowers seeking loan modification  
13 services wherein DFC failed to provide homeowners with a pre-  
14 approved advance fee agreement from the Department, in violation  
15 of Code Section 10085 and Regulation 2970.

16  
17 Discipline Statutes

18 8.

19 The conduct of Respondents DFC, VOLNER and LONARDO,  
20 described in Paragraph 7, above, violated the Code and the  
21 Regulations as set forth below:

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PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Sections 10130 (LONARDO only), 10145 and 10176(i) Regulation 2832.1
7(b)	Code Section 10146
7(c)	Code Section 10145 and Regulation 2834
7(d)	Code Section 10240 and Regulations 2840 and 2840.1
7(e)	Code Section 10085 and Regulation 2970

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondents DFC and VOLNER under the provisions of Code Sections 10130, 10176(e), 10176(i), 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION  
(Loan Modification Services)

9.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 8, above.

10.

At all times mentioned herein, Respondent LONARDO engaged in the business of a loan modification and advance fee brokerage, within the definition of Code Sections 10131.2 and 10131(d), as aforementioned in Paragraph 4.

General Allegations

11.

During 2008 and continuing thereafter to date, ROBERT DOMENIC LONARDO (LONARDO) dba Mitigation Online Consultants (MOC) solicited economically distressed homeowners facing foreclosure and eviction from their homes, offered loan modification services, charged and collected advance fees, but failed to render the promised services.

12.

Table: Loan Modification Transactions

Homeowner	Agent(s)	Entity(ies)	Advance Fee
Morton Cohen	Ray Newby	MOC	\$3,800
Ryan Barreras	Michelle Jurado Rob Caruso Brian Amoroso	MOC	\$3,000
Jeffrey Vrba	Ronald Navarette	MOC	\$4,000
Guadalupe Ramirez	Daniel Gonzalez Jason Rogland	MOC	\$6,000

13.

Loan Modification Violations

The conduct, acts and/or omissions of making false and/or misleading representations in order to induce reliance of distressed homeowner-borrowers, and in otherwise misleading borrowers into a loan modification scheme devised by LONARDO to

1 the detriment of the borrowers, as set forth in Paragraphs 9  
2 through 12 above, constitutes grounds to discipline the license  
3 and/or license rights of LONARDO pursuant to Code Sections:

4 a. 10176(a) for substantial misrepresentation with  
5 respect to the aforementioned homeowners.

6 b. 10176(b) for making false promises of a character  
7 likely to influence, persuade, entice or induce the forenamed  
8 homeowners.

9 c. 10176(i) for conversion of trust funds received by  
10 LONARDO, directly or indirectly, from the forenamed homeowners.

11 d. 10177(d) for willful disregard of, violation of the  
12 Real Estate Law.

13 e. 10177(g) for negligence or incompetence.

14 f. 10137 for employing and/or compensating unlicensed  
15 loan modification agents.

16 g. 10176(a)/10177(g) for misrepresenting the offering  
17 of the loan modification scheme devised by LONARDO dba Mitigation  
18 Online Consultants.

19 h. 10137 and 10176(i) and/or 10177(g) for fraud and  
20 dishonest dealing in employing unlicensed persons as loss  
21 mitigation agents, to solicit advance fees without an advance fee  
22 agreement, in connection with loan modification services provided  
23 to the forenamed economically distressed homeowners.  
24

25 ///

26 ///

27

Negligence

14.

The overall conduct, acts or omissions of Respondents  
DIAMOND FUNDING CORPORATION, BARAK VOLNER and ROBERT DOMENIC  
LONARDO constitutes negligence and is cause for the suspension or  
revocation of the real estate license and license rights of said  
Respondents pursuant to the provisions of Code Section 10177(g).

Supervision and Compliance

15.

The overall conduct, acts or omissions of Respondent  
BARAK VOLNER constitutes a failure on Respondent's part, as  
officer designated by a corporate broker licensee, to exercise  
the reasonable supervision and control over the licensed  
activities of DFC as required by Code Section 10159.2 and  
Regulation 2725, and to keep DFC in compliance with the Real  
Estate Law, and is cause for discipline of the real estate  
license and license rights of Respondent pursuant to the  
provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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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 the license and license rights of Respondents  
5 DIAMOND FUNDING CORPORATION, BARAK VOLNER and ROBERT DOMENIC  
6 LONARDO, under the Real Estate Law (Part 1 of vision 4 of the  
7 Business and Professions Code) and for such other and further  
8 relief as may be proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 24 day of February 2010.

  
Deputy Real Estate Commissioner

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23 cc: Diamond Funding Corporation  
24 c/o Barak Volner D.O.  
25 Robert Domenic Lonardo  
26 Robin Trujillo  
27 Sacto  
Tiffany D. Williams  
Audits - Godswill Keraoru