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FILED

SEP 13 2010

DEPARTMENT OF REAL ESTATE

BY: James B. Chen

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
MILESTONE CAPITAL GROUP INC. and)
)
ANDREW KENNETH KIEMM,)
)
individually and formerly as)
)
designated officer of Milestone)
)
Capital Group Inc.,)
)
)
)
Respondents.)

No. H-36566 LA

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 20, 2010 and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On March 10, 2010, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to ANDREW KENNETH KIEMM's last known mailing address on file with the Department on March 29, 2010. The packet was returned to sender by the postal service as "unclaimed". On May 26, 2010, the packet was sent to the last known office address of ANDREW KENNETH KIEMM (hereinafter "KIEMM") by certified and regular mail. These

packets were also returned to sender. No response has been received to date.

On July 20, 2010, 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.

KIEMM is presently licensed or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate broker. He was the designated officer of MILESTONE CAPITAL GROUP INC ("MILESTONE") from November 6, 2008 to May 20, 2009. KIEMM was first licensed by the Department of Real Estate of the State of California as a real estate broker on or about June 8, 2004.

3.

In response to an inquiry from the Department regarding KIEMM's involvement with MILESTONE, KIEMM submitted a letter, dated October 20, 2009, which stated "I have nothing to do with that company and just made the mistake of lending my broker license to a friend." KIEMM's letter further stated that "I cannot produce anything at all since I have no knowledge or access to any business activities of Milestone Capital Group, Inc."

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent KIEMM, as set forth above, constitute a breach of responsibility by the corporate officer in charge, in violation of Code Section 10159.2. It also provides cause for the suspension or revocation of the licenses and license rights of Respondent KIEMM pursuant to Code Sections 10177(d), 10177(h) and 10177(g).

2.

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

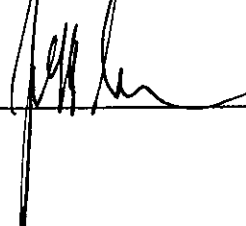
ORDER

The license and license rights of Respondent
ANDREW KENNETH KIEMM 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 OCT 04 2010.

DATED: 8-10-2010

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, CA 90013
4
5 (213) 576-6982
6
7

FILED

JUL 20 2010

DEPARTMENT OF REAL ESTATE
BY: Janice B. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-36566 LA
12)
13 MILESTONE CAPITAL GROUP INC. and) DEFAULT ORDER
14 ANDREW KENNETH KIEMM,)
15 individually and formerly as)
16 designated officer of Milestone)
17 Capital Group Inc.,)
18 Respondents.)

19 Respondent ANDREW KENNETH KIEMM, having failed to
20 file a Notice of Defense within the time required by Section
21 11506 of the Government Code, is now in default. It is,
22 therefore, ordered that a default be entered on the record
23 in this matter.

24 IT IS SO ORDERED July 20, 2010

25 JEFF DAVI
26 Real Estate Commissioner

27 By: [Signature]
DOLORES WEEKS
Regional Manager

SACTO
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FILED

SEP 13 2010

DEPARTMENT OF REAL ESTATE
BY: Jan B. Olson

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36566 LA
)	
<u>MILESTONE CAPITAL GROUP INC</u> ; and)	
ANDREW KENNETH KIEMM, individually)	
and formerly as designated officer)	
Of Milestone Capital Group, Inc.)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On March 29, 2010, an Accusation was filed in this matter against Respondent MILESTONE CAPITAL GROUP INC.

On May 17, 2010, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent MILESTONE CAPITAL GROUP INC 's petition for voluntary surrender of its real estate broker license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated May 17, 2010

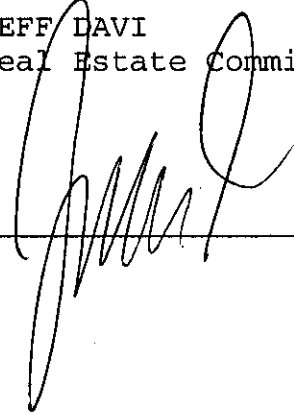
1 (attached as Exhibit "A" hereto). Respondent's license
2 certificate(s), pocket card(s) and any branch office license
3 certificate(s) shall be sent to the below listed address so that
4 they reach the Department on or before the effective date of this
5 Order:

6 DEPARTMENT OF REAL ESTATE
7 Attn: Licensing Flag Section
8 P. O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon
11 on OCT 04 2010

12 DATED: 6/24/2010

13 JEFF DAVI
14 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-36566 LA
<u>MILESTONE CAPITAL GROUP INC.</u> ; and)	
ANDREW KENNETH KIEMM, individually)	
and formerly as designated officer)	
of Milestone Capital Group Inc.,)	
)	
Respondents.)	

DECLARATION

My name is Miles Masters V and I am authorized and empowered to sign this declaration on behalf of MILESTONE CAPITAL GROUP INC., which is licensed as a corporate real estate broker and/or has license rights with respect to said license.

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) MILESTONE CAPITAL GROUP INC. wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that MILESTONE CAPITAL GROUP INC., by so
2 voluntarily surrendering its license, can only have it reinstated
3 in accordance with the provisions of Section 11522 of the
4 Government Code. I also understand that by so voluntarily
5 surrendering its license, MILESTONE CAPITAL GROUP INC. agrees to
6 the following:

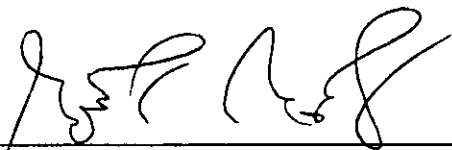
7 The filing of this Declaration shall be deemed as its
8 petition for voluntary surrender. It shall also be deemed to be
9 an understanding and agreement by MILESTONE CAPITAL GROUP INC.
10 that, it waives all rights it has to require the Commissioner to
11 prove the allegations contained in the Accusation filed in this
12 matter at a hearing held in accordance with the provisions of the
13 Administrative Procedure Act (Government Code Sections 11400 et
14 seq.), and that it also waives other rights afforded to it in
15 connection with the hearing such as the right to discovery, the
16 right to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses. I further
18 agree on behalf of MILESTONE CAPITAL GROUP INC. that upon
19 acceptance by the Commissioner, as evidenced by an appropriate
20 order, all affidavits and all relevant evidence obtained by the
21 Department in this matter prior to the Commissioner's acceptance,
22 and all allegations contained in the Accusation filed in the
23 Department Case No. H-36566 LA, may be considered by the
24 Department to be true and correct for the purpose of deciding
25 whether or not to grant reinstatement of MILESTONE CAPITAL GROUP
26 INC.'s license pursuant to Government Code Section 11522.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of MILESTONE CAPITAL GROUP INC. to surrender its license and all license rights attached thereto.

May 17, 2010
Date and Place


MILESTONE CAPITAL GROUP INC.
By Miles Masters V

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 576-6910 (direct)

FILED

MAR 29 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H-36566 LA
13 MILESTONE CAPITAL GROUP INC. and)	<u>A C C U S A T I O N</u>
14 ANDREW KENNETH KIEMM,)	
15 individually and formerly as)	
16 designated officer of Milestone)	
Capital Group Inc.,)	
Respondents.)	

17
18
19 The Complainant, Robin Trujillo, a Deputy Real Estate
20 Commissioner of the State of California, for cause of
21 Accusation against MILESTONE CAPITAL GROUP INC. and ANDREW
22 KENNETH KIEMM, individually and formerly as designated officer
23 of Milestone Capital Group Inc., is informed and alleges as
24 follows:

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1.

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

2.

MILESTONE CAPITAL GROUP INC. (hereinafter "MILESTONE") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a corporate real estate broker.

3.

ANDREW KENNETH KIEMM (hereinafter "KIEMM") is presently licensed and/or has license rights under the Real Estate Law, as a real estate broker. He was also the designated officer of MILESTONE from November 6, 2008 to May 20, 2009.

4.

At all times material herein, Respondents were 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 Section 10131.

FIRST CAUSE OF ACCUSATION
(FAILURE TO EXERCISE SUPERVISION)

5.

In response to an inquiry from the Department of Real Estate regarding KIEMM's involvement with MILESTONE, KIEMM

1 submitted a letter, dated October 20, 2009, which stated "I
2 have nothing to do with that company and just made the mistake
3 of lending my broker license to a friend." KIEMM's letter
4 further stated that "I cannot produce anything at all since I
5 have no knowledge or access to any business activities of
6 Milestone Capital Group, Inc."

7 6.

8 The conduct, acts and/or omissions of Respondent
9 KIEMM, as set forth in paragraph 5 above, constitute a breach
10 of responsibility by the corporate officer in charge, in
11 violation of Code Section 10159.2. It also provides cause for
12 the suspension or revocation of the licenses and license rights
13 of Respondent KIEMM pursuant to Code Sections 10177(d),
14 10177(h) and/or 10177(g).

15
16 SECOND CAUSE OF ACCUSATION

17 (Advance Fee Violations)

18 7.

19 MILESTONE engaged in the business of a real estate
20 broker in the State of California within the meaning of Code
21 Sections 10131(d) and 10131.2, including brokering mortgage
22 loans and performing loan modification activities and claiming,
23 demanding, charging, receiving, collecting or contracting for
24 the collection of an advance fee, within the meaning of Code
25 Section 10026, including, but not limited to, the following
26 loan modification activities with respect to loans which were
27 secured by liens on real property.

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8.

On or about February 16, 2009, MILESTONE entered into an agreement with Bruce Martin Arnold ("Arnold") to negotiate a loan modification with respect to a loan secured by a lien(s) on the real property located at 8527 Bellmore Street, Riverside, CA 92509, in exchange for an advance fee payment by Doran of \$3,495. Arnold submitted his initial advance payment of \$1995 on February 16, 2009.

9.

On or about November 30, 2008, MILESTONE entered into an agreement with Harvey Murray Crosthwaite ("Crosthwaite") to negotiate a loan modification with respect to a loan secured by a lien(s) on the real property located at 1433 West Victoria Avenue, Montebello, CA, 90640, in exchange for an advance fee payment by Doran of \$2,995, which Doran submitted in November 2008.

10.

On or about January 5, 2009, MILESTONE entered into an agreement with Thomas George Prlain("Prlain") to negotiate a loan modification with respect to a loan secured by a lien(s) on the real property located at 501 Beale Street, Unit 14E, San Francisco, CA 94105, in exchange for an advance fee payment by Prlain of \$3,490, which Prlain submitted on January 5, 2009.

11.

On or about December 8, 2008, MILESTONE entered into an agreement with Fabian Phillip Rodriguez("Rodriguez") to negotiate a loan modification with respect to a loan secured by

1 a lien(s) on the real property located at 591 Maple Lane,
2 Sugarloaf, CA 92386, in exchange for an advance fee payment by
3 Rodriguez of \$1,500, which Rodriguez submitted on December 8,
4 2008.

5 12.

6 The fees collected by MILESTONE, as described in
7 Paragraphs 6 through 9 above, constitutes advance fee
8 agreements within the meaning of Code Section 10026. MILESTONE
9 failed to submit the advance fee agreements referred to in
10 Paragraphs 6 through 9 above, to the Commissioner ten days
11 before using them, in violation of Code Section 10085 and
12 Section 2970 of Title 10, California Code of Regulations
13 ("Regulations").

14 13.

15 The conduct, acts and/or omissions of Respondent
16 MILESTONE, as set forth above, in violation of Code Sections
17 10085 and Regulation 2970, are cause for the suspension or
18 revocation of the licenses and license rights of Respondent
19 MILESTONE pursuant to Code Sections 10085, 10177(d) and/or
20 10177(g).

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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 the licenses and license rights of
5 Respondents MILESTONE CAPITAL GROUP INC. and ANDREW KENNETH
6 KIEMM under the Real Estate Law, and for such other and further
7 relief as may be proper under other applicable provisions of
8 law.

9 Dated at Los Angeles, California

10 this 10 day of March, 2010.

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13 
14 Robin Trujillo
15 Deputy Real Estate Commissioner
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25 cc: MILESTONE CAPITAL GROUP INC.
26 Andrew Kenneth Kiemm
27 Robin Trujillo
Sacto.