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2 Department of Real Estate  
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**FILED**  
JAN 18 2012  
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 )  
12 JAMES ERIC PATE, ) DRE No. H-37126 LA  
13 ) OAH No. L-2011081204  
14 Respondent. ) SUPPLEMENTAL ACCUSATION

15  
16 Complainant hereby supplements and amends the  
17 Accusation filed on March 10, 2011, as follows:

18 22.

19 AUDIT

20 Complainant incorporates all of the allegations  
21 contained in Paragraphs 1 through 21 of the Accusation, with the  
22 same force and effect as if herein fully set forth.

23 23.

24 On September 6, 2011, the Department completed an  
25 examination of Ryan William Marier's books and records  
26 pertaining to the mortgage loan activities and loan modification

1 activities conducted by Ryan William Marier and Respondent PATE  
2 in the name of "Pate, Marier and Associates, Inc." doing  
3 business as NHA Group and/or National Home Assistance Group.  
4 Ryan William Marier and Respondent PATE each owned 50% of Pate,  
5 Marier and Associates, Inc. The audit covered the period from  
6 November 13, 2008 through March 31, 2011, which examination  
7 revealed violations of the Business and Professions Code  
8 ("Code") and Regulations as set forth below.

9  
10 24.

11 During the audit examination of Ryan William Marier,  
12 it was determined that, Respondent PATE and Ryan William Marier,  
13 doing business as Pate, Marier and Associates, Inc., NHA Group,  
14 or National Home Assistance Group, engaged in the business of,  
15 acted in the capacity of, advertised or assumed to act as real  
16 estate brokers in the State of California, within the meaning of  
17 Section 10131(d) of the Code, including soliciting prospective  
18 borrowers or lenders for, or negotiating loans, or offering to  
19 perform services connected to loans secured directly or  
20 collaterally by liens on real property for another or others,  
21 for or in expectation of compensation.

22 25.

23 In connection with the aforementioned real estate  
24 activities, it was determined that Respondent PATE and Ryan  
25 William Marier, while doing business as Pate, Marier and  
26 Associates, Inc., NHA Group, or National Home Assistance Group  
accepted, received, deposited and/or disbursed funds including  
funds in trust (hereinafter "trust funds"). From time to time

1 herein mentioned, said funds and/or trust funds were maintained  
2 by Respondent PATE and Ryan William Marier general bank  
3 accounts, including but not necessarily limited to, Account No.  
4 2222956621, at Wells Fargo Bank.

5  
6 26.

7 The audit examination determined that Respondent Pate,  
8 while doing business as Pate, Marier and Associates, Inc., NHA  
9 Group or National Home Assistance Group, charged and collected  
10 fees in advance from borrowers for loan modification and  
11 negotiation activity in violation of Section 10130 of the Code.

12 27.

13 Respondent PATE operated an unlicensed corporation,  
14 whom Respondent PATE knew or should have known to be unlicensed,  
15 to perform acts and conduct activity requiring a real estate  
16 license as described in Section 10131(d) of the Code.

17 28.

18 The conduct, acts and omissions of Respondent PATE  
19 described in Paragraphs 26 and 27, above, constitutes cause for  
20 the suspension or revocation of all real estate licenses and  
21 license rights of Respondent PATE under the provisions of  
22 Sections 10137, 10177(d) and/or 10177(g) of the Code.

23 29.

24 The conduct, acts and omissions of Respondent PATE,  
25 described in Paragraphs 26 and 27, above, in willfully aiding  
26 and abetting Ryan William Marier to violate Section 10130 of the  
Code is further cause to suspend or revoke all real estate

1 licenses and license rights of Respondent PATE under the  
2 provisions of Sections 10177(g) and/or 10176(i) of the Code.

3 WHEREFORE, Complainant prays that a hearing be  
4 conducted on the allegations of this Accusation and that upon  
5 proof thereof, a decision be rendered imposing disciplinary  
6 action against all licenses and/or license rights of Respondent  
7 JAMES ERIC PATE under the Real Estate Law (Part 1 of Division 4  
8 of the California Business and Professions Code) and for such  
9 other and further relief as may be proper under other applicable  
10 provisions of law.

11 Dated this 17th day of January, 2012.

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15 MARIA SUAREZ  
16 Deputy Real Estate Commissioner  
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21

22 cc: James Eric Pate  
23 Edward O. Lear, Esq.  
24 Maria Suarez  
25 Sacto.  
26 OAH



2.

From November 13, 2008, through the present, Respondent MARIER has been licensed by the Department of Real Estate ("Department") as a real estate broker, Department License No. 01848936.

3.

From October 5, 2000, through the present, Respondent PATE has been licensed by the Department as a real estate salesperson, Department License No. 01297379. From March 12, 2008 through November 10, 2009, Respondent PATE was licensed under the employ of real estate broker Firstline Mortgage, Inc., Department License No. 00895998.

4.

At all times herein mentioned, Respondent MARIER, 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, by doing or negotiating to do the following acts for another or others, for compensation or in expectation of compensation: (1) sell or offer to sell, solicit prospective sellers or purchasers of, solicit or obtain listings of, or negotiate the purchase, sale or exchange of real property within the meaning of Business and Professions Code ("Code") Section 10131(a); and (2) solicit borrowers, negotiate loans, collect payments or perform services for borrowers in connection with loans secured directly or collaterally by liens on real property within the meaning of Code Section 10131(d).

5.

At no time mentioned herein have National Home Assistance Group, Inc., National Home Assistance Group, NHA Group, National Home Assistance or Pate, Marier and Associates, Inc. ever been licensed by the Department in any capacity.

6.

On December 17, 2008, Respondent MARIER formed Pate, Marier and Associates, Inc., a California corporation.

Respondent MARIER is a director and officer of Pate, Marier and Associates, Inc. and owns or controls 10 percent or more of the corporation's stock.

7.

On February 17, 2009, Pate, Marier and Associates, Inc. filed a fictitious business name statement with the Orange County Clerk-Recorder for use of the fictitious business name "NHA Group".

8.

For an unknown period of time beginning no later than May 15, 2009, while using the unlicensed fictitious business name National Home Assistance Group, Inc., National Home Assistance Group, NHA Group, or National Home Assistance, Respondent MARIER engaged in the business of soliciting to modify or negotiate loans secured by real property, and claimed, demanded, charged, received, collected or contracted for the collection of advance fees, within the meaning of Code Section 10026, for, including but not limited to, the following borrowers:

a. On or about May 15, 2009, Wilfred J. Caron paid an advance fee of \$2,495 to National Home Assistance Group, Inc. pursuant to an advance fee agreement for loan modification and negotiation services. Respondent failed to perform the loan modification and negotiation services that had been promised to Mr. Caron. Respondent failed to refund the advance fee paid by Mr. Caron.

b. On or about July 7, 2009, Timothy Wayne Girard paid an advance fee of \$2,090 to National Home Assistance Group pursuant to an advance fee agreement for loan modification and negotiation services. Respondent failed to perform the loan modification and negotiation services that had been promised to Mr. Girard. Respondent failed to refund the advance fee paid by Mr. Girard.

9.

The advance fee agreement used by Respondent MARIER, while doing business as National Home Assistance Group, Inc.,

National Home Assistance Group, NHA Group, or National Home Assistance, had not been approved by the Department prior to use as is required under Code Section 10085 and Section 2970, Title 10, Chapter 6, California Code of Regulations ("Regulations").

10.

The conduct, acts and/or omissions of Respondent MARIER as set forth above, in collecting advance fees from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Section 10085 and Section 2970 of the Regulations, and constitutes grounds for the suspension or revocation of the license and license rights of Respondent MARIER pursuant to Code Sections 10177(d) and 10177(g).

11.

The advance fees collected by Respondent MARIER while doing business as National Home Assistance Group, Inc., National Home Assistance Group, NHA Group, or National Home Assistance, were not deposited in a trust account as required under Code Section 10146.

12.

The conduct, acts and/or omissions of Respondent MARIER as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, was in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondent MARIER pursuant to Code Sections 10177(d) and 10177(g).

13.

The activities described in Paragraph 8, supra, require a real estate license under Code Sections 10131(d) and 10131.2. Respondent MARIER violated Code Section 10137 by employing and/or compensating individuals who were not licensed as real estate salespersons or as brokers to perform activities requiring a license as follows:



a. Respondent MARIER employed and/or compensated Michelle Lefaoeu and Baron Morledge to perform some or all of the services alleged in Paragraph 8, subsection (a), above though neither was licensed as a real estate salesperson or broker.

b. Respondent MARIER employed and/or compensated Brandon Mickley to perform some or all of the services alleged in Paragraph 8, subsection (b), above, though he was not licensed as a real estate salesperson or broker.

14.

The conduct, acts and/or omissions of Respondent MARIER, as set forth in Paragraph 13, above, violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondent MARIER pursuant to Code Sections 10137, 10177(d) and 10177(g).

15.

Use of a fictitious business name for activities requiring the issuance of a real estate license requires the filing of an application for the use of such name with the Department in accordance with the provisions of Code Section 10159.5.

16.

Respondent MARIER acted without Department authorization in using the fictitious business names National Home Assistance Group, Inc., National Home Assistance Group, NHA Group, or National Home Assistance to engage in activities requiring the issuance of a real estate license.

17.

The conduct, acts and/or omissions of Respondent MARIER, as set forth in Paragraphs 15 and 16, above, violate Code Section 10159.5 and Section 2731 of the Regulations, and are cause for the suspension or revocation of the licenses and license rights of Respondent MARIER pursuant to Code Sections 10177(d) and 10177(g).

DETERMINATION OF ISSUES

1.

Respondent RYAN WILLIAM MARIER's conduct, acts, and/or omissions are in violation of Code Sections 10085, 10137, 10146, and 10159.5 and Regulations 2731 and 2970.

2.

Cause for disciplinary action against Respondent RYAN WILLIAM MARIER exists pursuant to Code Sections 10177(d) and 10177(g).

3.

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

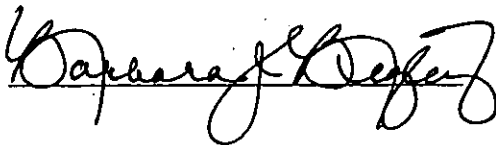
ORDER

The license and license rights of Respondent RYAN WILLIAM MARIER 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 Sept. 19, 2011.

DATED: 8/24, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105

**FILED**  
AUG 11 2011  
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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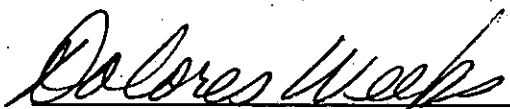
11 In the Matter of the Accusation of )  
12 ) NO. H-37126 LA  
13 RYAN WILLIAM MARIER and )  
14 JAMES ERIC PATE, ) DEFAULT ORDER  
15 Respondents. )

16 Respondent, RYAN WILLIAM MARIER, having failed to file  
17 a Notice of Defense within the time required by Section 11506  
18 of the Government Code, is now in default. It is, therefore,  
19 ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED

August 11, 2011

21 BARBARA J. BIGBY  
22 Acting Real Estate Commissioner

23   
24 By: DOLORES WEEKS  
25 Regional Manager  
26  
27



1 rights under the Real Estate Law (Part 1 of Division 4 of the  
2 California Business and Professions Code, "Code").

3 3.

4 From November 13, 2008, through the present,  
5 Respondent MARIER has been licensed by the Department of Real  
6 Estate ("Department") as a real estate broker, Department  
7 License No. 01848936.

8 4.

9 From October 5, 2000, through the present, Respondent  
10 PATE has been licensed by the Department as a real estate  
11 salesperson, Department License No. 01297379. From March 12,  
12 2008 through November 10, 2009, Respondent PATE was licensed  
13 under the employ of real estate broker Firstline Mortgage, Inc.,  
14 Department License No. 00895998.

15 5.

16 At all times herein mentioned, Respondents MARIER and  
17 PATE, engaged in the business of, acted in the capacity of,  
18 advertised or assumed to act as real estate brokers in the State  
19 of California, by doing or negotiating to do the following acts  
20 for another or others, for compensation or in expectation of  
21 compensation: (1) sell or offer to sell, solicit prospective  
22 sellers or purchasers of, solicit or obtain listings of, or  
23 negotiate the purchase, sale or exchange of real property within  
24 the meaning of Code Section 10131(a); and (2) solicit borrowers,  
25 negotiate loans, collect payments or perform services for  
26 borrowers in connection with loans secured directly or  
collaterally by liens on real property within the meaning of

1 Code Section 10131(d).

2 FIRST CAUSE OF ACCUSATION  
3 (Advance Fee Violations)

4 6.

5 At no time mentioned herein have National Home  
6 Assistance Group, Inc., National Home Assistance Group, NHA  
7 Group, National Home Assistance or Pate, Marier and Associates,  
8 Inc. ever been licensed by the Department in any capacity.

9 7.

10 On December 17, 2008, Respondents MARIER and PATE  
11 formed Pate, Marier and Associates, Inc., a California  
12 corporation. Respondents MARIER and PATE are the directors and  
13 officers of Pate, Marier and Associates, Inc. and own or control  
14 10 percent or more of the corporation's stock.

15 8.

16 On February 17, 2009, Pate, Marier and Associates,  
17 Inc. filed a fictitious business name statement with the Orange  
18 County Clerk-Recorder for use of the fictitious business name  
19 "NHA Group".

20 9.

21 For an unknown period of time beginning no later than  
22 May 15, 2009, while using the unlicensed fictitious business  
23 name National Home Assistance Group, Inc., National Home  
24 Assistance Group, NHA Group, or National Home Assistance,  
25 Respondents MARIER and PATE engaged in the business of  
26 soliciting to modify or negotiate loans secured by real

1 property, and claimed, demanded, charged, received, collected or  
2 contracted for the collection of advance fees, within the  
3 meaning of Code Section 10026, for including, but not limited  
4 to, the following borrowers:

5 a. On or about May 15, 2009, Wilfred J. Caron paid an  
6 advance fee of \$2,495 to National Home Assistance Group, Inc.  
7 pursuant to an advance fee agreement for loan modification and  
8 negotiation services. Respondents failed to perform the loan  
9 modification and negotiation services that had been promised to  
10 Mr. Caron. Respondents failed to refund the advance fee paid by  
11 Mr. Caron.

12 b. On or about July 7, 2009, Timothy Wayne Girard  
13 paid an advance fee of \$2,090 to National Home Assistance Group  
14 pursuant to an advance fee agreement for loan modification and  
15 negotiation services. Respondents failed to perform the loan  
16 modification and negotiation services that had been promised to  
17 Mr. Girard. Respondents failed to refund the advance fee paid  
18 by Mr. Girard.

19 10.

20 The advance fee agreement used by Respondents MARIER  
21 and PATE, while doing business as National Home Assistance  
22 Group, Inc., National Home Assistance Group, NHA Group, or  
23 National Home Assistance, had not been approved by the  
24 Department prior to use as is required under Code Section 10085  
25 and Section 2970, Title 10, Chapter 6, California Code of  
26 Regulations (hereinafter "Regulations").

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11.

The conduct, acts and/or omissions of Respondents MARIER and PATE as set forth above, in collecting advance fees from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use was in violation of Code Section 10085 and Section 2970 of the Regulations, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents MARIER and PATE pursuant to Code Sections 10177(d) and/or 10177(g).

12.

The advance fees collected by Respondent MARIER while doing business as National Home Assistance Group, Inc., National Home Assistance Group, NHA Group, or National Home Assistance, were not deposited in a trust account as required under Code Section 10146.

13.

The conduct, acts and/or omissions of Respondent MARIER as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account was in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondent MARIER pursuant to Code Sections 10177(d) and/or 10177(g).

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1                                    SECOND CAUSE OF ACCUSATION  
2                                    (Unlawful employment or payment of compensation)  
3                                    (Unlicensed Activity)

4                                    14.

5                                    There is hereby incorporated in this Second, separate,  
6 Cause of Accusation, all of the allegations contained in  
7 Paragraphs 1 through 13 above, with the same force and effect as  
8 if herein fully set forth.

9                                    15.

10                                   The activities described in Paragraph 9, supra,  
11 require a real estate license under Code Sections 10131(d) and  
12 10131.2. Respondent MARIER violated Code Section 10137 by  
13 employing and/or compensating individuals who were not licensed  
14 as real estate salespersons or as brokers to perform activities  
15 requiring a license as follows:

16                                   a. Respondent MARIER employed and/or compensated  
17 Michelle Lefauseu and Baron Morledge to perform some or all of  
18 the services alleged in Paragraph 9, subsection (a), above  
19 though neither was licensed as a real estate salesperson or  
20 broker.  
21

22                                   b. Respondent MARIER employed and/or compensated  
23 Brandon Mickley to perform some or all of the services alleged  
24 in Paragraph 9, subsection (b), above though he was not licensed  
25 as a real estate salesperson or broker.  
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16.

The conduct, acts and/or omissions of Respondent MARIER, as set forth in Paragraph 15, above, violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondent MARIER pursuant to Code Sections 10137, 10177(d) and/or 10177(g).

17.

The conduct, acts and/or omissions of Respondent PATE, in accepting compensation for activities that require a real estate license from a person other than the broker under whom he is at the time licensed, violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondent PATE pursuant to Code Sections 10137, 10177(d) and/or 10177(g).

THIRD CAUSE OF ACCUSATION  
(Use of Unauthorized Fictitious Business Name)

18.

There is hereby incorporated in this Third, separate, Cause of Accusation, all of the allegations contained in Paragraphs 1 through 17 above, with the same force and effect as if herein fully set forth.

19.

Use of a fictitious business name for activities requiring the issuance of a real estate license requires the filing of an application for the use of such name with the

1 Department in accordance with the provisions of Code Section  
2 10159.5.

3 20.

4 Respondent MARIER acted without Department  
5 authorization in using the fictitious business names National  
6 Home Assistance Group, Inc., National Home Assistance Group, NHA  
7 Group, or National Home Assistance to engage in activities  
8 requiring the issuance of a real estate license.  
9

10 21.

11 The conduct, acts and/or omissions of Respondent  
12 MARIER, as set forth in Paragraphs 19 and 20, above, violate  
13 Code Section 10159.5 and Section 2731 of the Regulations, and  
14 are cause for the suspension or revocation of the licenses and  
15 license rights of Respondent MARIER pursuant to Code Sections  
16 10177(d) and/or 10177(g).  
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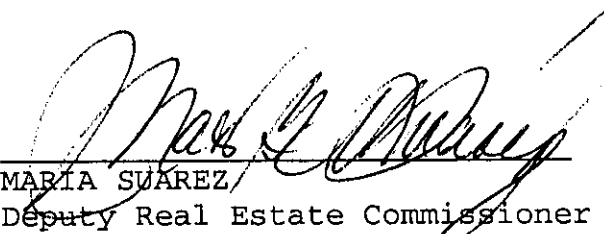
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1           WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondents  
5 RYAN WILLIAM MARIER and JAMES ERIC PATE under the Real Estate  
6 Law (Part 1 of Division 4 of the California Business and  
7 Professions Code) and for such other and further relief as may  
8 be proper under other applicable provisions of law.  
9 this 9th day of March, 2011.

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13 MARIA SUAREZ/  
14 Deputy Real Estate Commissioner  
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23 cc: Ryan William Marier  
24 James Eric Pate  
25 Maria Suarez  
26 Sacto.