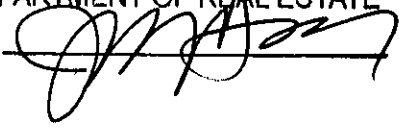


**FILED**

NOV 01 2011

DEPARTMENT OF REAL ESTATE

BY:



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7

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11	In the Matter of the Accusation of )	No. H-37633 LA
12	USA LENDING PARTNERS CORP, )	<u>A</u> <u>C</u> <u>C</u> <u>U</u> <u>S</u> <u>A</u> <u>T</u> <u>I</u> <u>O</u> <u>N</u>
13	a corporate real estate )	
14	broker; and )	
15	SEAN GIVENS, individually )	
16	and as designated officer )	
17	of USA Lending Partners Corp )	
18	Respondents. )	

19  
20 The Complainant, Maria Suarez, a Deputy Real Estate  
21 Commissioner, for cause of Accusation against USA LENDING  
22 PARTNERS CORP and SEAN GIVENS, individually and as designated  
23 broker-officer of USA Lending Partners Corp, is informed and  
24 alleges as follows:

25 1.

26 The Complainant, Maria Suarez, a Deputy Real Estate  
27 Commissioner of the State of California, makes this Accusation  
28

1 in her official capacity.

2 LICENSE HISTORY

3 2.

4 A. At all times mentioned, Respondent USA LENDING  
5 PARTNERS CORP (hereinafter "Respondent USALPC" or "USALPC") and  
6 Respondent SEAN GIVENS (hereinafter "Respondent GIVENS" or  
7 "GIVENS") were licensed or had license rights issued by the  
8 Department of Real Estate (hereinafter "Department").

9 B. USALPC is presently licensed and/or has license  
10 rights under the Real Estate Law (Part 1 of Division 4 of the  
11 Business and Professions Code) as a corporate real estate  
12 broker. Respondent USALPC was originally licensed as a  
13 corporate real estate broker by the Department of Real Estate  
14 (hereinafter "Department") on or about September 23, 2004.  
15 Respondent NFC's corporate real estate broker license includes  
16 no d.b.a.s. At all times relevant herein, Respondent NFC was  
17 authorized to act by and through Respondent SEAN GIVENS as its  
18 designated broker pursuant to Business and Professions Code  
19 (hereinafter "Code") Sections 10211 and 10159.2 to supervise the  
20 activities requiring a real estate license conducted on behalf  
21 of USALPC and to be responsible for ensuring compliance with the  
22 Real Estate Law.

23 C. Respondent GIVENS is presently licensed and/or has  
24 license rights under the Real Estate Law (Part 1 of Division 4  
25 of the Code) as a real estate broker. Respondent GIVENS was  
26 originally licensed as a real estate broker by the Department on  
27 or about May 3, 2002. GIVENS is the designated officer for  
28

1 USALPC pursuant to Code Section 10159.2, responsible for  
2 ensuring compliance with the Real Estate Law.

3 3.

4 At all times mentioned, in the City of Cypress, Orange  
5 County, USALPC and GIVENS acted as real estate brokers and  
6 conducted licensed activities within the meaning of:

7 A. Code Section 10131(d): USALPC operated a mortgage  
8 and loan brokerage engaging in activities with the public  
9 wherein lenders and borrowers were solicited for loans secured  
10 directly or collaterally by liens on real property, wherein such  
11 loans were arranged, negotiated, processed and consummated on  
12 behalf of others for compensation or in expectation of  
13 compensation and for fees often collected in advance as well as  
14 at the conclusion of transactions.

15 4.

16 All further references to "Respondents" herein include  
17 the parties identified in Paragraph 2 above, and also includes  
18 the officers, directors, employees, agents and real estate  
19 licensees employed by or associated with said parties and who at  
20 all times herein mentioned were engaged in the furtherance of  
21 the business or operations of said parties and who were acting  
22 within the course and scope of their authority and employment.

23 5.

24 At all times relevant herein, Respondent GIVENS, as  
25 the officer designated by Respondent USALPC pursuant to Section  
26 10211 of the Code, was responsible for the supervision and  
27 control of the activities conducted on behalf of Respondent NFC  
28 by its officers and employees as necessary to secure full

1 compliance with the Real Estate Law as set forth in Section  
2 10159.2 of the Code.

3 6.

4 Respondent GIVENS ordered, caused, authorized or  
5 participated in the conduct of Respondent NFC as is alleged in  
6 this Accusation.

7 FIRST CAUSE OF ACCUSATION  
8 (Advance Fee Violation)

9 7.

10 At all times mentioned, Respondents engaged in the  
11 business of claiming, demanding, charging, receiving, collecting  
12 or contracting for the collection of advance fees, within the  
13 meaning of Code Section 10026, including, but not limited to,  
14 the following loan activities with respect to loans which were  
15 secured by liens on real property:

16 a. Henry and Marchall P.'s Transaction: Upon receiving a  
17 "cold"/solicitation call from GIVENS, Henry and Marchall P. paid,  
18 in three installments between 2008 and 2009 totaling \$2,995.00,  
19 advance fees pursuant to an agreement pertaining to loan  
20 solicitation, negotiation, and modification services to be  
21 provided by USALPC with respect to a loan secured by real  
22 property located at 3934 Grandview Avenue, Gurnee, IL 60031.  
23 On November 7, 2008, Henry and Marchall P. paid \$1,500.00 by  
24 personal check payable to "USA Lending Partner Corp" as their  
25 first installment of advance fees; on December 8, 2008, Henry P.  
26 paid \$1,050.00 by money order payable to "USA Lending" as the  
27 second installment of advance fees; and on January 3, 2009,  
28 Henry and Marchall P. paid \$445.00 by personal check payable to

1 "USA" as the final installment of advance fees. Henry and  
2 Marchall P. were instructed to stop making mortgage payments and  
3 told that there was a 95% certainty that their loan modification  
4 would be approved. When Henry and Marchall P. contacted their  
5 lender and learned that USALPC had not communicated with the  
6 bank, they requested a refund from USALPC. To date, no loan  
7 modification services have been provided and no refund has been  
8 issued to Henry and Marchall P.

9 8.

10 Respondents collected the advance fees described in  
11 Paragraph 7, above, pursuant to the provisions of a written  
12 agreement which constitutes an advance fee agreement within the  
13 meaning of Code Section 10085.

14 9.

15 Respondents failed to submit the written agreement  
16 referred to in Paragraphs 7 and 8, above, to the Commissioner  
17 ten days before using it, in violation of Code Section 10085 and  
18 Section 2970, Title 10, Chapter 6, Code of Regulations  
19 ("Regulations").

20 10.

21 The conduct, acts and/or omissions of Respondents, as  
22 set forth above, are cause for the suspension or revocation of  
23 the licenses and license rights of Respondents pursuant to Code  
24 Sections 10085, 10085.6, 10176(a), 10176(b), 10176(i), 10177(d)  
25 and/or 10177(g).

26 ///

27 ///

28 ///



FOURTH CAUSE OF ACCUSATION

(Failure to Supervise)

15.

Complainant incorporates by reference the allegations set forth herein, above.

16.

The conduct, acts and/or omissions of Respondent GIVENS, in failing to exercise reasonable supervision over the activities of Respondent USALPC, as more fully set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent GIVENS pursuant to Code sections 10177(d), (g) and/or (h) for violation of Code section 10159.2.

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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 USA LENDING PARTNERS CORP and SEAN GIVENS,  
6 individually and as designated broker-officer of USA Lending  
7 Partners Corp, under the Real Estate Law (Part 1 of Division 4  
8 of the Business and Professions Code), and for such other and  
9 further relief as may be proper under other applicable  
10 provisions of law.

11 Dated at Los Angeles, California  
12 this 1ST day of November 2011.

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15 \_\_\_\_\_  
16 Maria Suarez  
17 Deputy Real Estate Commissioner  
18  
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23  
24  
25

26 cc: USA Lending Partners Corp  
27 Sean Givens  
28 Maria Suarez  
Sacto.