

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

MAR 22 2012

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * * *

BY: 

In the Matter of the Accusation of)
)
REAL ESTATE FINANCE INVESTMENT)
GROUP INC. doing business as)
National Loan Modification)
Agency; and ROBERT RANGSI)
VOLLMER, individually, and)
 as designated officer for)
 Real Estate Finance Investment)
 Group Inc.,)
)
 Respondents.)
 _____)

No. H-37663 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 February 24, 2012, 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.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

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FINDINGS OF FACT

I

On November 4, 2011, 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, to Respondent's last known mailing address on file with the Department on November 10, 2011.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on February 24, 2012.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate corporation.

III

In or around February, 2009, Respondent proposed to engage in the business of advance fee brokerage within the definition of Code Section 10131.2 by claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, in connection with any employment undertaken to obtain or to modify a loan or loans.

On or about March 10, 2009, pursuant to the provisions of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations"), the Department issued a "No Objection" letter to Respondent authorizing the use of the materials Respondent proposed to use in obtaining the advance fee agreements described above.

Thereafter, Respondent proceeded to engage in advance fee activities including, but not limited to, the following:

On or about September 18, 2009, and also on October 23, 2009, Joseph H. paid an advance fee of \$500 to Respondent. The advance fees were collected by Respondent

pursuant to the provisions of an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by Respondent with respect to a loan secured by the residential real property located at 35514 Wells Road, Coarsegold, California 93614.

On October 11, 2009, Code Section 10085.6 went into effect. By its terms Section 10085.6 prohibits any real estate licensee who negotiates, attempts to negotiate, arranges, attempts to arrange, or otherwise offers to perform a loan modification with respect to residential property to "claim, demand, charge, collect, or receive any compensation until after the licensee has fully performed each and every service the licensee contracted to perform or represented that he, she, or it would perform."

DETERMINATION OF ISSUES

I

Based on the information contained in Paragraph III, above, Respondent violated the statute's provisions when on or about October 23, 2009, Respondent accepted an advance fee after such fees were prohibited by Code Section 10085.6. The conduct, acts and/or omissions of Respondent are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d) and 10177(g).

II

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

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ORDER

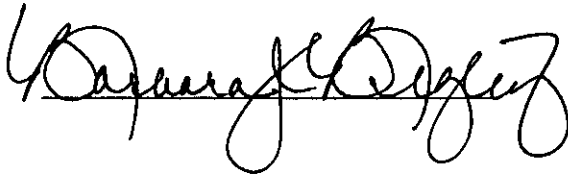
The licenses and license rights of Respondent REAL ESTATE FINANCE INVESTMENT GROUP INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon APR 11 2012.

DATED: _____

3/2/12

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
4 (213) 576-6982

FILED

FEB 24 2012

DEPARTMENT OF REAL ESTATE
BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * * *

10
11 In the Matter of the Accusation of)
12)
13 **REAL ESTATE FINANCE INVESTMENT**)
14 **GROUP INC.** doing business as National Loan)
15 Modification Agency; and ROBERT RANGSI)
16 VOLLMER, individually, and as designated)
17 officer for Real Estate Finance Investment Group)
18 Inc.,)
19)
20 Respondent.)
21)
22)

NO. H-37663 LA

DEFAULT ORDER

23 Respondent, REAL ESTATE FINANCE INVESTMENT GROUP INC., having
24 failed to file a Notice of Defense within the time required by Section 11506 of the Government
25 Code, is now in default. It is, therefore, ordered that a default be entered on the record in this
26 matter.
27

IT IS SO ORDERED February 24, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner


By: PHILLIP IHOË
Regional Manager

LAG

1 Department of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

FEB 23 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation

No. H-37663 LA

12 REAL ESTATE FINANCE INVESTMENT)
13 GROUP INC. doing business as)
14 National Loan Modification)
15 Agency; and ROBERT RANGSI)
16 VOLLMER, individually, and)
17 as designated officer for)
18 Real Estate Finance Investment)
19 Group Inc.,)

STIPULATION & AGREEMENT

20 Respondents.)
21)
22)
23)
24)
25)
26)
27)

19 It is hereby stipulated by and between ROBERT RANGSI
20 VOLLMER, (sometimes referred to as "Respondent"), and the
21 Complainant, acting by and through Cheryl D. Keily, Counsel for
22 the Department of Real Estate, as follows for the purpose of
23 settling and disposing of the Accusation filed on November 10,
24 2011, in this matter.

25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and Respondent
27 at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative
2 Procedure Act (APA), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation and Agreement.

5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation filed by the Department of Real Estate
8 ("Department") in this proceeding.

9 3. On November 17, 2011, Respondent filed a Notice of
10 Defense, pursuant to Section 11506 of the Government Code for
11 the purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that he
14 understands that by withdrawing said Notice of Defense he will
15 thereby waive his right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing,
19 such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. It is understood by the parties that the Real
23 Estate Commissioner may adopt the Stipulation and Agreement as
24 his decision in this matter, thereby imposing the penalty and
25 sanctions on Respondent's real estate licenses and license
26 rights as set forth in the below "Order". In the event that
27 the Commissioner in his discretion does not adopt the

1 Stipulation and Agreement, it shall be void and of no effect,
2 and Respondent shall retain the right to a hearing and
3 proceeding on the Accusation under all the provisions of the
4 APA and shall not be bound by any admission or waiver made
5 herein.

6 5. This Stipulation is based on the factual
7 allegations contained in the Accusation. In the interest of
8 expedience and economy, Respondent chooses not to contest these
9 allegations, but to remain silent and understand that, as a
10 result thereof, these factual allegations, without being
11 admitted or denied, will serve as a prima facie basis for the
12 disciplinary action stipulated to herein. The Real Estate
13 Commissioner shall not be required to provide further evidence
14 to prove said factual allegations.
15

16 6. This Stipulation and Respondent's decision not to
17 contest the Accusation are made for the purpose of reaching an
18 agreed disposition of this proceeding, and are expressly
19 limited to this proceeding and any other proceeding or case in
20 which the Department of Real Estate, or another licensing
21 agency of this state, another state or the federal government
22 is involved and otherwise shall not be admissible in any other
23 criminal or civil proceedings.
24
25

26 7. The Order or any subsequent Order of the Real
27 Estate Commissioner made pursuant to this Stipulation and
Agreement shall not constitute an estoppel, merger or bar to any

1 further administrative or civil proceedings by the Department of
2 Real Estate with respect to any matters which were not
3 specifically alleged to be causes for accusation in this
4 proceeding.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions
7 and waivers and solely for the purpose of settlement of the
8 pending Accusation without a hearing, it is stipulated and
9 agreed that the following determination of issues shall be made:

10 The Conduct of Respondent, as described in the
11 Accusation, is grounds for the suspension or revocation of all
12 of the real estate licenses and license rights of Respondent
13 under the provisions of Sections 10159.2 and 10177(g) of the
14 Business and Professions Code.

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 1. ALL licenses and licensing rights of Respondent

18 ROBERT RANGSI VOLLMER, under the Real Estate Law are suspended
19 for a period of thirty (30) days from the effective date of this
20 Decision; provided, however, that the entire period of said
21 suspension shall be stayed for one (1) year upon the following
22 terms and conditions:

23 A. Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and

26 B. That no final subsequent determination be made,
27 after hearing or upon stipulation, that cause for disciplinary


1 action occurred within one (1) year of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 2. On or before the effective date of this Decision,

8 Respondent ROBERT RANGSI VOLLMER shall make restitution in the
9 amount of \$500 to the consumer named in the Accusation filed in
10 this case.
11

12
13 DATED:

Feb 7, 2012



CHERYL D. KELLY, Counsel
DEPARTMENT OF REAL ESTATE


14
15 * * *

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

1 I have read the provisions of Section 2945.2(c), Title
2 10, Chapter 6, Code of Regulations, and am executing this
3 Stipulation and Agreement in reliance thereon.

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of its signature page, as actually signed by Respondent,
7 to the Department at the following telephone/fax number (213)
8 576-6917. Respondent agrees, acknowledges, and understands that
9 by electronically sending to the Department a fax copy of his
10 actual signature as it appears on the Stipulation and Agreement,
11 that receipt of the faxed copy by the Department shall be as
12 binding on Respondent as if the Department had received the
13 original signed Stipulation and Agreement.


14
15 DATED: 2/1/2012


16 ROBERT RANGSI VOLLMER,
17 Respondent

18 * * *

19 The foregoing Stipulation and Agreement is hereby
20 adopted as my Decision in this matter and shall become effective
21 at 12 o'clock noon on MAR 14 2012, 2012.

22 IT IS SO ORDERED 2/16, 2012.

23
24 
25 BARBARA J. BIGBY
26 Acting Real Estate Commissioner
27

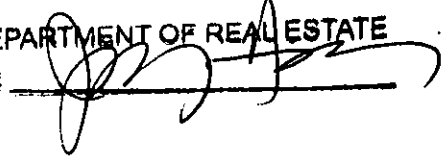
1 CHERYL D. KEILY, SBN# 94008
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6905

FILED

NOV 10 2011

DEPARTMENT OF REAL ESTATE

BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation

No. H- 37663 LA

13 REAL ESTATE FINANCE INVESTMENT)
14 GROUP INC. doing business as)
15 National Loan Modification)
16 Agency; and ROBERT RANGSI)
17 VOLLMER, individually, and)
18 as designated officer for)
19 Real Estate Finance Investment)
20 Group Inc.,)
21 Respondents.)
22 _____)

ACCUSATION

20 The Complainant, Robin Trujillo, a Deputy Real Estate
21 Commissioner of the State of California, for cause of Accusation
22 against REAL ESTATE FINANCE INVESTMENT GROUP INC. doing business
23 as National Loan Modification Agency ("REFIG") and ROBERT RANGSI
24 VOLLMER ("VOLLMER"), individually, and as designated officer for
25 REFIG, is informed and alleges as follows:
26

27 ///

1.

1 The Complainant, Robin Trujillo, a Deputy Real Estate
2 Commissioner of the State of California, makes this Accusation in
3 her official capacity.
4

2.

5 REFIG is presently licensed and/or has license rights
6 under the Real Estate Law (Part 1 of Division 4 of the Business
7 and Professions Code, hereinafter "Code"), as a real estate
8 corporation acting by and through VOLLMER as its designated
9 broker-officer.
10

3.

11 VOLLMER is presently licensed and/or has license rights
12 under the Real Estate Law as a real estate broker and designated
13 broker-officer of REFIG.
14

4.

15 All further references to respondents herein include
16 REFIG and VOLLMER, and also include officers, directors,
17 employees, agents and real estate licensees employed by or
18 associated with REFIG and VOLLMER, and who at all times herein
19 mentioned were engaged in the furtherance of the business or
20 operations of REFIG and VOLLMER, and who were acting within the
21 course and scope of their authority and employment.
22

5.

23 At all times relevant herein VOLLMER, as the officer
24 designated by REFIG pursuant to Section 10211 of the Code, was
25 responsible for the supervision and control of the activities
26
27

1 conducted on behalf of REFIG by its officers and employees as
2 necessary to secure full compliance with the Real Estate Law as
3 set forth in Section 10159.2 of the Code.

4 6.

5 VOLLMER ordered, caused, authorized or participated in
6 the conduct of REFIG, as is alleged in this Accusation.

7 7.

8 At all times relevant herein Respondents engaged in the
9 business of soliciting borrowers and lenders and negotiating the
10 modification of terms of loans secured by real property between
11 borrowers and third party lenders for or in expectation of
12 compensation, within the meaning of Code Section 10131(d).

13 FIRST CAUSE OF ACCUSATION
14 (Violation of Code Section 10085.6)

15 8.

16 In or around February, 2009, Respondents proposed to
17 engage in the business of advance fee brokerage within the
18 definition of Code Section 10131.2 by claiming, demanding,
19 charging, receiving, collecting or contracting for the collection
20 of an advance fee, within the meaning of Code Section 10026, in
21 connection with any employment undertaken to obtain or to modify
22 a loan or loans.

23 9.

24 On or about March 10, 2009, pursuant to the provisions
25 of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code
26 of Regulations ("Regulations"), the Department issued a "No
27 of Regulations ("Regulations"), the Department issued a "No

1 Objection" letter to REFIG authorizing the use of the materials
2 REFIG proposed to use in obtaining the advance fee agreements
3 described in Paragraph 8, above.

4 10.

5 Thereafter, Respondents proceeded to engage in advance
6 fee activities including, but not limited to, the following:

7 On or about September 18, 2009, and also on October 23,
8 2009, Joseph H. paid an advance fee of \$500 to REFIG. The
9 advance fees were collected by REFIG pursuant to the provisions
10 of an agreement pertaining to loan solicitation, negotiation, and
11 modification services to be provided by REFIG with respect to a
12 loan secured by the residential real property located at 35514
13 Wells Road, Coarsegold, California 93614.

14 11.

15 On October 11, 2009, Code Section 10085.6 went into
16 effect. By its terms Section 10085.6 prohibits any real estate
17 licensee who negotiates, attempts to negotiate, arranges,
18 attempts to arrange, or otherwise offers to perform a loan
19 modification with respect to residential property to "claim,
20 demand, charge, collect, or receive any compensation until after
21 the licensee has fully performed each and every service the
22 licensee contracted to perform or represented that he, she, or it
23 would perform."
24

25 12.

26 By virtue of the application of newly enacted Code
27 Section 10085.6 to the advance fee transaction described in

1 Paragraph 10, above, REFIG violated the statute's provisions
2 when on or about October 23, 2009, REFIG accepted an advance fee
3 after such fees were prohibited by Code Section 10085.6.

4 13.

5 The conduct, acts and/or omissions of Respondents, as
6 set forth above, are cause for the suspension or revocation of
7 the licenses and license rights of Respondents pursuant to Code
8 Sections 10177(d) and/or 10177(g).

9 SECOND CAUSE OF ACCUSATION
10 (Failure to Supervise)

11 14.

12 Complainant hereby incorporates by reference the
13 allegations set forth in Paragraphs 1 through 13, above.

14 15.

15 VOLLMER ordered, caused, authorized or participated in
16 the conduct of REFIG, as is alleged in this Accusation.

17 16.

18 The conduct, acts and/or omissions of VOLLMER, in
19 allowing REFIG to violate the Real Estate Law, as set forth
20 above, constitutes a failure by VOLLMER, as the officer
21 designated by a corporate broker licensee, to exercise the
22 supervision and control over the activities of REFIG, as required
23 by Code Section 10159.2, and is cause to suspend or revoke the
24 real estate licenses and license rights of VOLLMER under Code
25 Sections 10177(d), 10177(g) and/or 10177(h).

26 ///
27

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 Respondent
5 REAL ESTATE FINANCE INVESTMENT GROUP INC. and Respondent ROBERT
6 RANGSI VOLLMER under the Real Estate Law (Part 1 of Division 4 of
7 the Business and Professions Code), and for such other and
8 further relief as may be proper under other applicable provisions
9 of law.

10 Dated at Los Angeles, California

11 this 4 day of November, 2011.

12
13
14 
15 Robin Trujillo
16 Deputy Real Estate Commissioner
17
18
19
20
21
22
23
24

25 cc: REAL ESTATE FINANCE INVESTMENT GROUP INC.
26 ROBERT RANGSI VOLLMER
27 Robin Trujillo
Sacto.