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FILED

JAN 25 2012

DEPARTMENT OF REAL ESTATE

BY [Signature]

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation

No. H- 37806 LA

13 GO AFFILIATED CAPITAL)
14 CORPORATION; BRIAN RENE)
15 LINNEKENS; GEORGE A. SANTANA;)
16 PAUL ARISTIDAS TRIMAKAS; and)
17 NICHOLAS VINCENT GOTTUSO,)
Respondents.)

ACCUSATION

18
19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, for cause of Accusation
21 against GO AFFILIATED CAPITAL CORPORATION ("GO AFFILIATED"),
22 BRIAN RENE LINNEKENS ("LINNEKENS"), GEORGE A. SANTANA ("SANTANA"),
23 PAUL ARISTIDAS TRIMAKAS ("TRIMAKAS") and NICHOLAS VINCENT GOTTUSO
24 ("GOTTUSO") is informed and alleges as follows:

25 1.

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

her official capacity.

2.

Respondent GO AFFILIATED 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 real estate corporation. During the period November 24, 2009, through May 23, 2010, GO AFFILIATED had no designated officer.

3.

Respondent SANTANA is presently licensed and/or has license rights under the Real Estate Law as a real estate broker, and during the period December 16, 2008, through July 13, 2009, was the designated broker-officer of Respondent GO AFFILIATED.

4.

Respondent TRIMAKAS is presently licensed and/or has license rights under the Real Estate Law as a real estate broker, and during the period July 13, 2009, through November 23, 2009, was the designated broker-officer of Respondent GO AFFILIATED.

5.

Respondent LINNEKENS is presently licensed and/or has license rights under the Real Estate Law as a real estate broker, and during the period May 24, 2010, through July 30, 2010, was the designated broker-officer of Respondent GO AFFILIATED.

6.

At all times relevant herein Respondent GOTTUSO was licensed as a restricted real estate salesperson. Respondent GOTTUSO was licensed to Respondent SANTANA from March 28, 2008,

1 to May 24, 2009. Respondent GOTTUSO was licensed to Respondent GO
2 AFFILIATED from May 25, 2009, to November 22, 2009. On or about
3 April 7, 2005, pursuant to the Decision in Case No. H-31531 LA,
4 the Commissioner of the Department of Real Estate
5 ("Commissioner") denied Respondent GOTTUSO's application for a
6 real estate salesperson license pursuant to the provisions of
7 Code Section 10177(b) based on Respondent's March 9, 2000,
8 conviction for violating California Penal Code Section 470(d)
9 (Forgery), a felony. Respondent's license denial was subject to
10 Respondent's right to apply for and be issued a restricted real
11 estate salesperson license on the terms and conditions specified
12 in the Decision.

13 7.

14 During the periods alleged in Paragraphs 3, 4 and 5,
15 above, Respondents SANTANA, TRIMAKAS and LINNEKENS, as the
16 officers designated by Respondent GO AFFILIATED pursuant to
17 Section 10211 of the Code, were responsible for the supervision
18 and control of the activities conducted on behalf of Respondent
19 GO AFFILIATED by its officers and employees as necessary to
20 secure full compliance with the Real Estate Law as set forth in
21 Section 10159.2 of the Code.

22 8.

23 In or around February, 2009, Respondents proposed to
24 engage in the business of advance fee brokerage within the
25 definition of Code Section 10131.2 by claiming, demanding,
26 charging, receiving, collecting or contracting for the collection
27

1 of an advance fee, within the meaning of Code Section 10026, in
2 connection with any employment undertaken to obtain or to modify
3 a loan or loans.

4 9.

5 On or about January 10, 2009, pursuant to the
6 provisions of Code Section 10085 and Section 2970, Title 10,
7 Chapter 6, Code of Regulations ("Regulations"), the Department
8 issued a "No Objection" letter to Respondent GO AFFILIATED
9 authorizing the use of the materials Respondent GO AFFILIATED
10 proposed to use in obtaining the advance fee agreements described
11 in Paragraph 8, above.

12 10.

13 At all times mentioned herein Respondents engaged in
14 the business of soliciting borrowers and lenders and negotiating
15 the terms of loans secured by real property between borrowers and
16 third party lenders for or in expectation of compensation, within
17 the meaning of Code Section 10131(d).

18 11.

19 At all times mentioned herein Respondents engaged in
20 the business of advance fee brokerage within the definition of
21 Code Section 10131.2 by claiming, demanding, charging, receiving,
22 collecting or contracting for the collection of an advance fee,
23 within the meaning of Code Section 10026, in connection with any
24 employment undertaken to obtain a loan or loans.
25

26 ///

27 ///

FIRST CAUSE OF ACCUSATION

(Advance Fee Violations pursuant to Section 10085 of the Code)

12.

Respondents engaged in advance fee activities including, but not limited to, the following loan activities with respect to loans which were secured by liens on real property:

a. On or about January 30, 2009, Hector C. consulted with Respondent GOTTUSO, who was acting as a representative for "Modified Mortgage Solutions," an unauthorized fictitious business name of Respondent GO AFFILIATED. Hector C. engaged in the foregoing consultation to obtain a loan modification of the loans on his real estate properties. On or about February 11, 2009, and on March 18, 2009, Hector C. paid advance fees totaling \$6,000 to Respondent GO AFFILIATED, doing business as "Modified Mortgage Solutions." The advance fees were collected pursuant to the provisions of an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by Respondent GO AFFILIATED, doing business as "Modified Mortgage Solutions," with respect to property of Hector C.'s located in Burbank and Van Nuys. At no time did Respondents obtain a loan modification of the loans of Hector C. Nor did Respondents refund any portion of the advance fee paid to "Modified Mortgage Solutions" for the benefit of Respondent GO AFFILIATED.

b. On or about February 5, 2009, Sharrone S. consulted Respondent GOTTUSO, who was acting as a representative

1 of "Modified Mortgage Solutions," an unauthorized fictitious
2 business name of Respondent GO AFFILIATED. On or about February
3 5, 2009, Sharrone S. signed an agreement for a loan modification
4 and paid an advance fee of \$5,000 to Modified Mortgage
5 Solutions. The advance fee was collected pursuant to the
6 provisions of two agreements pertaining to loan solicitation,
7 negotiation, and modification services to be provided by
8 Respondent GO AFFILIATED, doing business as "Modified Mortgage
9 Solutions." At no time did Respondents obtain a loan
10 modification of Sharrone S.'s loan. Nor did Respondents refund
11 any portion of the advance fee paid to "Modified Mortgage
12 Solutions" for the benefit of Respondent GO AFFILIATED.

13 c. On or about April 1, 2009, Adela Michel O.
14 consulted Respondent GOTTUSO, who was acting as a representative
15 of "Modified Mortgage Solutions," an unauthorized fictitious
16 business name of Respondent GO AFFILIATED. Adela Michel O.
17 signed an agreement for a loan modification and paid an advance
18 fee of \$3,500 to Modified Mortgage Solutions. The advance fee
19 was collected pursuant to the provisions of two agreements
20 pertaining to loan solicitation, negotiation, and modification
21 services to be provided by Respondent GO AFFILIATED, doing
22 business as "Modified Mortgage Solutions." At no time did
23 Respondents obtain a loan modification of Adela Michel O.'s
24 loan. Nor did Respondents refund any portion of the advance fee
25 paid to "Modified Mortgage Solutions" for the benefit of
26 Respondent GO AFFILIATED.
27

1 d. On or about April 2, 2009, Arthur and Silvia A.
2 were contacted at their home by Respondent GOTTUSO as a
3 representative of Respondent GO AFFILIATED. Arthur and Silvia A.
4 signed an agreement for a loan modification and paid an advance
5 fee of \$6,000 to Respondent GO AFFILIATED. The advance fee was
6 collected pursuant to the provisions of an agreement pertaining
7 to loan solicitation, negotiation, and modification services to
8 be provided by Respondent GO AFFILIATED. At no time did
9 Respondents obtain a loan modification of Arthur and Silvia A.'s
10 loan. Nor did Respondents refund any portion of the advance fee
11 paid to Respondent GO AFFILIATED.

12 e. On or about June 1, 2009, Rosie N. signed an
13 agreement for a loan modification and paid an advance fee of
14 \$1,200 to Respondent GO AFFILIATED. The advance fee was
15 collected pursuant to the provisions of an agreement pertaining
16 to loan solicitation, negotiation, and modification services to
17 be provided by Respondent GO AFFILIATED. At no time did
18 Respondents obtain a loan modification of Rosie N.'s loan. Nor
19 did Respondents refund any portion of the advance fee paid to
20 Respondent GO AFFILIATED.

22 f. On or about July 14, 2009, Ernesto M. consulted
23 Respondent GOTTUSO, who was acting as a representative of
24 "Modified Mortgage Solutions," an unauthorized fictitious
25 business name of Respondent GO AFFILIATED. Ernesto M. signed an
26 agreement for a loan modification and paid an advance fee of
27 \$3,800 to Modified Mortgage Solutions. The advance fee was

1 collected pursuant to the provisions of an agreement pertaining
2 to loan solicitation, negotiation, and modification services to
3 be provided by Respondent GO AFFILIATED, doing business as
4 "Modified Mortgage Solutions." At no time did Respondents obtain
5 a loan modification of Ernesto M.'s loan. Nor did Respondents
6 refund any portion of the advance fee paid to "Modified Mortgage
7 Solutions" for the benefit of Respondent GO AFFILIATED.

8 g. On or about November 17, 2009, Ruffo E. consulted
9 Respondent GOTTUSO and Respondent LINNEKENS, who were acting as
10 representatives of Respondent GO AFFILIATED and its unauthorized
11 fictitious business name, "Modified Mortgage Solutions." On or
12 about November 17, 2009, Ernesto M. signed an agreement for a
13 loan modification and paid an advance fee of \$1,750 to Modified
14 Mortgage Solutions and an additional advance fee of \$875 on
15 February 24, 2010. The advance fees were collected pursuant to
16 the provisions of an agreement pertaining to loan solicitation,
17 negotiation, and modification services to be provided by
18 Respondent GO AFFILIATED, doing business as "Modified Mortgage
19 Solutions." At no time did Respondents obtain a loan
20 modification of Ernesto M.'s loan. Nor did Respondents refund
21 any portion of the advance fee paid to "Modified Mortgage
22 Solutions" for the benefit of Respondent GO AFFILIATED.

24 13.

25 Respondents collected the advance fees described in
26 Paragraph 12, above, pursuant to the provisions of agreements
27

1 which constitute advance fee agreements within the meaning of
2 Code Sections 10026 and 10085.

3 14.

4 Respondents failed to submit the entirety of each of
5 the agreements referred to in Paragraph 12, above, including all
6 portions of the agreements that pertained to "Modified Mortgage
7 Solutions," the unauthorized fictitious business name of
8 Respondent GO AFFILIATED, to the Commissioner ten days before
9 using them in violation of Code Section 10085 and Section 2970,
10 Title 10, Chapter 6, Code of Regulations ("Regulations").

11 15.

12 The conduct, acts and/or omissions of Respondents, as
13 set forth above, are cause for the suspension or revocation of
14 the licenses and license rights of Respondents pursuant to Code
15 Sections 10085, 10177(d) and/or 10177(g).

16
17 SECOND CAUSE OF ACCUSATION
18 (Violation of Code Section 10085.6)

19 16.

20 Complainant hereby incorporates by reference the
21 allegations set forth in Paragraphs 1 through 15, above.

22 17.

23 On October 11, 2009, Code Section 10085.6 went into
24 effect. By its terms Section 10085.6 prohibits any real estate
25 licensee who negotiates, attempts to negotiate, arranges,
26 attempts to arrange, or otherwise offers to perform a loan
27 modification with respect to residential property to "claim,

1 demand, charge, collect, or receive any compensation until after
2 the licensee has fully performed each and every service the
3 licensee contracted to perform or represented that he, she, or it
4 would perform."

5 18.

6 By virtue of the application of newly enacted Code
7 Section 10085.6 to the advance fee transactions described in
8 Paragraph 12(g), above, Respondent GO AFFILIATED additionally
9 violated the statute's provisions when, as is alleged in
10 Paragraph 12(g), on or about February 26, 2010, Respondent GO
11 AFFILIATED accepted an advance fee after such fees were
12 prohibited by Code Section 10085.6.

13 19.

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

18
19 THIRD CAUSE OF ACCUSATION
20 (Unlicensed Activity)

21 20.

22 Complainant hereby incorporates by reference the
23 allegations set forth in Paragraphs 1 through 19, above.

24 21.

25 The activities described in Paragraph 12, supra,
26 require a real estate license under Sections 10131(d) and 10131.2
27 of the Code. Respondent GO AFFILIATED violated Section 10130 of

1 the Code by engaging in the real estate activities described in
2 Paragraph 12(g) between November 24, 2009, and May 23, 2010, when
3 Respondent GO AFFILIATED had no designated officer so as to
4 permit the corporate licensee to act as a broker in performing
5 activities requiring a license.

6 22.

7 The conduct, acts and/or omissions of Respondent GO
8 AFFILIATED, as set forth in Paragraphs 12(g) and 21, above,
9 violate Code Section 10130, and are cause for the suspension or
10 revocation of the licenses and license rights of Respondent GO
11 AFFILIATED pursuant to Code Sections 10177(d) and/or 10177(g).

12 FOURTH CAUSE OF ACCUSATION

13 (Use of Unauthorized Fictitious Business Name)

14 23.

15 Complainant hereby incorporates by reference the
16 allegations set forth in Paragraphs 1 through 22, above.

17 24.

18 Use of a fictitious business name for activities
19 requiring the issuance of a real estate license requires the
20 filing of an application for the use of such name with the
21 Department of Real Estate ("Department") in accordance with the
22 provisions of Code Section 10159.5.

23 25.

24 Respondents acted without Department authorization in
25 using the fictitious business name "Modified Mortgage Solutions"
26 to engage in activities requiring the issuance of a real estate
27

1 license.

2 26.

3 The conduct, acts and/or omissions of Respondents, as
4 set forth in Paragraph 12, above, violate Code Section 10159.5
5 and Section 2731 of the Regulations, and are cause for the
6 suspension or revocation of the licenses and license rights of
7 Respondents pursuant to Code Sections 10177(d) and/or 10177(g).

8 FIFTH CAUSE OF ACCUSATION
9 (Office Abandonment)

10 27.

11 Complainant hereby incorporates by reference the
12 allegations set forth in Paragraphs 1 through 26, above.

13 28.

14 The current business address and mailing address
15 maintained by Respondent GO AFFILIATED with the Department are
16 553 S. Fair Oaks Avenue, Pasadena, California, and 300 S. Oak
17 Knoll Avenue, Pasadena, California. Respondent GO AFFILIATED is
18 no longer located at either of these addresses nor has Respondent
19 GO AFFILIATED informed the Real Estate Commissioner of any new
20 address nor is Respondent GO AFFILIATED presently maintaining any
21 definite place of business in the State of California which shall
22 serve as its office for the transaction of business requiring a
23 real estate license.

24 29.

25 On or about July 15, 2010, an inspection of the
26 location at 553 S. Fair Oaks, Pasadena, California, by a
27

1 Department representative revealed that the location had been
2 vacated and abandoned by Respondent GO AFFILIATED.

3 30.

4 On or about October 10, 2010, an inspection of the
5 location at 300 S. Fair Oaks, Pasadena, California, by a
6 Department representative revealed that the location had been
7 abandoned by Respondent GO AFFILIATED.

8 31.

9 At a time known to Respondent GO AFFILIATED, but
10 unknown to the Department, Respondent left and/or abandoned its
11 business and mailing addresses, as set forth in Paragraphs 24, 25
12 and 26, above; and thereafter, Respondent failed to maintain on
13 file with the Commissioner of the Department a new address for
14 the principal place of business for its real estate brokerage
15 activities, in violation of Section 2715 of the Regulations and
16 Code Section 10162.

17 32.

18 The conduct, acts and/or omissions of Respondent GO
19 AFFILIATED, as set forth above, are cause for the suspension or
20 revocation of the licenses and license rights of Respondent GO
21 AFFILIATED pursuant to Code Sections 10165, 10177(d), and/or
22 10177(g).

23
24 SIXTH CAUSE OF ACCUSATION
25 (Audit Violations)

26 33.

27 Complainant hereby incorporates by reference the

allegations set forth in Paragraphs 1 through 32, above.

34.

On or about May 24, 2011, the Department completed an audit examination of the books and records of Respondent GO AFFILIATED pertaining to the real estate activities described in Paragraphs 10 and 11, above, covering a period from August 1, 2008, to July 30, 2010.

35.

At all times mentioned herein, and in connection with the activities described in Paragraphs 10 and 11, above, Respondent GO AFFILIATED did not maintain a trust account. Respondent GO AFFILIATED accepted or received funds, including advance fees to be held in trust ("trust funds") from or on behalf of actual or prospective parties to transactions handled by Respondent GO AFFILIATED, and thereafter made deposits and/or disbursements of such funds. From time-to-time herein mentioned during the audit period, said trust funds were deposited into bank accounts maintained by Respondent as follows:

B/A #1

Account Name: Go Affiliated, LLC
DBA Modified Mortgage Solution
Nicholas J. Gottuso
Payroll Account

Account No. xxxx423
Bank Name: Gilmore Bank

B/A #2

Account Name: Go Affiliated, LLC

DBA Modified Mortgage Solution
Payroll Account

Account No. xxxxx381

36.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. LA 100162 and the exhibits and work papers attached to the audit report:

(a) Respondent GO AFFILIATED did not maintain a trust account during the audit period. During the period when Respondent SANTANA was the responsible broker, the minimum trust fund accountability was \$9,300 as of July 13, 2009, and the combined bank balance of B/A #1 and B/A #2 was <\$8,240.65>. During the period when Respondent TRIMAKAS was the responsible broker, the minimum trust fund accountability was \$17,680 as of November 29, 2009, and the combined bank balance of B/A #1 and #2 was unknown because the bank statements were not available. During the period when Respondent LINNEKENS was the responsible broker, the minimum trust fund accountability was \$17,680 as of July 30, 2010, and the combined bank balance of B/A #1 and #2 was unknown because the bank statements were not available. There was no evidence that the owners of the trust funds had given Respondent GO AFFILIATED written consent to allow Respondent GO AFFILIATED to reduce the balance of funds in its bank account to an amount less than the existing aggregate trust funds liabilities of Respondent GO AFFILIATED in violation of Code

1 Section 10145.

2 (b) Examination of specific loan modification
3 transaction revealed the following:

4 (i) In connection with the loan modification with
5 Arthur and Silvia A., Respondent GO AFFILIATED collected \$995 on
6 February 6, 2009, as the first payment, and collected \$2,000 on
7 March 2, 2009, as the second payment. On November 9, 2009, the
8 second payment was charged back to Respondent GO AFFILIATED's
9 PayPal account because Arthur and Silvia A. claimed the charge
10 was unauthorized. There were no documents in the file examined
11 that indicated that the loan modification was completed and no
12 records showing that Respondent GO AFFILIATED had refunded the
13 money. Respondents SANTANA and TRIMAKAS were the responsible
14 brokers.

15 (ii) In connection with the loan modification
16 transaction with Nina C., Respondent GO AFFILIATED collected an
17 advance fee of \$995 on February 6, 2009, and \$2,000 on March 2,
18 2009. On November 14, 2009, Respondent GO AFFILIATED issued a
19 \$500 check from its Chase Bank to Nina C. for refund which was
20 returned by the bank NSF. Respondent SANTANA was the responsible
21 broker.

22 (iii) In connection with the loan modification
23 transaction with Robert Craig B., Respondent GO AFFILIATED
24 collected \$2,895 by credit card through the PayPal account on
25 August 15, 2009. There was no loan modification service
26 agreement between Robert Craig B. and Respondent GO AFFILIATED,
27

1 and there was no receipt and deposit records for the \$2,895
2 payment maintained in the examined file. Respondent TRIMAKAS was
3 the responsible broker.

4 (c) Collected advance fees from borrowers in
5 connection with the loan modification transactions which were
6 deposited into B/A #1 and #2 that were not designated as trust
7 accounts. Respondent GO AFFILIATED used the unearned advance fees
8 that were deposited into B/A #1 to pay its business expenses.
9 Samples of business expense disbursements from B/A #1 in January
10 and February, 2009, totaled \$32,270.69 when Respondent SANTANA
11 was the responsible broker. Samples of disbursements in July,
12 2009, totaled \$14,477.60 when Respondent TRIMAKAS was the
13 responsible broker. The foregoing constitutes a conversion of
14 funds and violates Code Sections 10145 and 10177(j).

15 (d) Collected advance fees from borrowers in connection
16 with loan modification transactions and deposited the advance
17 fees into its business accounts that were not designated as trust
18 accounts in violation of Code Section 10146. Respondents SANTANA
19 and TRIMAKAS were the responsible brokers.

20 (e) Failed to maintain a complete, accurate and
21 continuous control record in the form of a columnar record in
22 chronological order of all trust funds received, deposited and
23 disbursed in violation of Code Section 10145 and Section 2831 of
24 the Regulations. Respondents SANTANA and TRIMAKAS were the
25 responsible brokers.
26

27 (f) Failed to maintain a separate record for each

1 beneficiary of trust funds or transaction showing a running
2 balance after each transaction was posted in violation of Code
3 Section 10145 and Section 2831.1 of the Regulations. Respondents
4 SANTANA and TRIMAKAS were the responsible brokers.

5 (g) Collected advance fees from borrowers in connection
6 with loan modification transactions prior to January 10, 2009,
7 the date the Department issued a "No Objection" letter to
8 Respondent GO AFFILIATED authorizing the use of the materials
9 Respondent GO AFFILIATED proposed to use in its advance fee
10 activities in violation of Code Section 10085 and Section 2970 of
11 the Regulations. Respondent SANTANA was the responsible broker.

12 (h) Collected advance fees after October 1, 2009, for
13 loan modification activities prior to fully performing each
14 service that Respondent GO AFFILIATED contracted to perform in
15 violation of Code Sections 10085.6, 10146 and 10145 and Section
16 2832 of the Regulations.

17 (i) Collected advance fees from borrowers in connection
18 with the loan modification activities of Respondent GO AFFILIATED
19 without maintaining and providing accounting content to the
20 borrowers which shows the services to be rendered, the trust
21 account the funds were deposited to and details of how the funds
22 were disbursed in violation of Code Section 10146 and Section
23 2972 of the Regulations.

24 (j) Negotiated mortgage loans for compensation without
25 a real estate broker license prior to December 16, 2008, in
26 violation of Code Section 10130.
27

1 (k) Engaged in loan modification business and collected
2 advance fees from November 24, 2009, through May 23, 2010, when
3 there was no designated officer of Respondent GO AFFILIATED in
4 violation of Section 2740 of the Regulations.

5 (l) Failed to retain books and records related to its
6 real estate activities for examination after the Department's
7 notice in violation of Code Section 10148.

8 DISCIPLINE STATUTES AND REGULATIONS

9 37.

10 The conduct of Respondent GO AFFILIATED described in
11 Paragraph 36, above, violated the Code and the Regulations as set
12 forth below:

13 PARAGRAPH

14 PROVISIONS VIOLATED

15 36(a)

Code Section 10145

16 36(c)

Code Sections 10145 and 10177(j)

17 36(d)

Code Section 10146

18 36(e)

19 Code Section 10145 and Section 2831
20 of the Regulations

21 36(f)

22 Code Section 10145 and Section
23 2831.1 of the Regulations

24 36(g)

25 Code Sections 10085 and Section
26 2970 of the Regulations
27

1 36(h) Code Section 10085.6, 10146 and
2 10145 and Section 2832 of the
3 Regulations

4 36(i) Code Section 10146 and Section 2972
5 of the Regulations

6 36(j) Code Section 10130

7 36(k) Section 2740 of the Regulations

8 36(l) Code Section 10148

9
10
11 38.

12 The foregoing violations, as set forth hereinabove,
13 constitute cause for the suspension or revocation of the real
14 estate licenses and license rights of Respondent GO AFFILIATED
15 under the provisions of Code Sections 10177(d) for violation of
16 the Real Estate Law and/or 10177(g) for negligence or
17 incompetence, and 10177(j) for conversion.

18 SEVENTH CAUSE OF ACCUSATION
19 (Failure to Supervise)

20 39.

21 Complainant hereby incorporates by reference the
22 allegations set forth in Paragraphs 1 through 38, above.

23 40.

24 Respondents SANTANA, TRIMAKAS and LINNEKENS ordered,
25 caused, authorized or participated in the conduct of Respondent
26 GO AFFILIATED, during the periods set forth in Paragraphs 3, 4
27

1 and 5, above, as is alleged in this Accusation.

2 41.

3 The conduct, acts and/or omissions, of Respondents
4 SANTANA, TRIMAKAS and LINNEKENS, in allowing Respondent GO
5 AFFILIATED, and specifically, its real estate salesperson
6 licensee Respondent GOTTUSO, to violate the Real Estate Law, as
7 set forth above, constitutes a failure by Respondents SANTANA,
8 TRIMAKAS and LINNEKENS, as the officers designated by a corporate
9 broker licensee, to exercise the supervision and control over the
10 activities of Respondent GO AFFILIATED, as required by Code
11 Section 10159.2, and is cause to suspend or revoke the real
12 estate licenses and license rights of Respondents SANTANA,
13 TRIMAKAS, and LINNEKENS under Code Sections 10177(d), 10177(g)
14 and/or 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 all the licenses and license rights of Respondents
5 GO AFFILIATED CAPITAL CORPORATION, BRIAN RENE LINNEKENS, GEORGE
6 A. SANTANA, PAUL ARISTIDAS TRIMAKAS and NICHOLAS VINCENT GOTTUSO
7 under the Real Estate Law (Part 1 of Division 4 of the Business
8 and Professions Code), for the costs of investigation and
9 enforcement as permitted by law, and for such other and further
10 relief as may be proper under other applicable provisions of law.

11 Dated at Los Angeles, California

12 this 24th day of January, 2012.

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16 
17 Maria Suarez
18 Deputy Real Estate Commissioner
19
20
21
22
23

24 CC: GO AFFILIATED CAPITAL CORPORATION
25 BRIAN RENE LINNEKENS
26 GEORGE A. SANTANA
27 PAUL ARISTIDAS TRIMAKAS
NICHOLAS VINCENT GOTTUSO
Maria Suarez
Sacto.