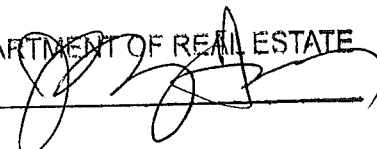


256  
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2 Department of Real Estate  
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4 Los Angeles, California 90013

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**FILED**

AUG 16 2012

DEPARTMENT OF REAL ESTATE  
BY: 

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. )  
\_\_\_\_\_ )

FIRST AMENDED  
ACCUSATION

18  
19 This First Amended Accusation amends the Accusation  
20 filed on January 25, 2012.

21 The Complainant, Maria Suarez, a Deputy Real Estate  
22 Commissioner of the State of California, for cause of Accusation  
23 against GO AFFILIATED CAPITAL CORPORATION ("GO AFFILIATED"),  
24 BRIAN RENE LINNEKENS ("LINNEKENS"), GEORGE A. SANTANA ("SANTANA"),  
25 PAUL ARISTIDAS TRIMAKAS ("TRIMAKAS") and NICHOLAS VINCENT GOTTUSO  
26 ("GOTTUSO") is informed and alleges as follows:  
27

///

1.

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

7.

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

///

8.

In or around February, 2009, Respondents 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.

9.

On or about January 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 GO AFFILIATED authorizing the use of the materials Respondent GO AFFILIATED proposed to use in obtaining the advance fee agreements described in Paragraph 8, above.

10.

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

11.

At all times mentioned herein Respondents engaged in the business of advance fee brokerage within the definition of Code Section 10131.2 by claiming, demanding, charging, receiving,

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

4 FIRST CAUSE OF ACCUSATION  
5 (Advance Fee Violations pursuant to Section 10085 of the Code)

6 12.

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

10 a. On or about January 30, 2009, Hector C. consulted  
11 with Respondent GOTTUSO, who was acting as a representative for  
12 "Modified Mortgage Solutions," an unauthorized fictitious  
13 business name of Respondent GO AFFILIATED. Hector C. engaged in  
14 the foregoing consultation to obtain a loan modification of the  
15 loans on his real estate properties. On or about February 11,  
16 2009, and on March 18, 2009, Hector C. paid advance fees  
17 totaling \$6,000 to Respondent GO AFFILIATED, doing business as  
18 "Modified Mortgage Solutions." The advance fees were collected  
19 pursuant to the provisions of an agreement pertaining to loan  
20 solicitation, negotiation, and modification services to be  
21 provided by Respondent GO AFFILIATED, doing business as  
22 "Modified Mortgage Solutions," with respect to property of  
23 Hector C.'s located in Burbank and Van Nuys. At no time did  
24 Respondents obtain a loan modification of the loans of Hector C.  
25 Nor did Respondents refund any portion of the advance fee paid  
26 to "Modified Mortgage Solutions" for the benefit of Respondent  
27

1 GO AFFILIATED.

2 b. On or about February 5, 2009, Sharrone S.  
3 consulted Respondent GOTTUSO, who was acting as a representative  
4 of "Modified Mortgage Solutions," an unauthorized fictitious  
5 business name of Respondent GO AFFILIATED. On or about February  
6 5, 2009, Sharrone S. signed an agreement for a loan modification  
7 and paid an advance fee of \$5,000 to Modified Mortgage  
8 Solutions. The advance fee was collected pursuant to the  
9 provisions of two agreements pertaining to loan solicitation,  
10 negotiation, and modification services to be provided by  
11 Respondent GO AFFILIATED, doing business as "Modified Mortgage  
12 Solutions." At no time did Respondents obtain a loan  
13 modification of Sharrone S.'s loan. Nor did Respondents refund  
14 any portion of the advance fee paid to "Modified Mortgage  
15 Solutions" for the benefit of Respondent GO AFFILIATED.  
16

17 c. On or about April 1, 2009, Adela Michel O.  
18 consulted Respondent GOTTUSO, who was acting as a representative  
19 of "Modified Mortgage Solutions," an unauthorized fictitious  
20 business name of Respondent GO AFFILIATED. Adela Michel O.  
21 signed an agreement for a loan modification and paid an advance  
22 fee of \$3,500 to Modified Mortgage Solutions. The advance fee  
23 was collected pursuant to the provisions of two agreements  
24 pertaining to loan solicitation, negotiation, and modification  
25 services to be provided by Respondent GO AFFILIATED, doing  
26 business as "Modified Mortgage Solutions." At no time did  
27 Respondents obtain a loan modification of Adela Michel O.'s

1 loan. Nor did Respondents refund any portion of the advance fee  
2 paid to "Modified Mortgage Solutions" for the benefit of  
3 Respondent GO AFFILIATED.

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

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

24 f. On or about July 14, 2009, Ernesto M. consulted  
25 Respondent GOTTUSO, who was acting as a representative of  
26 "Modified Mortgage Solutions," an unauthorized fictitious  
27

1 business name of Respondent GO AFFILIATED. Ernesto M. signed an  
2 agreement for a loan modification and paid an advance fee of  
3 \$3,800 to Modified Mortgage Solutions. The advance fee was  
4 collected pursuant to the provisions of an agreement pertaining  
5 to loan solicitation, negotiation, and modification services to  
6 be provided by Respondent GO AFFILIATED, doing business as  
7 "Modified Mortgage Solutions." At no time did Respondents obtain  
8 a loan modification of Ernesto M.'s loan. Nor did Respondents  
9 refund any portion of the advance fee paid to "Modified Mortgage  
10 Solutions" for the benefit of Respondent GO AFFILIATED.

11 g. On or about November 17, 2009, Ruffo E. consulted  
12 Respondent GOTTUSO and Respondent LINNEKENS, who were acting as  
13 representatives of Respondent GO AFFILIATED and its unauthorized  
14 fictitious business name, "Modified Mortgage Solutions." On or  
15 about November 17, 2009, Ernesto M. signed an agreement for a  
16 loan modification and paid an advance fee of \$1,750 to Modified  
17 Mortgage Solutions and an additional advance fee of \$875 on  
18 February 24, 2010. The advance fees were collected pursuant to  
19 the provisions of an agreement pertaining to loan solicitation,  
20 negotiation, and modification services to be provided by  
21 Respondent GO AFFILIATED, doing business as "Modified Mortgage  
22 Solutions." At no time did Respondents obtain a loan  
23 modification of Ernesto M.'s loan. Nor did Respondents refund  
24 any portion of the advance fee paid to "Modified Mortgage  
25 Solutions" for the benefit of Respondent GO AFFILIATED.  
26

27 ///



13.

Respondents collected the advance fees described in Paragraph 12, above, pursuant to the provisions of agreements which constitute advance fee agreements within the meaning of Code Sections 10026 and 10085.

14.

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

15.

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

SECOND CAUSE OF ACCUSATION  
(Violation of Code Section 10085.6)

16.

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

17.

On October 11, 2009, Code Section 10085.6 went into effect. By its terms Section 10085.6 prohibits any real estate

1 licensee who negotiates, attempts to negotiate, arranges,  
2 attempts to arrange, or otherwise offers to perform a loan  
3 modification with respect to residential property to "claim,  
4 demand, charge, collect, or receive any compensation until after  
5 the licensee has fully performed each and every service the  
6 licensee contracted to perform or represented that he, she, or it  
7 would perform."

8 18.

9 By virtue of the application of newly enacted Code  
10 Section 10085.6 to the advance fee transactions described in  
11 Paragraph 12(g), above, Respondent GO AFFILIATED additionally  
12 violated the statute's provisions when, as is alleged in  
13 Paragraph 12(g), on or about February 26, 2010, Respondent GO  
14 AFFILIATED accepted an advance fee after such fees were  
15 prohibited by Code Section 10085.6.  
16

17 19.

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

22 THIRD CAUSE OF ACCUSATION  
23 (Unlicensed Activity)

24 20.

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

27 ///

21.

The activities described in Paragraph 12, supra, require a real estate license under Sections 10131(d) and 10131.2 of the Code. Respondent GO AFFILIATED violated Section 10130 of the Code by engaging in the real estate activities described in Paragraph 12(g) between November 24, 2009, and May 23, 2010, when Respondent GO AFFILIATED had no designated officer so as to permit the corporate licensee to act as a broker in performing activities requiring a license.

22.

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

FOURTH CAUSE OF ACCUSATION

(Use of Unauthorized Fictitious Business Name)

23.

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

24.

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 of Real Estate ("Department") in accordance with the provisions of Code Section 10159.5.

25.

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

26.

The conduct, acts and/or omissions of Respondents, as set forth in Paragraph 12, 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 Respondents pursuant to Code Sections 10177(d) and/or 10177(g).

FIFTH CAUSE OF ACCUSATION  
(Office Abandonment)

27.

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

28.

The current business address and mailing address maintained by Respondent GO AFFILIATED with the Department are 553 S. Fair Oaks Avenue, Pasadena, California, and 300 S. Oak Knoll Avenue, Pasadena, California. Respondent GO AFFILIATED is no longer located at either of these addresses nor has Respondent GO AFFILIATED informed the Real Estate Commissioner of any new address nor is Respondent GO AFFILIATED presently maintaining any definite place of business in the State of California which shall

1 serve as its office for the transaction of business requiring a  
2 real estate license.

3 29.

4 On or about July 15, 2010, an inspection of the  
5 location at 553 S. Fair Oaks, Pasadena, California, by a  
6 Department representative revealed that the location had been  
7 vacated and abandoned by Respondent GO AFFILIATED.

8 30.

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

13 31.

14 At a time known to Respondent GO AFFILIATED, but  
15 unknown to the Department, Respondent left and/or abandoned its  
16 business and mailing addresses, as set forth in Paragraphs 24, 25  
17 and 26, above; and thereafter, Respondent failed to maintain on  
18 file with the Commissioner of the Department a new address for  
19 the principal place of business for its real estate brokerage  
20 activities, in violation of Section 2715 of the Regulations and  
21 Code Section 10162.  
22

23 32.

24 The conduct, acts and/or omissions of Respondent GO  
25 AFFILIATED, as set forth above, are cause for the suspension or  
26 revocation of the licenses and license rights of Respondent GO  
27

1 AFFILIATED pursuant to Code Sections 10165, 10177(d), and/or  
2 10177(g).

3 SIXTH CAUSE OF ACCUSATION  
4 (Audit Violations)

5 33.

6 Complainant hereby incorporates by reference the  
7 allegations set forth in Paragraphs 1 through 32, above.

8 34.

9 On or about May 24, 2011, the Department completed an  
10 audit examination of the books and records of Respondent GO  
11 AFFILIATED pertaining to the real estate activities described in  
12 Paragraphs 10 and 11, above, covering a period from August 1,  
13 2008, to July 30, 2010.

14 35.

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

25 ///

26 ///

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. xxxx381

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

1 broker, the minimum trust fund accountability was \$17,680 as of  
2 July 30, 2010, and the combined bank balance of B/A #1 and #2 was  
3 unknown because the bank statements were not available. There was  
4 no evidence that the owners of the trust funds had given  
5 Respondent GO AFFILIATED written consent to allow Respondent GO  
6 AFFILIATED to reduce the balance of funds in its bank account to  
7 an amount less than the existing aggregate trust funds  
8 liabilities of Respondent GO AFFILIATED in violation of Code  
9 Section 10145.

10 (b) Examination of specific loan modification  
11 transaction revealed the following:

12 (i) In connection with the loan modification with  
13 Arthur and Silvia A., Respondent GO AFFILIATED collected \$995 on  
14 February 6, 2009, as the first payment, and collected \$2,000 on  
15 March 2, 2009, as the second payment. On November 9, 2009, the  
16 second payment was charged back to Respondent GO AFFILIATED's  
17 PayPal account because Arthur and Silvia A. claimed the charge  
18 was unauthorized. There were no documents in the file examined  
19 that indicated that the loan modification was completed and no  
20 records showing that Respondent GO AFFILIATED had refunded the  
21 money. Respondents SANTANA and TRIMAKAS were the responsible  
22 brokers.  
23

24 (ii) In connection with the loan modification  
25 transaction with Nina C., Respondent GO AFFILIATED collected an  
26 advance fee of \$995 on February 6, 2009, and \$2,000 on March 2,  
27 2009. On November 14, 2009, Respondent GO AFFILIATED issued a



1 \$500 check from its Chase Bank to Nina C. for refund which was  
2 returned by the bank NSF. Respondent SANTANA was the responsible  
3 broker.

4 (iii) In connection with the loan modification  
5 transaction with Robert Craig B., Respondent GO AFFILIATED  
6 collected \$2,895 by credit card through the PayPal account on  
7 August 15, 2009. There was no loan modification service  
8 agreement between Robert Craig B. and Respondent GO AFFILIATED,  
9 and there was no receipt and deposit records for the \$2,895  
10 payment maintained in the examined file. Respondent TRIMAKAS was  
11 the responsible broker.

12 (c) Collected advance fees from borrowers in  
13 connection with the loan modification transactions which were  
14 deposited into B/A #1 and #2 that were not designated as trust  
15 accounts. Respondent GO AFFILIATED used the unearned advance fees  
16 that were deposited into B/A #1 to pay its business expenses.  
17 Samples of business expense disbursements from B/A #1 in January  
18 and February, 2009, totaled \$32,270.69 when Respondent SANTANA  
19 was the responsible broker. Samples of disbursements in July,  
20 2009, totaled \$14,477.60 when Respondent TRIMAKAS was the  
21 responsible broker. The foregoing constitutes a conversion of  
22 funds and violates Code Sections 10145 and 10177(j).

24 (d) Collected advance fees from borrowers in connection  
25 with loan modification transactions and deposited the advance  
26 fees into its business accounts that were not designated as trust  
27 accounts in violation of Code Section 10146. Respondents SANTANA

1 and TRIMAKAS were the responsible brokers.

2 (e) Failed to maintain a complete, accurate and  
3 continuous control record in the form of a columnar record in  
4 chronological order of all trust funds received, deposited and  
5 disbursed in violation of Code Section 10145 and Section 2831 of  
6 the Regulations. Respondents SANTANA and TRIMAKAS were the  
7 responsible brokers.

8 (f) Failed to maintain a separate record for each  
9 beneficiary of trust funds or transaction showing a running  
10 balance after each transaction was posted in violation of Code  
11 Section 10145 and Section 2831.1 of the Regulations. Respondents  
12 SANTANA and TRIMAKAS were the responsible brokers.

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

20 (h) Collected advance fees after October 1, 2009, for  
21 loan modification activities prior to fully performing each  
22 service that Respondent GO AFFILIATED contracted to perform in  
23 violation of Code Sections 10085.6, 10146 and 10145 and Section  
24 2832 of the Regulations.

25 (i) Collected advance fees from borrowers in connection  
26 with the loan modification activities of Respondent GO AFFILIATED  
27

1 without maintaining and providing accounting content to the  
2 borrowers which shows the services to be rendered, the trust  
3 account the funds were deposited to and details of how the funds  
4 were disbursed in violation of Code Section 10146 and Section  
5 2972 of the Regulations.

6 (j) Negotiated mortgage loans for compensation without  
7 a real estate broker license prior to December 16, 2008, in  
8 violation of Code Section 10130.

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

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

16  
17 DISCIPLINE STATUTES AND REGULATIONS

18 37.

19 The conduct of Respondent GO AFFILIATED described in  
20 Paragraph 36, above, violated the Code and the Regulations as set  
21 forth below:

22 PARAGRAPH

PROVISIONS VIOLATED

23 36(a)

Code Section 10145

24 36(c)

Code Sections 10145 and 10177(j)

25 36(d)

Code Section 10146

1           36(e)                           Code Section 10145 and Section 2831  
2   of the Regulations  
3           36(f)                           Code Section 10145 and Section  
4   2831.1 of the Regulations  
5           36(g)                           Code Sections 10085 and Section  
6   2970 of the Regulations  
7  
8           36(h)                           Code Section 10085.6, 10146 and  
9   10145 and Section 2832 of the  
10    Regulations  
11          36(i)                           Code Section 10146 and Section 2972  
12   of the Regulations  
13  
14          36(j)                           Code Section 10130  
15          36(k)                           Section 2740 of the Regulations  
16          36(l)                           Code Section 10148

17  
18   38.

19                   The foregoing violations, as set forth hereinabove,  
20                   constitute cause for the suspension or revocation of the real  
21                   estate licenses and license rights of Respondent GO AFFILIATED  
22                   under the provisions of Code Sections 10177(d) for violation of  
23                   the Real Estate Law and/or 10177(g) for negligence or  
24                   incompetence, and 10177(j) for conversion.  
25

26           ///

27           ///

SEVENTH CAUSE OF ACCUSATION  
(Failure to Supervise)

39.

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

40.

Respondents SANTANA, TRIMAKAS and LINNEKENS ordered, caused, authorized or participated in the conduct of Respondent GO AFFILIATED, during the periods set forth in Paragraphs 3, 4 and 5, above, as is alleged in this Accusation.

41.

The conduct, acts and/or omissions, of Respondents SANTANA, TRIMAKAS and LINNEKENS, in allowing Respondent GO AFFILIATED, and specifically, its real estate salesperson licensee Respondent GOTTUSO, to violate the Real Estate Law, as set forth above, constitutes a failure by Respondents SANTANA, TRIMAKAS and LINNEKENS, as the officers designated by a corporate broker licensee, to exercise the supervision and control over the activities of Respondent GO AFFILIATED, as required by Code Section 10159.2, and is cause to suspend or revoke the real estate licenses and license rights of Respondents SANTANA, TRIMAKAS, and LINNEKENS under Code Sections 10177(d), 10177(g) and/or 10177(h).

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EIGHTH CAUSE OF ACCUSATION  
(Unlicensed Activity by GOTTUSO)

42.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 41, above.

43.

During the period GOTTUSO was licensed to SANTANA, from March 28, 2008, through May 24, 2009, GOTTUSO, using the fictitious business name "Modified Mortgage Solutions," engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage offering to perform and performing loan modification and negotiation services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction as is alleged in Paragraph 12, above.

44.

The activities described in Paragraph 12, above, require a real estate broker license under Sections 10131(d) and 10131.2 of the Code.

45.

GOTTUSO performed and/or participated in loan solicitation, negotiation and modification activities which require a real estate broker license under the provisions of Code Section 10131(d) when GOTTUSO was not licensed by the Department as a real estate broker nor employed as a real estate salesperson

1 by the broker on whose behalf the activities were performed in  
2 violation of Section 10130 of the Code.

3 46:

4 The conduct, acts and/or omissions of GOTTUSO, as set  
5 forth, above, violate Code Section 10130, and are cause for the  
6 suspension or revocation of the licenses and license rights of  
7 GOTTUSO pursuant to Code Sections 10177(d), 10177(g) and/or  
8 10177(j).

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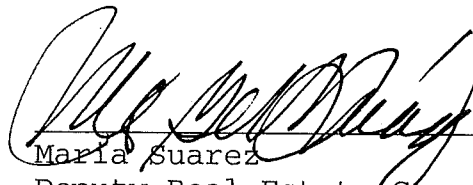
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of Respondents  
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 16th day of August, 2012.  
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14

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16   
17 Maria Suarez

18 Deputy Real Estate Commissioner  
19  
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21  
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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.