

FILED

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2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: *Heather Valencia*

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9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H-37845 LA

13)
14) AMERICAN DREAM LOANS INC, MARIA)
15) ELENA DE BERNARDO and LEONEL B.)
16) MOLINA, individually, and formerly)
17) as designated officers of American)
18) Dream Loans Inc,)

A C C U S A T I O N

17 Respondents.)

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of
20 Accusation against AMERICAN DREAM LOANS INC, MARIA ELENA DE
21 BERNARDO and LEONEL B. MOLINA, individually, and formerly as
22 designated officers of American Dream Loans Inc, is informed
23 and alleges as follows:

24 1.

25 The Complainant, Robin Trujillo, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 in her official capacity.

1 2.

2 AMERICAN DREAM LOANS INC (hereinafter "ADLI") is
3 presently licensed and/or has license rights under the Real
4 Estate Law (Part 1 of Division 4 of the Business and
5 Professions Code, hereinafter "Code"), as a corporate real
6 estate broker.

7 3.

8 MARIA ELENA DE BERNARDO (hereinafter "DE BERNARDO")
9 is presently licensed and/or has license rights under the Real
10 Estate Law, as a real estate broker. She was also a designated
11 officer of ADLI between September 11, 2004 and December 20,
12 2010.

13 4.

14 LEONEL B. MOLINA (hereinafter "MOLINA") is presently
15 licensed and/or has license rights under the Real Estate Law,
16 as a real estate broker. He was also a designated officer of
17 ADLI between August 7, 2008 and April 2, 2009.

18 5.

19 At all times material herein, Respondents ADLI, DE
20 BERNARDO and MOLINA were engaged in the business of, acted in
21 the capacity of, advertised or assumed to act as real estate
22 brokers in the State of California, within the meaning of Code
23 Sections 10131(d) and 10131.2, including brokering mortgage
24 loans and performing loan modification activities and claiming,
25 demanding, charging, receiving, collecting or contracting for
26 the collection of an advance fee, within the meaning of Code
27 Section 10026, including, but not limited to, the following

1 loan modification activities with respect to loans which were
2 secured by liens on real property.

3 6.

4 Julio Chang ("Chang") is not now, nor was he at any
5 material time herein, licensed by the California Department of
6 Real Estate ("Department") in any capacity.

7 7.

8 On or about February 11, 2009, Oscar Cruz and Vicky
9 Guerrero ("complainants"), entered into two loan modification
10 agreements with ADLI, regarding the complainant's properties
11 located at 235 Walnut Street, Shafter, CA and 1305 El Tejon
12 Avenue, Bakersfield, CA. Each of these agreements arranged for
13 the Complainants to pay ALDI \$3,400 in advance fees. Chang
14 represented himself to be the broker, owner and president of
15 ADLI. In between February 11, 2009 and March 4, 2009, Chang
16 collected \$6,800 in advance fees from the complainants for loan
17 modifications to be performed by ALDI.

18 8.

19 In aggravation, on April 15, 2010, ADLI entered into
20 an Agreement with Oscar Cruz, for the purpose of settling a
21 claim Cruz filed against ADLI in the Superior Court of
22 California, County of Los Angeles, Case No: 10 S 00207. Within
23 the agreement, ADLI stipulated to repaying Cruz \$6,800 for his
24 loan modifications. The agreement established a payment
25 schedule from May 3, 2010 through October 2, 2010. ADLI did
26 not make any of the payments, as specified in the agreement.

27

1 9.

2 The agreements made by ADLI, as described in
3 Paragraph 7 above, constitute advance fee agreements within the
4 meaning of Code Section 10026. ADLI, DE BERNARDO and MOLINA
5 failed to submit the advance fee agreements, described in
6 paragraphs 7 above, to the Commissioner ten days before using
7 them, in violation of Code Sections 10085 and 10085.5, as well
8 as Section 2970 of Title 10, California Code of Regulations
9 ("Regulations"). This provides cause for the suspension or
10 revocation of the licenses and license rights of Respondents
11 ADLI, DE BERNARDO and MOLINA, pursuant to Code Sections 10085,
12 10177(d) and/or 10177(g).

13 10.

14 By employing Chang to perform acts requiring a real
15 estate license under Code Section 10131(d), as alleged in
16 paragraph 7 above, Respondents ADLI, DE BERNARDO and MOLINA,
17 subject their real estate licenses and license rights to
18 suspension or revocation pursuant to Sections 10137, 10177(d)
19 and/or 10177(g) of the Code.

20 11.

21 The conduct, acts and/or omissions of Respondents DE
22 BERNARDO and MOLINA, as set forth above, constitutes a breach
23 of responsibility by the corporate officers in charge, in
24 violation of Code Section 10159.2 and Regulation 2725. It also
25 provides cause for the suspension or revocation of the licenses
26 and license rights of Respondents DE BERNARDO and MOLINA
27 pursuant to Code Sections 10177(d), 10177(h) and/or 10177(g).

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 AMERICAN DREAM LOANS INC, MARIA ELENA DE BERNARDO
6 and LEONEL B. MOLINA, under the Real Estate Law, that
7 Complainant be awarded its costs of investigation and
8 prosecution of this case, and for such other and further relief
9 as may be proper under other applicable provisions of law.

10 Dated at Los Angeles, California
11 this 8 day of February, 2012

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14 _____
15 Robin Trujillo
16 Deputy Real Estate Commissioner
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25 cc: AMERICAN DREAM LOANS INC
26 MARIA ELENA DE BERNARDO
27 LEONEL B. MOLINA
Robin Trujillo
Sacto.