

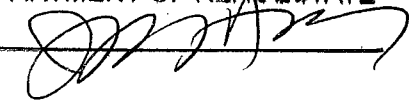
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FILED

FEB 29 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-37920 LA

13 JASON JEROME HILT,) A C C U S A T I O N
14)
15 Respondent.)
16 _____)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against JASON JEROME HILT ("Respondent") alleges as follows:

20 1.

21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 her official capacity.

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law as real estate broker.
27

3.

1 At no time relevant herein was U.S. Mortgage Advocates
2 Incorporated ("U.S. Mortgage"), Consumer Legal Services, Robert
3 Susnar, or James Hoffman licensed by the Department in any
4 capacity.
5

6 4.

7 At all times mentioned herein Respondent engaged in the
8 business of loan brokerage and loan modification activities,
9 soliciting borrowers and lenders and negotiating the terms of
10 loan modifications of loans secured by real property for or in
11 expectation of compensation, within the meaning of Code Section
12 10131(d).
13

14 5.

15 At all times mentioned herein Respondent engaged in the
16 business of advance fee brokerage within the definition of Code
17 Section 10131.2 by claiming, demanding, charging, receiving,
18 collecting or contracting for the collection of an advance fee,
19 within the meaning of Code Section 10026, in connection with any
20 employment undertaken in connection with loan brokerage or loan
21 modification activities.

22 FIRST CAUSE OF ACCUSATION

23 (Advance Fee Violation pursuant to Section 10085 of the Code)

24 6.

25 Respondent engaged in advance fee activities including,
26 but not limited to, the following loan modification activities
27 with respect to loans which were secured by liens on real

property:

1
2 a. On or about November 5, 2009, Respondent, doing
3 business as U.S. Mortgage, solicited Andrew W. to pay an initial
4 advance fee of \$850.00 to Respondent, doing business as U.S.
5 Mortgage. The advance fee was to be paid pursuant to the
6 provisions of an agreement pertaining to loan solicitation,
7 negotiation, and modification services to be provided by
8 Respondent, doing business as U.S. Mortgage, with respect to a
9 loan secured by real property located at 2 Commodore Drive,
10 #d372, Emeryville, California 94608.

11 b. On or about November 13, 2009, Michelle L. paid an
12 advance fee of \$2,600 to Respondent by means of a credit card
13 transaction. The advance fee was collected pursuant to the
14 provisions of an agreement pertaining to loan solicitation,
15 negotiation, and modification services to be provided by
16 Respondent, doing business as U.S. Mortgage, with respect to a
17 loan secured by real property located at 350 San Miguel Court,
18 #2, Milpitas, California 95035.

19 c. On or about April 20, 2010, Respondent, doing
20 business as Consumer Legal Services, solicited Michael and Anna
21 E. to pay an initial advance fee of \$1,000 to Respondent, doing
22 business as Consumer Legal Services. The advance fee was to be
23 paid pursuant to the provisions of an agreement pertaining to
24 loan solicitation, negotiation, and modification services to be
25 provided by Respondent, doing business as Consumer Legal
26 Services, with respect to a loan secured by real property located
27

1 at 1216 Whistler Hollow Drive, Colorado Springs, Colorado 80906.

2 7.

3 Respondent solicited for or collected the advance fees
4 described in Paragraph 6, above, pursuant to the provisions of
5 written agreements which constitute an advance fee agreement
6 within the meaning of Code Section 10085.

7 8.

8 Respondent failed to submit the written agreement
9 referred to in Paragraphs 6 and 7, above, to the Commissioner ten
10 days before using it in violation of Code Section 10085 and
11 Section 2970, Title 10, Chapter 6, Code of Regulations
12 ("Regulations").

13 9.

14 The conduct, acts and/or omissions of Respondent, as
15 set forth above, is cause for the suspension or revocation of the
16 licenses and license rights of Respondent pursuant to Code
17 Sections 10085, 10177(d) and/or 10177(g).
18

19 SECOND CAUSE OF ACCUSATION
(Violation of Code Section 10085.6)

20 10.

21 Complainant hereby incorporates by reference the
22 allegations set forth in Paragraphs 1 through 9, above.
23

24 11.

25 On October 11, 2009, Code Section 10085.6 went into
26 effect. By its terms Section 10085.6 prohibits any real estate
27 licensee who negotiates, attempts to negotiate, arranges,

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

7 12.

8 By virtue of the application of newly enacted Code
9 Section 10085.6 to the advance fee transactions described in
10 Paragraph 6, above, Respondent violated the statute's provisions
11 when Respondent collected advance fees after such fees were
12 prohibited by Code Section 10085.6.

13 13.

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

18
19 THIRD CAUSE OF ACCUSATION
20 (Violation of Code Section 10137 by Respondent in Employing
and/or Compensating Unlicensed Individuals)

21 14.

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

24 15.

25 The activities described in Paragraph 6, above, require
26 a real estate license under Sections 10131(d) and 10131.2 of the
27 Code. Respondent violated Section 10137 of the Code by employing

1 and/or compensating individuals who were not licensed as a real
2 estate salesperson or as a broker to perform activities requiring
3 a license, including but not limited to, the following:

4 a. Respondent employed and/or compensated James
5 Hoffman to perform some or all of the services alleged in
6 Paragraph 6, subsection (a), above, though he was not licensed as
7 a salesperson or broker.

8 b. Respondent employed and/or compensated Robert
9 Susnar to perform some or all of the services alleged in
10 Paragraph 6, subsection (c), above, though he was not licensed as
11 a real estate salesperson or broker.

12 16.

13 The conduct, acts and/or omissions of Respondent, as
14 set forth in Paragraph 15, above, violate Code Section 10137, and
15 is cause for the suspension or revocation of the licenses and
16 license rights of Respondent pursuant to Code Sections 10137,
17 10177(d) and/or 10177(g).

18
19 FOURTH CAUSE OF ACCUSATION

20 (Use of Unauthorized Fictitious Business Name)

21 17.

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

24 18.

25 Use of a fictitious business name for activities
26 requiring the issuance of a real estate license requires the
27 filing of an application for the use of such name with the

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

3 19.

4 Respondent acted without Department authorization in
5 using the fictitious business name "US Mortgage Advocates
6 Incorporated" to engage in activities requiring the issuance of a
7 real estate license.

8 20.

9 The conduct, acts and/or omissions of Respondent, as
10 set forth in Paragraph 19, above, violates Code Section 10159.5
11 and Section 2731 of the Regulations, and is cause for the
12 suspension or revocation of the licenses and license rights of
13 Respondent pursuant to Code Sections 10177(d) and/or 10177(g).

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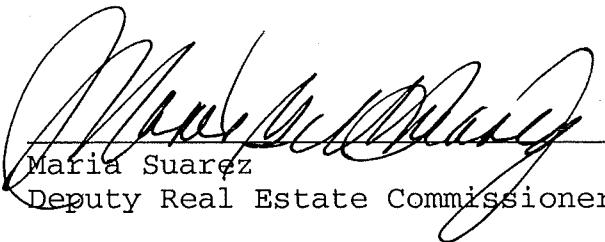
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of Respondent
5 JASON JEROME HILT under the Real Estate Law (Part 1 of Division 4
6 of the Business and Professions Code), for the cost of
7 investigation and enforcement as permitted by law, and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10 Dated at Los Angeles, California
11 this 27th day of February, 2012.

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15 
16 Maria Suarez
17 Deputy Real Estate Commissioner
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23

24 cc: JASON JEROME HILT
25 Maria Suarez
26 Sacto.
27