

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 620-6430

FILED

MAR 14 2012

DEPARTMENT OF REAL ESTATE
BY: C.B.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11
12 In the Matter of the Accusation of) No. H-37967 LA
13 FIRST VISION FINANCIAL INC.,)
14 a corporate real estate broker; and) A C C U S A T I O N
15 NELSON BURTON HUNT, individually)
16 and as former designated officer of)
17 First Vision Financial Inc.,)
18 Respondents.)

18 The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner, for cause of
19 Accusation against FIRST VISION FINANCIAL INC. and NELSON BURTON HUNT,
20 individually and as former designated officer of First Vision Financial Inc., is informed and
21 alleges as follows:

22 1.

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

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1 *Parties and License Status*

2 2.

3 Respondent FIRST VISION FINANCIAL INC. ("FIRST VISION") is a
4 California corporation. Yervand Yetaryan ("Yetaryan") is the CEO of FIRST VISION.
5 Susanna Balyan is the Vice President.
6

7 3.

8 Respondent FIRST VISION is currently licensed by the Department of Real
9 Estate ("Department") as a corporate real estate broker. FIRST VISION was first licensed by the
10 Department on May 20, 2009. Respondent FIRST VISION was not licensed by the Department
11 in any capacity prior to May 20, 2009. Since that time, FIRST VISION was authorized to act by
12 and/or through the following broker-officers designated pursuant to Business and Professions
13 Code ("Code") Section 10159.2 to be responsible for ensuring FIRST VISION's compliance
14 with the Real Estate Law:
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16 a. From May 20, 2009 through December 7, 2009, NELSON BURTON HUNT
17 was FIRST VISION's designated broker-officer.

18 b. From December 8, 2009 through June 25, 2010, Michael Rudi Wyrzykowski
19 was FIRST VISION's designated broker-officer.
20

21 c. From December 26, 2010 through the present time, Dale R. Pratt was and is
22 FIRST VISION's designated broker-officer.

23 4.

24 Respondent NELSON BURTON HUNT ("HUNT") is licensed by the
25 Department as a real estate broker. HUNT was originally licensed by the Department as a broker
26 on December 13, 1977. Between May 20, 2009 and December 7, 2009, Respondent HUNT was
27

1 the designated broker-officer of FIRST VISION.

2 5.

3 Jack Diamond is not currently and has never been licensed by the Department in
4 any capacity. As described further below, at times relevant herein, Jack Diamond was employed
5 by FIRST VISION to conduct activities relating to its loan modification business.

6 6.

7 All further references to "Respondents" include FIRST VISION and HUNT, as
8 well as the officers, agents, affiliates and employees of the FIRST VISION and HUNT acting
9 within the scope of their agency, employment, or affiliation.

10 7.

11 At all times relevant herein, Respondents engaged in the business of, acted in the
12 capacity of, advertised or assumed to act as real estate brokers in the State of California within
13 the meaning of Code Sections 10131(d) and 10131.2. Their activities included soliciting
14 borrowers or lenders for and/or negotiating loans, collecting payments and/or performing
15 services for borrowers or lenders in connection with loans secured by liens on real property.
16 Their activities also included claiming, demanding, charging, receiving, collecting or contracting
17 for the collection of advance fees within the meaning of Code Sections 10026 and 10085.
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19

20 FIRST CAUSE OF ACCUSATION

21 (Advance Fee Violations and Unlicensed Activity)

22 8.

23 Beginning on or before March 4, 2009 and continuing through on or after August
24 11, 2009, Respondent FIRST VISION solicited, advertised and collected advance fees from
25 mortgage loan clients in connection with loan modification services.
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Respondents FIRST VISION and designated officer HUNT never submitted an advance fee agreement and related promotional materials to the Department for review, and the Department never issued a No Objection Letter authorizing FIRST VISION to collect advance fees from consumers in relation to their loan modification or any real estate activities.

10.

Despite failure to obtain approval of the proposed advance fee agreements and related promotional materials, Respondent FIRST VISION collected advance fees in relation to loan modification services. The advance fees Respondent collected were not placed into a trust account, and trust accounting records were not maintained in compliance the Real Estate Law.

11.

On or about March 4, 2009, Respondent FIRST VISION, through unlicensed agent Jack Diamond, solicited consumers Robert and Nancy Quinn ("the Quinns"), and offered to provide them with assistance in avoiding foreclosure and in negotiating with their lenders to obtain a modification of their mortgage loans in exchange for payment of an up front fee.

12.

On or about March 9, 2009, Respondent FIRST VISION obtained the Quinn's signatures on a loan modification agreement. Between on or before March 27, 2009 and August 4, 2009, Respondents collected a total of \$4,836.00 in advance fees from the Quinns, made in five payments.

13.

At the time that Respondent FIRST VISION initially solicited the Quinns, and obtained their signatures on the loan modification agreement in March of 2009, FIRST VISION

1 was not licensed by the Department in any capacity. Respondent FIRST VISION collected the
2 first two payments, \$1,200.00 paid on or about March 27, 2009, and \$675.00 paid on or about
3 April 17, 2009, before it was licensed as a real estate broker.

4 14.

5 On or about June 5, 2009, June 30, 2009, July 30, 2009 and August 11, 2009,
6 Respondent FIRST VISION sent the Quinns invoices reflecting payments the Quinns had made,
7 and charging for payments alleged to be due.
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9 15.

10 Respondent FIRST VISION and designated officer HUNT did not place the
11 advance fees collected from the Quinns between May 20, 2009 and August 11, 2009 into a trust
12 account. FIRST VISION failed to maintain and provide the Quinns with an accounting of the
13 advance fees received and disbursed.
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15 16.

16 Respondents did not obtain a loan modification for the Quinns, and did not
17 provide a refund upon request.
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19 17.

20 The conduct, acts and/or omissions of Respondents FIRST VISION and HUNT,
21 as set forth above, in collecting advance fees from prospective borrowers pursuant to an
22 agreement which was not authorized by the Department, was in violation of Code Section 10085
23 and Title 10, Ch. 6, California Code of Regulations, Regulation 2970, and constitutes grounds to
24 discipline the licenses and license rights of Respondents FIRST VISION and HUNT pursuant to
25 Code Sections 10177(d), 10176(i), 10177(j) and/or 10177(g).

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2 The conduct, acts and/or omissions of Respondent FIRST VISION in employing
3 and compensating unlicensed individuals to perform acts requiring a real estate license
4 constitutes grounds to discipline the license and license rights of Respondent FIRST VISION
5 pursuant to Code Sections 10137, 10177(d), 10176(i), 10177(j) and/or 10177(g).
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8 The conduct, acts and/or omissions of Respondent FIRST VISION in advertising
9 and soliciting borrowers for loan modification services and collecting advance fees when not
10 licensed by the Department as a real estate broker was in violation of Code Section 10130, and
11 constitutes grounds to revoke or suspend Respondent FIRST VISION's real estate license
12 pursuant to Code Sections 10177(d), 10177(j), and/or 10177(g).
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15 The conduct, acts and/or omissions of Respondent HUNT, in failing to exercise
16 reasonable supervision over the activities of officers and employees of FIRST VISION for which
17 a real estate license was required, was in violation of Code Section 10159.2 and constitutes
18 grounds to discipline the license and license rights of Respondent HUNT pursuant to Code
19 Sections 10177(h), 10177(d) and/or 10177(g).
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of Respondents FIRST VISION FINANCIAL
4 INC. and NELSON BURTON HUNT under the Real Estate Law, for the cost of investigation
5 and enforcement as permitted by law, and for such other and further relief as may be proper
6 under other applicable provisions of law.

7 dated at Los Angeles, California

8 this 12 day of March, 2012.

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11 ROBIN TRUJILLO
12 Deputy Real Estate Commissioner
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24 cc: First Vision Financial Inc.
25 Nelson Burton Hunt
26 Robin Trujillo
27 Sacto.