

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

JUL 11 2013

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: James B. King

* * * *

In the Matter of the Accusation of)

UNITED PROVIDENCE FUNDING)

INC.; and MAURICE IRVING)

MITCHELL, individually, and)

as designated officer for)

United Providence Funding)

Inc.,)

Respondents.)

No. H-38037 LA
L-2012070888

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on November 27, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

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FINDINGS OF FACT

I

On April 9, 2012, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on April 11, 2012.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on November 27, 2012.

II

Respondent United Providence Funding Inc. ("Respondent") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate corporation.

III

The evidence established that on or about December 20, 2011, the Franchise Tax Board of the State of California suspended the powers, rights and privileges of Respondent pursuant to the provisions of the California Revenue and Taxation Code. The corporate powers, rights and privileges of Respondent remain suspended to date.

IV

The evidence further established that on or about October 4, 2011, the Department completed an audit examination of the books and records of Respondent pertaining to its real estate activities covering the period from August 1, 2008, to July 31, 2011.

The audit examination revealed violations of the Code by Respondent, as set forth below, and more fully discussed in Audit Report No. LA 100290 and the exhibits and work papers attached to the audit report:

(a) In the course of the transaction activities undertaken by Respondent during the audit period,

Respondent failed to provide proof to the auditor of retention of any records of its activities requiring a real estate broker license during the past three years including escrow transaction files for Respondent's real estate clients and further including listings, real estate contracts, canceled checks, escrow and trust records as is required by Code Section 10148.

DETERMINATION OF ISSUES

I

The conduct of Respondent as described in Paragraph III, above, is in violation of Section 2742(c) of Title 10, Chapter 6, California Code of Regulations, and subjects its real estate license and license rights to suspension or revocation pursuant to Code Section 10177(d).

II

The conduct of Respondent described in Paragraph IV, above, violated Section 10148 of the Code

III

The foregoing violations, as set forth hereinabove, constitute cause for the suspension or revocation of the real estate licenses and license rights of Respondent under the provisions of Code Sections 10177(d) for violation of the Real Estate Law and 10177(g) for negligence or incompetence.

IV

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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ORDER

The licenses and license rights of Respondent UNITED
PROVIDENCE FUNDING INC., under the provisions of Part I of
Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock
noon 8/14/2013.

DATED: 7/13/2013.

Real Estate Commissioner


WAYNE S BELL

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

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11 UNITED PROVIDENCE FUNDING INC.; and)
12 MAURICE IRVING MITCHELL, individually, and)
13 as designated officer for United Providence)
14 Funding Inc.,)

15 Respondent(s).)

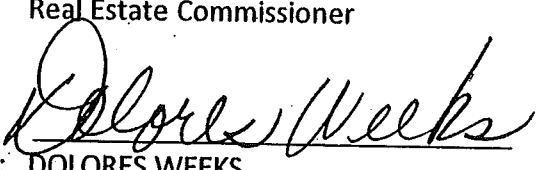
NO. H-38037 LA

DEFAULT ORDER

16
17 Respondent, UNITED PROVIDENCE FUNDING INC., having failed to file a Notice
18 of Defense within the time required by Section 11506 of the Government Code, is now in
19 default. It is, therefore, ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED

21 November 27, 2012
22 Real Estate Commissioner

23 
24 By: DOLORES WEEKS
25 Regional Manager
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