

File

**FILED**

**AUG 19 2013**

**BUREAU OF REAL ESTATE**

By



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of	)	NO. H-38126 LA
	)	
	)	
<b><u>NATIONWIDE MORTGAGE SOLUTIONS INC</u></b>	)	
and RUBY DIANA RIOS, individually	)	
and as designated officer of	)	
Nationwide Mortgage Solutions Inc.,	)	
	)	
	)	

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 May 22, 2013, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent NATIONWIDE MORTGAGE SOLUTIONS INC's express admissions; (2) affidavits; and (3) Department Audit Report LA 090217, dated July 30, 2010 and (4) other evidence.

FACTUAL FINDINGS

1.

On May 1, 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 a Notice of Defense was mailed by certified mail to Respondent NATIONWIDE MORTGAGE SOLUTIONS INC's address of record on May 9, 2012.

2.

On May 22, 2013, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent NATIONWIDE MORTGAGE SOLUTIONS INC's default was entered herein.

3.

At all times mentioned, NATIONWIDE MORTGAGE SOLUTIONS INC ("NMSI") was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate corporation. On September 1, 2009, NATIONWIDE MORTGAGE SOLUTIONS INC was originally licensed as a real estate corporation.

4.

At all times mentioned, in the City of Wilmington, NMSI acted as a real estate broker and conducted licensed activities within the meaning of Section 10131(d) of the Business and Professions Code ("Code").

5.

On July 30, 2010, the Department completed an audit examination of the books and records of NMSI pertaining to the activities described in Finding 4 that require a real estate license. The audit examination covered a period of time beginning on August 27, 2008 to April 30, 2010. 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 LA090217 and the exhibits and workpapers attached to said audit reports.

6.

During the audit period, NMSI solicited economically distressed homeowners facing foreclosure and offered financial consulting, loss mitigation and loan modification services, charged, claimed and collected advance fees for services not rendered and for loan modifications not obtained.

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7.

In the course of activities described in Findings 4 and 6, above, and during the examination period described in Finding 5, Respondent NMSI acted in violation of the Business and Professions Code ("Code") and the Title 10, Chapter 6, California Code of Regulations ("Regulations") in that it (incorporate by reference the allegations contained in the Accusation, at Paragraph 11):

- a. Code Section 10085 and Regulation 2972, Code Section 10145, 10146 and Regulation 2972 (Paragraph 11, A., 1)
- b. Code Section 10085 and Regulation 2731; Code Sections 10145, 10146, and Regulation 2972; Code Section 10159.5 and Regulation 2731; and Code Section 10130 (Paragraph 11, A., 2)
- c. Code Section 10130 (Paragraph 11, A., 3)
- d. Code Section 10130 (Paragraph 11, A., 4)
- e. Code Section 10130 (Paragraph 11, A., 5)
- f. Code Section 10085 and Regulation 2970 (Paragraph 11, B.)
- g. Code Section 10146 and Regulation 2972 (Paragraph 11, C.)
- h. Code Section 10145 and Regulation 2831 (Paragraph 11, D.)
- i. Code Section 10145 and Regulation 2831.1 (Paragraph 11, E.)
- j. Code Sections 10145, 10176(e) and Regulation 2832 (Paragraph 11, F.)
- k. Code Section 10159.5 and Regulation 2731 (Paragraph 11, G.)
- l. Code Section 10130 (Paragraph 11, H.)
- m. Regulation 2715 (Paragraph 11, I.)
- n. Code Section 10148 (Paragraph 11, J.)
- o. Code Sections 10159.2, 10177(h) and Regulation 2725 (Paragraph 11, K.)

DETERMINATION OF ISSUES

1.

The conduct of Respondent NMSI, as described in Finding 7, herein above, is in violation of the aforementioned Code Sections, and 10177(g) and 10177(f), and 10176(a) and 10176(f).

2.

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

ORDER

The real estate broker license and license rights of Respondent NATIONWIDE MORTGAGE SOLUTIONS 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 on September 8, 2013.

DATED: July 17, 2013

REAL ESTATE COMMISSIONER



**By: JEFFREY MASON**  
**Chief Deputy Commissioner**

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

**FILED**

MAY 22 2013

DEPARTMENT OF REAL ESTATE

BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

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10  
11 In the Matter of the Accusation of )  
12 ) NO. H-38126 LA  
13 NATIONWIDE MORTGAGE SOLUTIONS INC )  
14 and RUBY DIANA RIOS, individually ) DEFAULT ORDER  
15 and as former designated officer of )  
16 Nationwide Mortgage Solutions Inc., )  
17 )  
18 Respondent(s). )  
19 )

17 Respondent, NATIONWIDE MORTGAGE SOLUTIONS INC.,  
18 having failed to file a Notice of Defense within the time  
19 required by Section 11506 of the Government Code, is now in  
20 default. It is, therefore, ordered that a default be entered  
21 on the record in this matter.  
22

23 IT IS SO ORDERED

May 22, 2013

24 Real Estate Commissioner

25  
26   
27 By: DOLORES WEEKS

Regional Manager