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JUN 13 2012

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 AMERICAN TEAM MORTGAGE, INC.;)
14 and STEVE MARK HUFSTEDLER)
15 individually and as)
16 designated officer of)
17 American Team Mortgage, Inc.,)
18 Respondents,)
19)

No. H- 38198 LA

A C C U S A T I O N

20
21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, for cause of accusation
23 against AMERICAN TEAM MORTGAGE, INC., and STEVE MARK HUFSTEDLER
24 individually and as designated officer of American Team Mortgage,
25 Inc., alleges as follows:

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1 1. The Complainant, MARIA SUAREZ, acting in her
2 official capacity as a Deputy Real Estate Commissioner of the
3 State of California, makes this Accusation against AMERICAN TEAM
4 MORTGAGE, INC., and STEVE MARK HUFSTEDLER.

5 2. AMERICAN TEAM MORTGAGE, INC., and STEVE MARK
6 HUFSTEDLER individually and as designated officers of American
7 Team Mortgage, Inc. (hereinafter referred to as "Respondents")
8 are presently licensed and/or have license rights under the Real
9 Estate Law (Part 1 of Division 4 of the Business and Professions
10 Code, hereinafter Code).

11 3. At all times herein mentioned, Respondents AMERICAN
12 TEAM MORTGAGE, INC., and STEVE MARK HUFSTEDLER were licensed as a
13 real estate broker. Respondent HUFSTEDLER was responsible for
14 the supervision and control of the activities conducted on behalf
15 of the corporation by its officers and employees as necessary to
16 secure full compliance with the provisions of the real estate law
17 including supervision of salespersons licensed to the corporation
18 in the performance of acts for which a real estate license is
19 required.

20 4. At all times material herein, Respondents engaged
21 in the business of, acted in the capacity of, advertised or
22 assumed to act as a real estate broker in the State of California
23 within the meaning of Sections 10131(d) and (e) of the Code
24 including negotiating loans on real property including loan
25 modifications and short sales transactions.

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1 5. On or about November 22, 2011, the Department
2 completed an examination of Respondent AMERICAN TEAM MORTGAGE,
3 INC.'s books and records, pertaining to the activities described
4 in Paragraph 4 above, covering a period from January 1, 2009,
5 through May 31, 2011, which examination revealed violations of
6 the Code and of Title 10, Chapter 6, California Code of
7 Regulations (hereinafter Regulations) as set forth below.

8 6. The examination described in Paragraph 5, above,
9 determined that, in connection with the activities described in
10 Paragraph 4 above, Respondent accepted or received funds,
11 including funds in trust (hereinafter "trust funds") from or on
12 behalf of principals, and thereafter made deposit or disbursement
13 of such funds.

14 7. In the course of activities described in Paragraphs
15 4 through 6 and during the examination period described in
16 Paragraph 5, Respondents AMERICAN TEAM MORTGAGE, INC. and STEVE
17 MARK HUFSTEDLER acted in violation of the Code and the
18 Regulations as follows, and as more specifically set forth in
19 Audit Report No. LA 100250, and related exhibits:

20 Audit No. 100250

21 a. Violated Code Sections 10145(a), 10146, 10176(e)
22 and Regulations 2832 and 2832.1 by depositing advance fees
23 collected from borrowers into a bank account which was not a real
24 estate broker trust account. The minimum trust account shortage
25 as of August 23, 2010 was \$39,165.51.

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1 b. Violated Code Section 10085 Regulation 2970 by
2 soliciting and obtaining advance fees from borrowers sometimes in
3 conjunction with Real Property Law Group prior to obtaining the
4 required No Objection letter from the Department of Real Estate.

5 c. Violated Code Section 10146 and Regulation 2972 by
6 not providing borrowers with a verified copy of accounting
7 content as required.

8 d. Violated Code Sections 10145, 10146 and Regulation
9 2831 by not maintaining an accurate and complete columnar record.

10 e. Violated Code Sections 10145, 10146 and Regulation
11 2832.1 by not maintaining accurate and complete separate records.

12 f. Violated Code Sections 10145, 10146 and Regulation
13 2831.2 by not maintaining accurate and complete bank account
14 reconciliations.

15 g. Violated Code Section 10166.02(a) & (b) by acting
16 as a residential mortgage loan originator (MLO) but failed to
17 notify the Department of Real Estate in writing by January 31,
18 2010. Respondent failed to maintain a real estate license
19 endorsement as a MLO when required.
20

21 h. Violated Code Section 10240 and Regulation 2840 by
22 not maintaining the Mortgage Loan Disclosure Statement (MLDS) in
23 each loan transaction file.

24 i. Violated Code Section 10236.4(b) by using an
25 incorrect license number on various MLDS.
26
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1 j. Violated Regulation 2726 by not maintaining a
2 broker-salesperson agreement with each salesperson.

3
4 k. Violated Code Sections 10162, 10163 and Regulation
5 2715 by not notifying the Department of Real Estate in a timely
6 manner of the close of its main office located at 23120 Alicia
7 Parkway, Suite 200, Mission Viejo, and the branch office located
8 at 24002 Fabricante, Suite 201, Mission Viejo.

9 l. Violated Code Section 10148 by not retaining copies
10 of all books and records for review and examination by the
11 Department of Real Estate.

12
13 8. The conduct, acts and/or omissions of Respondents
14 AMERICAN TEAM MORTGAGE, INC., and STEVE MARK HUFSTEDLER, as
15 alleged above, subjects their real estate licenses and license
16 rights to suspension or revocation pursuant to Sections 10176(e),
17 10177(d), and/or 10177(g) of the Code.

18 FAILURE TO SUPERVISE

19 9. The conduct, acts and/or omissions of Respondent
20 STEVE MARK HUFSTEDLER, in failing to ensure full compliance with
21 the Real Estate Law is in violation of Code Section 10159.2 and
22 subjects his real estate licenses and license rights to
23 suspension or revocation pursuant to Sections 10177(d), 10177(g),
24 and/or 10177(h) of the Code.

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1 COST RECOVERY

2 Code Section 10106 provides, in pertinent part, that in
3 any order issued in resolution of a disciplinary proceeding
4 before the department, the commissioner may request the
5 administrative law judge to direct a licensee found to have
6 committed a violation of this part to pay a sum not to exceed the
7 reasonable costs of the investigation and enforcement of the
8 case.

9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses and license rights of Respondents
13 AMERICAN TEAM MORGAGE, INC., and STEVE MARK HUFSTEDLER,
14 individually and as designated officer of American Team Mortgage,
15 Inc. under the Real Estate Law (Part 1 of Division 4 of the
16 Business and Professions Code), for the cost of investigation and
17 enforcement as permitted by law. and for such other and further
18 relief as may be proper under other applicable provisions of law.

19 Dated at Los Angeles, California

20 this 24th day of April, 2012.

21
22 
23 MARIA SUAREZ
24 Deputy Real Estate Commissioner

25 cc: American Team Mortgage, Inc.
26 Steve Mark Hufstedler
27 Maria Suarez
Audit Section
Sacto.