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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	DRE No. H-38533 LA
UPTOWN BROKERS, INC.,	)	
<u>TOMARCK FINANCIAL, INC.,</u>	)	OAH No. L-2013020889
DARREN DEITH WALKER,	)	
individually and as designated	)	
officer of Uptown Brokers, Inc.	)	
and Tomarck Financial, Inc.,	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 8, 2012, an Accusation was filed in this matter against Respondent TOMARCK FINANCIAL, INC.

On November 20, 2013, Respondent TOMARCK FINANCIAL, INC. petitioned the Commissioner to voluntarily surrender its real estate corporation license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent TOMARCK FINANCIAL, INC.'s petition for voluntary surrender of its real estate corporation license is accepted as of the effective date of this Order as set forth below, based upon the understanding

1 and agreement expressed in Respondent's Declaration dated  
2 November 20, 2013, (attached as Exhibit "A" hereto).  
3 Respondent's license certificate, pocket card and any branch  
4 office license certificate shall be sent to the below listed  
5 address so that they reach the Bureau on or before the effective  
6 date of this Order:

7  
8 Bureau of Real Estate  
9 Attn: Licensing Flag Section  
10 P.O. Box 137013  
11 Sacramento, CA 95813-7013

12 This Order shall become effective at 12 o'clock noon  
13 on JAN 06 2014.

14 DATED: DEC 13 2013.

15 REAL ESTATE COMMISSIONER

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18 By: **JEFFREY MASON**  
19 Chief Deputy Commissioner  
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EXHIBIT "A"

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	CalBRE No. H-38533 LA
	)	
UPTOWN BROKERS, INC.,	)	OAH No. 2013020889
<u>TOMARCK FINANCIAL, INC.,</u>	)	
DARREN KEITH WALKER,	)	
individually and as designated	)	
officer of Uptown Brokers, Inc.	)	
and Tomarck Financial, Inc.,	)	
	)	
	)	
Respondents.	)	

DECLARATION

I, Mary Russell, declare that:

1. I am or was an officer of TOMARCK FINANCIAL, INC., which is licensed as a real estate corporation and/or has license rights with respect to said license.

2. I am authorized and empowered to sign this declaration on behalf of TOMARCK FINANCIAL, INC. I am acting on behalf of TOMARCK FINANCIAL, INC. in this matter.

3. In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act

1 (Sections 11400 et seq., of the Government Code) TOMARCK  
2 FINANCIAL, INC. wishes to voluntarily surrender its real estate  
3 license issued by the Bureau (formerly Bureau) of Real Estate  
4 ("Bureau"), pursuant to Business and Professions Code Section  
5 10100.2.

6 4. It is understood that by so voluntarily surrendering  
7 its license, TOMARCK FINANCIAL, INC. may be relicensed as a  
8 corporate broker or issued a mortgage loan originator  
9 endorsement only by petitioning for reinstatement pursuant to  
10 Section 11522 of the Government Code.

11 5. It is also understood that by so voluntarily  
12 surrendering its license, TOMARCK FINANCIAL, INC. agrees to the  
13 following:

14 a. The filing of this Declaration shall be deemed as  
15 TOMARCK FINANCIAL, INC.'s petition for voluntary surrender.

16 b. It shall also be deemed to be an understanding and  
17 agreement by TOMARCK FINANCIAL, INC. that it waives all rights  
18 it has to require the Commissioner to prove the allegations  
19 contained in the Accusation filed in this matter at a hearing  
20 held in accordance with the provisions of the Administrative  
21 Procedure Act (Government Code Sections 11400 et seq.), and that  
22 it also waives other rights afforded to it in connection with  
23 the hearing such as the right to discovery, the right to present  
24 evidence in defense of the allegations in the Accusation and the  
25 right to cross-examine witnesses.


26 c. I further agree on behalf of TOMARCK FINANCIAL, INC.  
27 that upon acceptance by the Commissioner, as evidenced by an

1 appropriate order, all affidavits and all relevant evidence  
2 obtained by the Bureau in this matter prior to the  
3 Commissioner's acceptance, and all allegations contained in the  
4 Accusation filed in the Bureau Case No. H-38533 LA may be  
5 considered by the Bureau to be true and correct for the purpose  
6 of deciding whether or not to grant reinstatement of TOMARCK  
7 FINANCIAL, INC.'s license pursuant to Government Code Section  
8 11522.

9 d. TOMARCK FINANCIAL, INC. freely and voluntarily  
10 surrenders all of its licenses and license rights under the Real  
11 Estate Law.

12 e. A copy of the Commissioner's Criteria of  
13 Rehabilitation is attached hereto. If and when a petition  
14 application is made for reinstatement of a surrendered license  
15 or endorsement, the Real Estate Commissioner will consider as  
16 one of the criteria of rehabilitation, whether or not  
17 restitution has been made to any person who has suffered  
18 monetary losses through "substantially related" acts or  
19 omissions of Respondent, whether or not such persons are named  
20 in the investigation file in this case.

21 I declare under penalty of perjury under the laws of  
22 the State of California that the above is true and correct and  
23 that this declaration was executed 11-20, 2013,  
24 at \_\_\_\_\_, California.

25   
26 TOMARCK FINANCIAL, INC.  
27 By: Mary Russell