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JUN 04 2014

BUREAU OF REAL ESTATE

BEFORE THE BUREAU OF REAL ESTATE By choime

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of))	No. H-38816 LA
FINANCIAL LENDING PARTNERS))	
INC.,))	
Respondent.))	
_____))	

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 12, 2014, 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.

FINDINGS OF FACT

I

On April 12, 2013, 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 last known mailing addresses on file with the Bureau on April 17, 2013.

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 **May 12, 2014**.

II

Respondent FINANCIAL LENDING PARTNERS INC. 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. Respondent has had no designated officer since August 29, 2012. Respondent's license expired on April 22, 2013. Pursuant to Code Section 10201 Respondent retains renewal rights. Pursuant to Section 10103 the Bureau retains jurisdiction.

III

The evidence established that on or about May 16, 2011, the Bureau completed an audit examination of the books and records of Respondent covering a period from April 23, 2009, to March 31, 2011. The audit examination revealed violations of the Code and the Title 10, Chapter 6, California Code of Regulations ("Regulations") as set forth below:

(a) Respondent collected, accepted or received funds in trust, including but not necessarily limited to, appraisal fees and credit report fees ("trust funds"), from or on behalf of parties to transactions handled by Respondents. Respondent did not maintain any trust accounts for its mortgage loan activities during the audit period, and it appears that said trust funds were deposited in Respondent's general operating account maintained at Union Bank and commingled with Respondent's own funds in violation so Code Sections 10145 and 10176(e) and Section 2832 of the Regulations.

(b) Respondent overcharged the borrower for appraisal fees and credit report fees totaling \$604 which was collected at funding in violation of Code Section 10176(g) prohibiting the taking by a licensee of a secret profit or undisclosed compensation.

(c) Respondent failed to maintain a columnar record of trust funds received and not placed in a trust account, as required by Code Section 10145 and Section 2831 of the Regulations.

(d) Respondent failed to maintain a separate record for each beneficiary with respect to the overcharged appraisal and credit fees, and instead deposited these fees into Respondent's general operating account maintained at Union Bank in violation Code Section 10145 and Section 2831.1 of the Regulations.

(e) Respondent failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Section 2831.1 of the Regulations with the record of all trust funds received and disbursed as is required by Code Section 10145 and Section 2831.2 of the Regulations.

(f) Respondent did not maintain a copy of all California Mortgage Loan Disclosure Statements as is required by Code Section 10240 and Section 2840 of the Regulations. Further, Respondent failed to disclose the Yield Spread Premium paid to Respondent by the lender at funding on the Mortgage Loan Disclosure Statement.

(g) Respondent acted as a mortgage loan originator (MLO) during the audit period but failed to notify the Department in writing of its MLO activities by January 31, 2010, as required by Code Section 10166.02(a) and (b).

IV

The evidence established that the violations set forth in Paragraph III, above, constitute cause for the suspension or revocation of the real estate and license rights of Respondent under the provisions of Code Sections 10166.02(a) and (b), 10176(e), 10176(g), 10177(d) and 10240 and Sections 2831, 2831.1, 2831.2, 2832 and 2840 of the Regulations.

DETERMINATION OF ISSUES

I

Respondent FINANCIAL LENDING PARTNERS INC. is in violation of Code Sections 10166.02(a) and (b), 10176(e), 10176(g), 10177(d) and 10240 and Sections 2831, 2831.1, 2831.2, 2832 and 2840 of the Regulations, as set forth in Paragraph IV, above, which justifies the suspension or revocation of its license and/or license rights under the provisions of Code Sections 10177(d) for violation of the Real Estate Law.

II

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

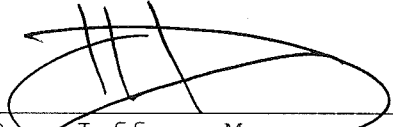
ORDER

The licenses and license rights of Respondent FINANCIAL LENDING PARTNERS 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 JUN 25 2014

DATED: MAY 21 2014

Real Estate Commissioner


By: Jeffrey Mason
Chief Deputy Commissioner