

**FILED**

OCT 17 2014

**BUREAU OF REAL ESTATE**

By *[Signature]*

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*7/2/14*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	CalBRE No. H-39405 LA
	)	OAH No. 2014050165
EZ PROCESSING, INC. and	)	
JORGE ROQUE ALMAGUER,	)	<u>FIRST AMENDED ACCUSATION</u>
individually and as designated	)	
officer of EZ PROCESSING, INC.,	)	
	)	
Respondents.	)	

This First Amended Accusation amends the Accusation filed on April 11, 2014. The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against EZ PROCESSING, INC. and JORGE ROQUE ALMAGUER, individually and as designated officer of EZ Processing, Inc. (collectively "Respondents"), is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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1 2.

2 All references to the "Code" are to the California Business and Professions Code and all  
3 references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,  
4 Chapter 6, California Code of Regulations.

5 3.

6 From August 2, 2013 through the present, Respondent EZ PROCESSING, INC. ("EZPI")  
7 has been licensed and/or has license rights by the Bureau of Real Estate ("Bureau") as a real  
8 estate corporation, License ID 01906380. At all times relevant herein, Respondent EZPI did not  
9 maintain a unique mortgage loan originator ("MLO") license endorsement.

10 4.

11 From August 17, 2007 through the present, Respondent JORGE ROQUE ALMAGUER  
12 ("ALMAGUER") has been licensed and/or has license rights by the Bureau as a real estate  
13 broker, License ID 0129310. Respondent ALMAGUER maintained an individual MLO license  
14 endorsement, Nationwide Mortgage Licensing System and Registry ("NMLS") ID 322320, and a  
15 company MLO license endorsement for the trade name, First Premium Financial, NMLS ID  
16 342940. Respondent ALMAGUER's company, J.R.A & Associates, Inc., also maintained a  
17 company MLO license endorsement, NMLS ID 988289. At all times relevant herein,  
18 Respondent ALMAGUER did not maintain a unique MLO license endorsement that allowed him  
19 to engage in activities requiring a MLO license endorsement while doing business as EZPI.

20 5.

21 From August 2, 2013 through the present, Respondent EZPI has been authorized to act by  
22 and through Respondent ALMAGUER as its broker designated pursuant to Code Section  
23 10159.2 to be responsible for ensuring compliance with the Real Estate Law. ALMAGUER is  
24

1 also the Secretary of EZPI.

2 6.

3 Code Section 10166.03 states:

4 (a) A loan processor or underwriter who does not represent to  
5 the public, through advertising or other means of communicating or  
6 providing information, including the use of business cards, stationery,  
7 brochures, signs, rate lists, or other promotional items, that the individual  
8 can or will perform any of the activities of a mortgage loan originator shall  
9 not be required to obtain a license endorsement as a mortgage loan  
10 originator.

11 (b) An individual engaging solely in loan processor or  
12 underwriter activities shall not represent to the public, through advertising  
13 or other means of communicating or providing information, including the  
14 use of business cards, stationery, brochures, signs, rate lists, or other  
15 promotional items, that the individual can or will perform any of the  
16 activities of a mortgage loan originator.

17 (c) An independent contractor who is employed by a mortgage  
18 loan originator may not engage in the activities of a loan processor or  
19 underwriter for a residential mortgage loan unless the independent  
20 contractor loan processor or underwriter obtains and maintains an  
21 endorsement as a mortgage loan originator under this article. Each  
22 independent contractor loan processor or underwriter who obtains and  
23 maintains an endorsement as a mortgage loan originator under this article  
24 shall have and maintain a valid unique identifier issued by the Nationwide  
Mortgage Licensing System and Registry.

7.

For an unknown period of time starting no later than September 12, 2013, Respondent  
EZPI advertised and offered to perform loan processor services for others on the following  
website: <http://ezprocessinginc.com>.

8.

On September 17, 2013, a special investigator for the Bureau sent a letter to Respondents  
advising them that advertisements on EZPI's website were in violation of the Real Estate Law.

1 Respondents were advised to discontinue said advertisements.

2 9.

3 On September 30, 2013, Respondent ALMAGUER signed a letter addressed to the  
4 Bureau's investigator stating that the advertisements on EZPI's website had been removed.

5 10.

6 On October 8, 2013, the Bureau's investigator searched EZPI's website:  
7 <http://ezprocessinginc.com> and discovered that the advertisements still appeared on that website.

8 11.

9 On or about October 8, 2013, a special investigator for the Bureau telephoned the  
10 business phone number listed on EZPI's website and spoke with Joy Rodriguez, a representative  
11 for EZPI. The Bureau's investigator claimed to be a mortgage broker seeking loan processing  
12 services from EZPI. Joy Rodriguez stated that EZPI offered loan processing services for  
13 purchase and refinance loans including, but not limited to, FHA, VA, Cal-Vet, USDA, and  
14 reverse mortgages for a fee of \$695 per loan.

15 12.

16 The conduct, acts and/or omissions of Respondent EZPI as set forth above in Paragraphs  
17 3 through 11, are in violation of Code section 10166.03(c) and constitute cause for the  
18 suspension or revocation of the licenses and license rights of Respondent EZPI pursuant to Code  
19 Sections 10177(d) (violation of the Real Estate Law) and/or 10177(g) (negligence).

20 13.

21 Respondents' failure to notify the Bureau of EZPI's mortgage loan originator activities  
22 and failure to obtain a mortgage loan originator license endorsement, as set forth above in  
23 Paragraphs 3 through 11, constitutes cause for the imposition of a penalty against Respondents  
24

1 pursuant to Code Section 10166.02, subdivision (f). The penalty shall be assessed at fifty (\$50)  
2 dollars per day for each day written notification has not been received or a license endorsement  
3 has not been obtained, up to and including the 30<sup>th</sup> day after the first day of the assessment  
4 penalty. On and after the 31<sup>st</sup> day, the penalty is one hundred dollars (\$100) per day, not to  
5 exceed a total penalty of ten thousand dollars (\$10,000), regardless of the number of days, until  
6 the Bureau receives the written notification or the licensee obtains the license endorsement.  
7 Penalties for violations of subdivisions (a) and (b) shall be additive.

8 14.

9 The conduct, acts and/or omissions of Respondent ALMAGUER, in allowing  
10 EZPI to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent  
11 ALMAGUER to exercise the supervision and control over the activities of Respondents EZPI as  
12 required by Code Section 10159.2 and Regulation 2725, and are cause to suspend or revoke the  
13 mortgage loan originator license endorsement, real estate broker license, and license rights of  
14 Respondent ALMAGUER pursuant to Code Sections 10166.02, 10166.15(c), 10166.051(a),  
10177(h), 10177(d), and/or 10177(g).

15 15.

16 Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a  
17 disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the  
18 administrative law judge to direct a licensee found to have committed a violation of this part to  
19 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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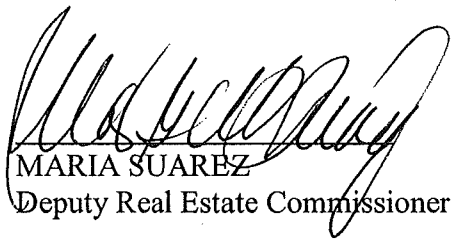
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1           WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this  
2 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action  
3 against all licenses and/or license rights of Respondents EZ PROCESSING, INC. and JORGE  
4 ROQUE ALMAGUER, individually and as designated officer of EZ Processing, Inc. under the  
5 Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of  
6 investigation and enforcement as permitted by law, and for such other and further relief as may  
7 be proper under other provisions of law.

8 Dated at Los Angeles, California

9 this 15<sup>th</sup> day of October, 2014.

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12   
13 MARIA SUAREZ  
14 Deputy Real Estate Commissioner  
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17  
18  
19

20 cc:   EZ Processing, Inc.  
21       Jorge Roque Almaguer  
22       Rizza D. Gonzales, Esq.  
23       Maria Suarez  
24       Sacto  
       OAH