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BUREAU OF REAL ESTATE

By H. S. [Signature]

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H- 39415 LA
	)	
BRIAN RENE LINNEKENS,	)	<u>A C C U S A T I O N</u>
	)	
	)	
	)	
Respondent.	)	
_____		

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, for cause of Accusation  
against BRIAN RENE LINNEKENS (hereafter "Respondent") 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 Respondent is presently licensed and/or has license  
3 rights under the Real Estate Law (Part 1 of Division 4 of the  
4 Business and Professions Code, hereinafter "Code") as a real  
5 estate broker.

6 PRIOR BUREAU DISCIPLINE

7 3.

8 On or about November 22, 2012, in Case No. H-37806 LA,  
9 the Commissioner of the Bureau of Real Estate suspended the  
10 broker license of Respondent for a period of sixty (60) days,  
11 thirty (30) days stayed, pursuant to the provisions of Code  
12 Sections 10159.2 and 10177(h).

13 STATE BAR DISCIPLINE

14 3.

15 On or about September 19, 2013, in Case No. S211920  
16 (State Bar Court Nos. 12-O-13466)(12-O-13947; 12-O-14331; 12-O-  
17 15872), the California Supreme Court ordered that Respondent be  
18 suspended from the practice of law in California for three  
19 years, execution of that period is stayed, and that Respondent  
20 be placed on probation for three years subject to various  
21 conditions, including the following:

22 a. Respondent is suspended from the practice of law  
23 for a minimum of two years, and will remain suspended until the  
24 following requirements are satisfied:

25 i. Respondent provides proof to the State Bar  
26 Court of his rehabilitation, fitness to practice and learning  
27 and ability in the general law before his suspension will be

terminated.

ii. Respondent makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Code Section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:

(a) Mary Rodriguez in the amount of \$2,995 plus 10 percent interest per year from January 28, 2011; and

(b) Karen Webb in the amount of \$3,000 plus 10 percent interest per year from January 25, 2011.

b. Respondent must comply with other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 15, 2013.

c. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

4.

The license discipline set forth in Paragraph 3, above, was based on the following acts and omissions by Respondent:

a. By performing legal services related to residential loan modification for no fewer than 46 Washington State clients, Respondent practiced law in a jurisdiction where practicing is in violation of the regulations of the profession in that jurisdiction in willful violation of Rule of Professional Conduct 1-3000(B).

b. By performing legal services related to residential mortgage loan modification for the Hursts, Respondent practiced law in a jurisdiction where practicing is in violation of the regulations of the profession in that jurisdiction in willful violation of Rule of Professional Conduct 1-300(B).

c. By collecting an advanced fee to perform legal services related to mortgage loan modification on behalf of Rodriguez in violation of Civil Code Section 2944.7, Respondent willfully violated Code Section 6106.3.

d. By collecting an advanced fee to perform legal services related to mortgage loan modification on behalf of Webb in violation of Civil Code Section 2944.7, Respondent willfully violated Code Section 6106.3.

5.

The acts resulting in the discipline of Respondent's license to practice law in California, as is alleged herein above in Paragraph 4, above, constitute cause under Sections 480(a)(3) and/or 10177(f) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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

1           WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of Respondent  
5 BRIAN RENE LINNEKENS under the Real Estate Law (Part 1 of  
6 Division 4 of the Business and Professions Code), for the cost  
7 of investigation and enforcement as permitted by Code Section  
8 10106, and for such other and further relief as may be proper  
9 under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 10<sup>th</sup> day of April, 2014.

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13   
14 Maria Suarez  
15 Deputy Real Estate Commissioner  
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22

23 CC: BRIAN RENE LINNEKENS  
24 Maria Suarez  
25 Sacto.  
26  
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