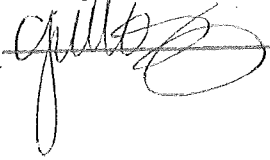


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BUREAU OF REAL ESTATE

By 

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) CALBRE No. H-39958 LA
HANS-JURGEN BRIESE,) ACCUSATION
Respondent:)

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, for cause of Accusation against HANS-JURGEN BRIESE ("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.

2.

Respondent 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).

3.

All references to the "Code" are to the California Business and Professions Code and all

1 references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,
2 Chapter 6, California Code of Regulations.

3 4.

4 From February 4, 2010 through the present, Respondent has been licensed by the Bureau
5 of Real Estate ("Bureau") as a real estate broker, License ID 01296752. Respondent was
6 licensed as a real estate salesperson from September 23, 2000 to February 3, 2010. Respondent
7 is licensed to do business as Metropolitan Home, Power Broker, Circle City Escrow A Non-
8 Independent Broker Escrow, Security Pacific, and Table Funding.

9 5.

10 Respondent has an individual mortgage loan originator ("MLO") license endorsement,
11 Nationwide Mortgage Licensing System & Registry ("NMLS") ID 335762. Metropolitan Home
12 has a company MLO license endorsement, NMLS ID 648796.

13 6.

14 At all times relevant herein, Anthony Manuel Perez, Guadalupe Perez aka Lupe Perez,
15 Jessica Marin, and Raymond Arocho aka Ray Arocho were not real estate salespersons licensed
16 under the employment of Respondent or Metropolitan Home. Respondent did not maintain a
17 written salesperson or broker-salesman arrangement with these individuals. These individuals
18 did not maintain any MLO license endorsement authorizing them to represent Respondent or
19 Metropolitan Home.

20 FIRST CAUSE OF ACCUSATION

21 (Unlicensed Activity/Unlawful Compensation)

22 7.

23 Code section 10131 defines a real estate broker as a person who: (d) solicits borrowers
24 for or negotiates loans, collects payments or performs services for borrowers in connection with
25

1 loans secured directly or collaterally by liens on real property. Code section 10131.1 defines a
2 real estate broker as a person who engages as a principal in the business of making loans with the
3 public or exchanges promissory notes secured directly or collaterally by liens on real property.
4 Code section 10166.02 provides that any real estate broker or any salesperson acting under the
5 supervision of that real estate broker, who acts pursuant to Code sections 10131.1 or 10131,
6 subdivisions (d) or (e) and who makes, arranges, or services loans secured by real property
7 containing one to four residential units must notify the Bureau of said activity and must obtain
8 and maintain a real estate license and MLO license endorsement.

9 8.

10 Code section 10166.03 provides:

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

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

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

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24 ///

1 9.

2 Code section 10137 prohibits any licensed real estate broker from employing or
3 compensating, directly or indirectly, any person who is not a licensed real estate broker or
4 salesperson licensed under the broker for performing any acts which require a real estate license
5 or MLO license endorsement.

6 10.

7 Code section 10163 requires that a real estate broker, who maintains more than one place
8 of business within the State, apply for and procure an additional license for each branch office so
9 maintained. Code section 10162, subdivision (b) provides that a real estate license does not
10 authorize the licensee to do business except from the location stipulated in the real estate license
11 as issued or as altered pursuant to Section 10161.8.

12 11.

13 Regulation 2715 requires that every broker maintain on file with the commissioner the
14 address of each branch business office. Whenever there is a change in the location or address of
15 a branch office of a broker, the broker shall notify the commissioner thereof not later than the
16 next business day following the change.

17 12.

18 On or about April 11, 2014, Bureau Special Investigator B.F.¹ spoke with Ray Arocho,
19 who was acting on behalf of Metropolitan Home, regarding a modification of B.F.'s residential
20 home loan. B.F. had a subsequent conversation with Jessica Marin, who was acting on behalf of
21 Metropolitan Home, regarding B.F.'s residential home loan. On or about May 13, 2014, B.F.
22 received a letter from Jessica Marin, Junior Banker for Metropolitan Home. The letter offered to

23 _____
24 ¹ Initials are used in place of B.F.'s full name to protect his privacy. Documents containing B.F.'s full name and
25 real property address will be provided during the discovery phase of this case to Respondent and/or his attorney,
after service of a timely and proper request for discovery on Complainant's counsel.

1 assist B.F. with obtaining a new or refinanced loan with a lower interest rate and/or monthly
2 payment for his property located in the city of Fresno, California. Enclosed with the letter was a
3 business card for Lupe Perez, Customer Service Manager for Metropolitan Home. The return
4 address for Metropolitan Home was 26632 Towne Center Drive, Suite 300, Foothill Ranch,
5 California 92610. The business card listed Respondent's broker license number and NMLS
6 number. Anthony Manuel Perez and Lupe Perez leased the business location used by
7 Metropolitan Home at 26632 Towne Center Drive, Suite 300, Foothill Ranch, California 92610.

8 13.

9 On May 25, 2014, Lupe Perez, while acting on behalf of Metropolitan Home, telephoned
10 B.F. and informed B.F. that Metropolitan Home was a "direct lender" that could assist him with
11 reducing his monthly mortgage payment by \$200, and that B.F. could possibly skip making two
12 mortgage payments if he closed a loan quickly. Lupe Perez informed B.F. that he only needed to
13 deal with her and "Anthony", Metropolitan Home's processor. On or about May 26, 2014, B.F.
14 received an email from Metropolitan Home from Lupe Perez, a Sr. Loan Specialist for
15 Metropolitan Home, which solicited refinance services and included a loan comparison of his
16 current loan and new possible loan terms. B.F. completed a Uniform Residential Loan
17 Application with Metropolitan Home. Metropolitan Home's company address listed on the
18 application is 3960 Prado Del Maiz, Calabasas, CA 91302 and phone number (818) 483-8083.
19 Respondent listed the same address as his broker main office address with the Bureau.

20 14.

21 On July 13, 2014, a Bureau Special Investigator reviewed the website for Metropolitan
22 Home with a uniform resource locator of www.metropolitan-home.com. The website listed a
23 DRE license number 01296752, which is Respondent's broker license ID number. The website
24 advertised real estate activities which require a real estate license and/or a MLO license
25

1 endorsement. The address for Metropolitan Home listed on the website is 16501 Ventura Blvd.,
2 Suite 400, Encino, California 91436.

3 15.

4 The conduct, acts and/or omissions of Respondent, in employing or compensating
5 unlicensed individuals who engaged in activities requiring a real estate license and/or a MLO
6 license endorsement, as set forth above in Paragraphs 4 through 14, are in violation of Code
7 sections 10137 and 10166.02 and constitute cause for the suspension or revocation of the license,
8 MLO license endorsement, and license rights of Respondent pursuant to Code sections
9 10166.051, 10166.05, 10177(d), and/or 10177(g).

10 SECOND CAUSE OF ACCUSATION

11 (Use of Unlicensed Branch Offices)

12 16.

13 There is hereby incorporated in this Second, separate and distinct Cause of
14 Accusation, all of the allegations contained in Paragraphs 1 through 15, with the same force and
15 effect as if herein fully set forth.

16 17.

17 Respondent, while doing business as Metropolitan Home, acted without Bureau
18 authorization in using unlicensed branch offices located at 26632 Towne Center Drive, Suite
19 300, Foothill Ranch, California 92610 and 16501 Ventura Blvd., Suite 400, Encino, CA 91436,
20 to engage in activities requiring the issuance of a real estate license, in violation of Code Section
21 10163 and Regulation 2715.

22 18.

23 The conduct, acts and/or omissions of Respondent as set forth in Paragraphs 12,
24 14, and 17 above, are in violation of Code Section 10163 and Regulation 2715, and constitute
25


1 cause to suspend or revoke the real estate license, MLO license endorsement, and all license
2 rights of Respondent under the provisions of Code Sections 10165, 10166.051, 10166.05,
3 10177(d), and/or 10177(g).

4 19.

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

10 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
11 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses, MLO license endorsements, and/or license rights of Respondent
13 HANS-JURGEN BRIESE under the Real Estate Law (Part 1 of Division 4 of the Business and
14 Professions Code), for the cost of investigation and enforcement as permitted by law, and for
15 such other and further relief as may be proper under other provisions of law.

16 Dated at Los Angeles, California this 14th day of August, 2015.

17
18
19 
20 MARIA SUAREZ
21 Supervising Special Investigator
22

23 cc: Hans-Jurgen Briese
24 Maria Suarez
25 Sacto.