

FILED

AUG 30 2010

DEPARTMENT OF REAL ESTATE

By K. Centenas

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
HOME LENDING GROUP, INC.,)
a Corporation, and)
SANDRA MILLER,)
)
Respondents.)
_____)

NO. H-2448 FR

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 June 16, 2010. The Findings of Fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and/or, (3) other evidence.

This Decision revokes real estate licenses based on HOME LENDING GROUP, INC.'s (herein "HOME") failure to comply with Department of Real Estate (herein "the Department") records request and SANDRA MILLER (herein "MILLER") failure to supervise.

The right to reinstatement of a revoked real estate license 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

1.

At all times herein mentioned, Respondent HOME and MILLER (herein "Respondents") were and now are licensed and/or have license rights under the Real Estate Law (Part 1. of Division 4 of the Business and Professions Code) (herein "the Code").

2

At all times herein mentioned HOME was licensed by the Department as a corporate real estate broker by and through MILLER as designated officer of HOME to qualify said corporation and to act for said corporation as a real estate broker. HOME's corporate real estate license expired May 25, 2009.

3

At all times herein mentioned MILLER was and now is licensed by the Department individually and, until May 25, 2009, was the designated officer of HOME. As said designated officer, MILLER was at all times mentioned herein responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of HOME for which a license is required.

4

Whenever reference is made in an allegation in this Decision to an act or omission of HOME, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with HOME committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondent HOME and while acting within the course and scope of their authority and employment.

5

At all times herein mentioned Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents solicited borrowers for loans secured directly or collaterally by liens on real property, and wherein Respondents arranged, negotiated, processed, and consummated such loans.

6

On about November 29, 2007, Ernie Ruiz, Deputy Commissioner (herein "DC Ruiz") with the Department, sent a letter request for broker records and a declaration concerning a loan transaction with Daniel and Tammie Williams (herein "the Williams") with whom Respondent HOME, had negotiated a loan. Neither HOME nor MILLER complied with the request for records, in violation of Section 10148 of the Code.

7

On about January 28, 2008, DC Ruiz sent a Subpoena Duces Tecum to MILLER, on behalf of HOME to 1401 Commercial Way, #11, Bakersfield, the Department's address of record for HOME, for the Williams' file.

On about February 13, 2008, DC Ruiz received a letter from Medlin & Hargrave, attorney for HOME and MILLER, acknowledging the November 29, 2007 letter request, stating they were working on the request. Neither HOME nor MILLER complied with the request for records, in violation of Section 10148 of the Code.

On about March 22, 2010, Medlin & Hargrave informed the Department that they have not represented HOME and MILLER since March 2008 and that they did not have a current address for MILLER on file.

On about September 5, 2008, DC Ruiz sent a second Subpoena Duces Tecum to MILLER on behalf of HOME for the Williams' file, to 5438 E. Saginaw, Fresno, the new address of record for MILLER. Neither HOME nor MILLER complied with the request for records, in violation of Section 10148 of the Code.

On about December 12, 2008, DC Ruiz personally delivered a third subpoena Duces Tecum to MILLER on behalf of HOME for the Williams' file, to 5438 E. Saginaw, Fresno, the address of record for MILLER. The Subpoena was given to a man identifying himself as "Mark," a friend of the family, who verified that said address was the MILLER residence. Neither HOME nor MILLER complied with the request for records, in violation of Section 10148 of the Code.

At all times mentioned herein, Respondent MILLER failed to exercise reasonable supervision over the acts of Respondent HOME and its agents and employees in such a manner as to allow the acts and omissions on the part of HOME, described above, to occur in violation of Sections 10159.2 and 10177(g) and (h) of the Code.

DETERMINATION OF ISSUES

The acts and omissions of Respondent HOME, described above, constitute cause for the suspension or revocation of the license and license rights under Section 10148, in conjunction with 10177(d), of the Code.

The acts and omissions of Respondent MILLER, described above constitute cause for the suspension or revocation of the license and license rights under Sections 10159.2 and 10177(g) and 10177(h) of the Code, in conjunction with Section 10177(d) of the Code.

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


ORDER

The real estate licenses and license rights of Respondents HOME LENDING GROUP, INC. and SANDRA MILLER under the provisions of Part I of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on September 20, 2010.

DATED: 9-16, 2010.

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized and cursive.

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

JUN 16 2010

DEPARTMENT OF REAL ESTATE

By Y. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 HOME LENDING GROUP, INC.,)
14 A Corporation, and)
15 SANDRA MILLER,)

16 Respondents.)

NO. H-2448 FR

DEFAULT ORDER

17 Respondents, HOME LENDING GROUP, INC., and SANDRA MILLER, having
18 failed to file Notices of Defense within the time required by Section 11506 of the Government
19 Code are now in default. It is, therefore, ordered that a default be entered on the record in this
20 matter as to Respondents HOME LENDING GROUP, INC., and SANDRA MILLER

21 IT IS SO ORDERED 6/16, 2010.

22 JEFF DAVI
23 Real Estate Commissioner

24 By:

25 Charles W. Koening
26 CHARLES W. KOENIG
27 Northern Regional Manager

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187000
Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789
5 -or- (916) 227-0780 (Direct)

FILED

FEB 11 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 HOME LENDING GROUP, INC.,) NO. H-2448 FR
14 a Corporation, and,)
15 SANDRA MILLER,) ACCUSATION
16 Respondents.)

17
18 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of
19 the State of California, for cause of Accusation against HOME LENDING GROUP, INC., a
20 Corporation (herein "HOME"), and SANDRA MILLER (herein "MILLER") (collectively
21 "Respondents"), is informed and alleges as follows:

22 1

23 The Complainant makes this Accusation in his official capacity.

24 2

25 At all times herein mentioned, Respondents were and now are licensed and/or
26 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
27 Professions Code) (herein "the Code").

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3

At all times herein mentioned HOME was licensed by the State of California Department of Real Estate (herein "the Department") as a corporate real estate broker by and through MILLER as designated officer of HOME to qualify said corporation and to act for said corporation as a real estate broker. HOME's corporate real estate license expired May 25, 2009.

4

At all times herein mentioned MILLER was and now is licensed by the Department individually and, until May 25, 2009, was the designated officer of HOME. As said designated officer, MILLER was at all times mentioned herein responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of HOME for which a license is required.

5

Whenever reference is made in an allegation in this Accusation to an act or omission of HOME, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with HOME committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondent HOME and while acting within the course and scope of their authority and employment.

6

At all times herein mentioned Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents solicited borrowers for loans secured directly or collaterally by liens on real property, and wherein Respondents arranged, negotiated, processed, and consummated such loans.

1 7

2 On about November 29, 2007, Deputy Commissioner Ernie Ruiz (herein "DC
3 Ruiz") with the Department, sent a letter request for broker records and a declaration concerning
4 a loan transaction with Daniel and Tammie Williams (herein "the Williams") with whom
5 Respondent HOME, had negotiated a loan. Neither HOME nor MILLER complied with the
6 request for records, in violation of Section 10148 of the Code.

7 8

8 On about January 28, 2008, DC Ruiz sent a Subpena Duces Tecum to MILLER,
9 on behalf of HOME for the Williams' file, to 1401 Commercial Way, #11, Bakersfield, the
10 Department's address of record for HOME.

11 9

12 On about February 13, 2008, DC Ruiz received a letter from Medlin & Hargrave,
13 attorney for HOME and MILLER, acknowledging the November 29, 2007 letter request, stating
14 they were working on the request. Neither HOME nor MILLER complied with the request for
15 records, in violation of Section 10148 of the Code.

16 10

17 On about September 5, 2008, DC Ruiz sent a second Subpena Duces Tecum to
18 MILLER, on behalf of HOME for the Williams' file, to 5438 E. Saginaw, Fresno, the new
19 address of record for MILLER. Neither HOME nor MILLER complied with the request for
20 records, in violation of Section 10148 of the Code.

21 11

22 On about December 12, 2008, DC Ruiz personally delivered a third subpoena
23 Duces Tecum to MILLER, on behalf of HOME for the Williams' file, to 5438 E. Saginaw,
24 Fresno, the address of record for MILLER. The Subpena was given to a man identifying himself
25 as "Mark," a friend of the family, who verified that said address was the MILLER residence.
26 Neither HOME nor MILLER complied with the request for records, in violation of Section
27 10148 of the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

At all times mentioned herein, Respondent MILLER failed to exercise reasonable supervision over the acts of Respondent HOME and its agents and employees in such a manner as to allow the acts and omissions on the part of HOME, described above, to occur in violation of Sections 10159.2 and 10177(g) and (h) of the Code.

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code and/or the Regulations:

- (a) as to Paragraphs 7 through 11 and Respondent HOME under Section 10148 of the Code, in conjunction with Section 10177(d) of the Code; and,
- (b) as to Paragraph 12 and Respondent MILLER under Sections 10159.2 and 10177(g) and (h) of the Code, in conjunction with Section 10177(d) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.



LUKE MARTIN
Deputy Real Estate Commissioner

Dated at Fresno, California
this 29th day of January, 2010.