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FILED

MAR 12 2009

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35773 LA
JAMES T. DUNKELMAN, doing)	<u>A C C U S A T I O N</u>
business as First Choice)	
Funding Company,)	
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for cause of Accusation against JAMES T. DUNKELMAN dba First Choice Funding Company, is informed and alleges as follows:

1.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations or to the California Financial Code.

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2.

At all times mentioned, JAMES T. DUNKELMAN ("DUNKELMAN"), was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. On August 24, 1998, DUNKELMAN was originally licensed as a real estate broker.

3.

At all times mentioned, in Ontario, County of Los Angeles, DUNKELMAN acted as real estate broker and conducted licensed activities within the meaning of Code Section 10131(d). DUNKELMAN operated a mortgage and loan brokerage dba First Choice Funding Company.

AUDIT

4.

On May 29, 2008, the Department completed an audit examination of the books and records of DUNKELMAN, pertaining to the mortgage loan activities described in Paragraph 3, that require a real estate license. The audit examination covered a period of time beginning on April 1, 2005 to February 29, 2008. The audit examination revealed violations of the Code and the Regulations as set forth below, and more fully discussed in Audit Report LA 070265 and the exhibits and work papers attached thereto.

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2 No trust account was maintained during the audit
3 period.

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5 With respect to the licensed activities referred to in
6 Paragraph 3, and the audit examination including the exhibits and
7 workpapers referred to in Paragraph 4, it is alleged that

8 DUNKELMAN:

9 (a) (1) Failed to retain a true and correct copy of a
10 Department of Real Estate approved Mortgage Loan Disclosure
11 Statement signed by the broker for borrowers Joseph, Mayo and
12 Rotella, Arriaga, Woddell and Roberson, in violation of Code
13 Section 10240; and

14 (a) (2) Failed to disclose yield spread premiums from
15 lenders on the approved Mortgage Loan Disclosure Statement for
16 the borrowers Parongao, Parra, Woddell, Roberson, Mayo and
17 Curiel, in violation of Code Section 10240, 10241 and Regulation
18 2840.1.

19 (b) Failed to display DUNKELMAN's license number on the
20 Parongao, Arriaga, Woddell and Roberson mortgage loans disclosure
21 statements, as required by Code Section 10236.4(b).

22 (c) Used the fictitious name of "Premier Lending
23 Company" to conduct licensed activities including mortgage and
24 loan brokering without holding a license bearing said fictitious
25 business name, in violation of Code Section 10159.5 and
26 Regulation 2731; and
27

1 (d) Failed to retain all records and transactions of
2 Respondent's activity during the audit period requiring a real
3 estate broker license, including but not limited to appraisal
4 invoices, cancelled checks, records of deposits related to
5 commissions or fees and a copy of Respondent's general account
6 bank statement(s), as required by Code Section 10148.

7 7.

8 The conduct of Respondent DUNKELMAN described in
9 Paragraph 6, above, violated the Code and the Regulations as set
10 forth:

11 <u>PARAGRAPH</u>	12 <u>PROVISIONS VIOLATED</u>
13 6(a)	14 Code Sections 10240 and 10241 and 15 Regulation 2840
16 6(b)	17 Code Section 10236.4(b)
18 6(c)	19 Code Section 10159.5 and Regulation 2731
20 6(d)	21 Code Section 10148

22 Each of the foregoing violations constitute cause for the
23 suspension or revocation of the real estate license and license
24 rights of Respondent DUNKELMAN under the provisions of Code
25 Sections 10177(d) and/or 10177(g).
26
27

Fraud in a Civil Action

8.

On or about March 20, 2008, in the Superior Court of the State of California, for the County of San Bernardino, in Case No. RCV 100985, Nick/Doris Nwuda v. ERA Premier Real Estate, DUNKLEMAN et al, a final judgment was entered against Respondent DUNKELMAN based on grounds of fraud, misrepresentation or deceit with reference to a transaction for which a real estate license is required.

9.

The facts set forth in Paragraph 8, above, constitute cause under Code Section 10177.5 for discipline of the license and license rights of Respondent under the Real Estate Law.

10.

The overall conduct of Respondent DUNKELMAN constitutes negligence or incompetence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of Respondent pursuant to Code Section 10177(g).

11.

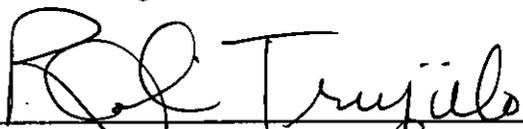
The overall conduct of DUNKELMAN constitutes a failure to exercise supervision and control over the licensed activities of his brokerage. Nor did DUNKELMAN maintain a system in place for regularly monitoring his compliance with the Real Estate Law, in violation of Code Sections 10177(d) and 10177(h) and Regulation 2725.

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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 the license and license rights of Respondent JAMES
5 T. DUNKELMAN, under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

9 this *26 day of February 2009.*

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12 _____
13 Deputy Real Estate Commissioner

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25 cc: James T. Dunkelman
26 Robin Trujillo
27 Sacto
Audits - Manijeh Khazrai