

1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED
SEP 15 2009
DEPARTMENT OF REAL ESTATE

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 To:	NATIONWIDE HOME ASSISTANCE)	No. H-36241 LA
	dba Loan Center Funding, Inc.;)	
12	MICHAEL ALLAN HARRIS dba)	<u>ORDER TO DESIST</u>
	A Head for Money; A HEAD FOR)	<u>AND REFRAIN</u>
13	MONEY ENTERPRISES, INC.;)	
	BENCHMARK FINANCIAL, INC.;)	(B & P Code Section 10086)
14	THE REAL ESTATE LIFE, INC.;)	
	LISA KOMINEK; JAMES RADOGNA;)	
15	COREY TOBIN.)	
16)	
)	
17	Respondents.)	
)	

18 The Commissioner ("Commissioner") of the California Department of Real Estate
19 ("Department") caused an investigation to be made of the activities of NATIONWIDE HOME
20 ASSISTANCE ("NATIONWIDE"), MICHAEL ALLAN HARRIS ("HARRIS"), A HEAD FOR
21 MONEY ENTERPRISES, INC, ("A HEAD FOR MONEY"), BENCHMARK FINANCIAL,
22 INC. ("BENCHMARK"), THE REAL ESTATE LIFE, INC. ("REAL ESTATE LIFE"), LISA
23 KOMINEK ("KOMINEK"), JAMES RADOGNA ("RADOGNA"), and COREY TOBIN
24 ("TOBIN"). Based on that investigation, the Commissioner has determined that NATIONWIDE,
25 HARRIS, A HEAD FOR MONEY, BENCHMARK, REAL ESTATE LIFE, KOMINEK,
26 RADOGNA and TOBIN have engaged in or are engaging in acts or are attempting to engage in
27 the business of, acting in the capacity of, and/or advertising or assuming to act as real estate

1 brokers in the State of California within the meaning of Code Section 10131(d) (soliciting,
2 negotiating and performing services for borrowers in connection with loans secured by real
3 property) and 10131.2 (advance fee handling).

4 In addition, based on that investigation, the Commissioner has determined that
5 NATIONWIDE, HARRIS, A HEAD FOR MONEY, BENCHMARK, REAL ESTATE LIFE,
6 KOMINEK, RADOGNA and TOBIN have engaged in or are engaging in acts or are attempting
7 to engage practices constituting violations of the California Business and Professions Code
8 (“Code”) and/or Title 10, California Code of Regulations (“Regulations”). Based on the findings
9 of that investigation, set forth below, the Commissioner hereby issues the following Findings of
10 Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of
11 the Code.

12 FINDINGS OF FACT

13 1. NATIONWIDE is not now, and has never been, licensed by the Department
14 in any capacity.

15 2. HARRIS is presently licensed and/or has license rights under the Real Estate
16 Law (Part 1 of Division 4 of the Code) as a real estate broker. HARRIS is currently the
17 designated officer of A HEAD FOR MONEY and BENCHMARK.

18 3. A HEAD FOR MONEY is presently licensed and/or has license rights under
19 the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code
20 (“Code”), as a real estate corporation.

21 4. BENCHMARK is presently licensed and/or has license rights under the Real
22 Estate Law, Part 1 of Division 4 of the California Business and Professions Code (“Code”), as a
23 real estate corporation.

24 5. REAL ESTATE LIFE is not now, and has never been, licensed by the
25 Department in any capacity.

26 6. KOMINEK is not now, and has never been, licensed by the Department in
27 any capacity.

1 7. RADOGNA is not now, and has never been, licensed by the Department in
2 any capacity.

3 8. TOBIN is not now, and has never been, licensed by the Department in any
4 capacity.

5 9. At the time set forth below each and every respondent solicited borrowers
6 and negotiated to do one or more of the following acts for another or others, for or in
7 expectation of compensation: engaged in the business of, acted in the capacity of, or advertised
8 a loan modification service and advance fee brokerage using the name Nationwide Home
9 Assistance soliciting, offering to negotiate or perform loan modification services with respect to
10 loans which were secured by liens on real property for compensation or in expectation of
11 compensation and for fees collected in advance of the transaction.

12 10. On or about December 8, 2008, NATIONWIDE provided an advance fee
13 contract to Nora Valadez ("Valadez") for loan modification services on Valadez' existing
14 mortgage on her home located at 4700 Via Corzo, Yorba Linda, CA 92886.

15 11. Between on or about December 8, 2008 and on or about March 18, 2009,
16 HARRIS, A HEAD FOR MONEY and BENCHMARK employed REAL ESTATE LIFE,
17 KOMINEK, RADOGNA and TOBIN to solicit and obtain clients for NATIONWIDE's loan
18 modification services.

19 12. On or about December 8, 2008, KOMINEK, RADOGNA and TOBIN, as
20 representatives of NATIONWIDE, demanded and received an advance fee of \$1,500 from
21 Valadez for the activities described in paragraph 10, above.

22 CONCLUSIONS OF LAW

23 13. Based on the information contained in Paragraphs 9 through 12, above,
24 HARRIS, A HEAD FOR MONEY and BENCHMARK violated Section 10085 of the Code and
25 Regulation 2970, by not having an approved advance fee agreement on file with the
26 Department.

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1 14. Based on the information contained in Paragraphs 9 through 12, above,
2 HARRIS, A HEAD FOR MONEY and BENCHMARK violated Code Section 10137 of the
3 Code by employing and/or compensating individuals who were not licensed as a real estate
4 salesperson or as a broker to perform activities requiring a real estate license.

5 15. Based on the information contained in Paragraphs 9 through 12, above,
6 NATIONWIDE, REAL ESTATE LIFE, KOMINEK, RADOGNA and TOBIN violated Section
7 10130 of the Code by engaging in the activities without first obtaining a broker license from the
8 Department.

9 DESIST AND REFRAIN ORDER

10 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
11 herein, IT IS ORDERED THAT:

12 A. NATIONWIDE HOME ASSISTANCE, THE REAL ESTATE LIFE, INC.,
13 LISA KOMINEK, JAMES RADOGNA, COREY TOBIN, immediately desist and refrain from
14 performing any acts within the State of California for which a real estate broker license is
15 required, unless or until you are so licensed;

16 B. MICHAEL ALLAN HARRIS, A HEAD FOR MONEY ENTERPRISES,
17 INC., BENCHMARK FINANCIAL, INC., immediately desist and refrain from employing and/or
18 compensating individuals who are not licensed as a real estate salesperson or as a broker to
19 perform activities requiring a real estate license;

20 IT IS FURTHER ORDERED THAT each of you immediately desist and refrain
21 from charging, demanding, or collecting an advance fee for any of the services you offer to
22 others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner
23 that you are in full compliance with all of the requirements of the Code and California Code of
24 Regulations relating to charging, collecting, and accounting for advance fees;

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1 In addition, you, MICHAEL ALLAN HARRIS, A HEAD FOR MONEY
2 ENTERPRISES, INC., BENCHMARK FINANCIAL, INC., ARE ORDERED TO: immediately
3 desist and refrain from collecting advance fees, as that term is defined in Section 10026 of the
4 Code, in any form and particularly with respect to loan modification, loan refinance, principal
5 reduction, foreclosure abatement or short sale services, unless and until you demonstrate and
6 provide evidence satisfactory to the Commissioner that you have:

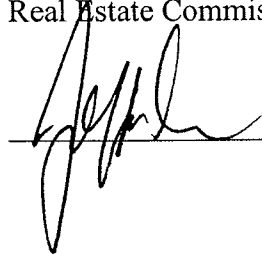
7 (i) an advance fee agreement which has been submitted to the Department and
8 which is in compliance with Sections 2970 and 2972 of the Regulations;

9 (ii) placed all previously collected advance fees into a trust account for that
10 purpose and are in compliance with Section 10146 of the Code; and

11 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to Section
12 2972 of the Regulations.

13 DATED: _____ 9-9 _____, 2009.

14 JEFF DAVI
15 Real Estate Commissioner

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20 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
21 real estate broker or real estate salesperson without a license or who advertises using words
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
24 imprisonment in the county jail for a term not to exceed six months, or by both fine and
25 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
26 (\$60,000)."
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3 Tustin, CA 92780

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