

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

3 Telephone: (213) 576-6982

FILED

JAN 29 2010

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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11 To:)	No. H-36443 LA
)	
12 THOMAS JOSEPH O'MEARA)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
)	
15 _____)	

16 The Commissioner ("Commissioner") of the California
17 Department of Real Estate ("Department") caused an investigation
18 to be made of the activities of THOMAS JOSEPH O'MEARA
19 ("O'MEARA"), and has determined that O'MEARA has engaged in or is
20 engaging in acts or practices constituting violations of the
21 California Business and Professions Code ("Code") and/or Title
22 10, California Code of Regulations ("Regulations") including
23 engaging in the business of, acting in the capacity of,
24 advertising, or assuming to act, as real estate broker in the
25 State of California within the meaning of Section 10131(d)
26 (soliciting borrowers or lenders or negotiating loans). Based on
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1 the findings of that investigation, as set forth below, the
2 Commissioner hereby issues the following Findings of Fact and
3 Desist and Refrain Order pursuant to Section 10086 of the Code.

4 FINDINGS OF FACT

5 1. At no time herein mentioned has O'MEARA been
6 licensed by the Department in any capacity. On or about June
7 16, 1988, a real estate broker license was issued to O'MEARA.
8 Thereafter, on or about June 13, 2008, the Department filed an
9 Accusation in Case No. H-02269 FR (the "Accusation") against
10 O'MEARA seeking the suspension or revocation of Respondent's
11 real estate broker license. On or about August 25, 2008, an
12 Order was made by the Commissioner of Real Estate revoking the
13 real estate broker license of O'MEARA, effective September 15,
14 2008, pursuant to Sections 10176(a) and 10176(i) and/or
15 10177(d), (h) and (j) of the Code.

16
17 2. Including but not limited to the time set forth
18 below, O'MEARA engaged in the business of, acted in the capacity
19 of, advertised or assumed to act as real estate broker in the
20 State of California, within the meaning of Code Section 10131(d)
21 of the Code. Said activity included soliciting borrowers and
22 lenders and negotiating the terms of loans secured by real
23 property between borrowers and third party lenders for or in
24 expectation of compensation.

25 3. On or after July, 2009, O'MEARA, using the
26 fictitious name "Desert Resource Group," placed advertisements,
27 distributed business cards and engaged in written and telephonic

1 communications which solicited borrowers for participation in
2 reverse mortgage programs for senior citizens offering to
3 negotiate and negotiating the terms of reverse mortgages on
4 behalf of such borrowers.

5 CONCLUSIONS OF LAW

6 4. Based on the information contained in Paragraph
7 3, above, O'MEARA performed and/or participated in mortgage
8 broker activities which require a real estate broker license
9 under the provisions of Code Sections 10131(d) during a period
10 of time when O'MEARA was not licensed by the Department as a
11 real estate broker nor employed as a real estate salesperson by
12 the broker on whose behalf the activities were performed in
13 violation of Section 10130 of the Code.

14 DESIST AND REFRAIN ORDER

15 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
16 stated herein, it is hereby ordered that THOMAS JOSEPH O'MEARA,
17 whether doing business as Desert Resource Group, doing business
18 under his own name, or any other name, or any fictitious name, IS
19 HEREBY ORDERED to immediately desist and refrain from performing
20 any acts within the State of California for which a real estate
21 broker license is required. In particular THOMAS JOSEPH O'MEARA
22 is ORDERED TO DESIST AND REFRAIN from engaging in activities as a

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1 mortgage broker soliciting borrowers and lenders and negotiating
2 the terms of loans secured by real property between borrowers and
3 third party lenders for or in expectation of compensation.
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5 DATED: 1-27, 2010.

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7 JEFF DAVI
8 Real Estate Commissioner
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10 **Notice:** Business and Professions Code Section 10139 provides
11 that "Any person acting as a real estate broker or real estate
12 salesperson without a license or who advertises using words
13 indicating that he or she is a real estate broker without being
14 so licensed shall be guilty of a public offense punishable by a
15 fine not exceeding twenty thousand dollars (\$20,000), or by
16 imprisonment in the county jail for a term not to exceed six
17 months, or by both fine and imprisonment; or if a corporation, be
18 punished by a fine not exceeding sixty thousand dollars
19 (\$60,000)."
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26 cc: Thomas Joseph O'Meara
27 41805 Ward Drive
Palm Desert, California 92211