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FILED
MAR 26 2010
DEPARTMENT OF REAL ESTATE

K. H. DeLoach

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 To: NATIONWIDE HOME ASSISTANCE) No. H-36548 LA
12 dba Loan Center Funding, Inc.;)
13 JAMES RADOGNA, DAVID DUARTE,) ORDER TO DESIST
14 YVONNE ENCINAS, COLONEL KULEE.) AND REFRAIN
15) (B & P Code Section 10086)
16 Respondents.)

17 The Commissioner ("Commissioner") of the California Department of Real Estate
18 ("Department") caused an investigation to be made of the activities of NATIONWIDE HOME
19 ASSISTANCE ("NATIONWIDE"), JAMES RADOGNA ("RADOGNA"), DAVID DUARTE
20 ("DUARTE"), YVONNE ENCINAS ("ENCINAS") and COLONEL KULEE ("KULEE").
21 Based on that investigation, the Commissioner has determined that NATIONWIDE,
22 RADOGNA, DUARTE, ENCINAS and KULEE have engaged in or are engaging in acts or are
23 attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming
24 to act as real estate brokers in the State of California within the meaning of Business and
25 Professions Code ("Code") Section 10131(d) (soliciting, negotiating and performing services for
26 borrowers in connection with loans secured by real property).

27 In addition, based on that investigation, the Commissioner has determined that

1 NATIONWIDE, RADOGNA, DUARTE, ENCINAS and KULEE have engaged in or are
2 engaging in acts or are attempting to engage practices constituting violations of the California
3 Business and Professions Code ("Code") and/or Title 10, California Code of Regulations
4 ("Regulations"). Based on the findings of that investigation, set forth below, the Commissioner
5 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order
6 under the authority of Section 10086 of the Code.

7 Whenever acts of NATIONWIDE are referred to below, those acts are alleged to
8 have been done by Respondents and/or one or more agents, associates, affiliates and/or
9 conspirators.

10 FINDINGS OF FACT

- 11 1. NATIONWIDE is not now, and has never been, licensed by the Department
12 in any capacity.
- 13 2. RADOGNA is not now, and has never been, licensed by the Department in
14 any capacity.
- 15 3. DUARTE is not now, and has never been, licensed by the Department in any
16 capacity.
- 17 4. ENCINAS is not now, and has never been, licensed by the Department in any
18 capacity.
- 19 5. KULEE is not now, and has never been, licensed by the Department in any
20 capacity.
- 21 6. At the time set forth below each and every respondent solicited borrowers
22 and negotiated to do one or more of the following acts for another or others, for or in
23 expectation of compensation: engaged in the business of, acted in the capacity of, or advertised
24 a loan solicitation, negotiation and/or modification service using the name Nationwide Home
25 Assistance wherein Respondents were soliciting, offering to negotiate or perform loan
26 modification services with respect to loans which were secured by liens on real property for
27 compensation or in expectation of compensation and for fees collected in advance of the

1 transaction.

2 Emil Jaska's transaction

3 7. In approximately January 2009, NATIONWIDE, by and through
4 RADOGNA, solicited Emil Jaska (Jaska) in order to provide loan modification services to save
5 Jaska's home from being lost in foreclosure.

6 8. In furtherance of NATIONWIDE'S plan and scheme to provide loan
7 modification services to Jaska, NATIONWIDE requested an advance fee of \$2,999 from Jaska.
8 In reliance on NATIONWIDE'S representations, Jaska paid NATIONWIDE \$2,999 on or about
9 January 29, 2009.

10 9. After Jaska paid the \$2,999 mentioned above to NATIONWIDE, he received
11 no further communications or services of any type from NATIONWIDE or from anyone
12 connected in any way with Nationwide Home Assistance.

13 Filberto Botello's transaction

14 10. In approximately January 2009, NATIONWIDE solicited Filberto Botello
15 (Botello) in order to provide loan modification services to save Botello's home from being lost in
16 foreclosure.

17 11. In furtherance of NATIONWIDE'S plan and scheme to provide loan
18 modification services to Botello, NATIONWIDE requested an advance fee of \$2,498 from
19 Botello. In reliance on NATIONWIDE'S representations, Botello paid NATIONWIDE \$2,498
20 on or about January 29, 2009.

21 12. After Botello paid the \$2,498 mentioned above to NATIONWIDE, he
22 received no further communications or services of any type from NATIONWIDE or from anyone
23 connected in any way with Nationwide Home Assistance.

24 Akmal Khan's transaction

25 13. In approximately December 2008, NATIONWIDE, by and through
26 COLONEL KULEE solicited Akmal Khan (Khan) in order to provide loan modification services
27 to save Khan's home from being lost in foreclosure.

1 14. In furtherance of NATIONWIDE'S plan and scheme to provide loan
2 modification services to Khan, NATIONWIDE requested an advance fee of \$2,999 from Khan.
3 In reliance on NATIONWIDE'S representations, Khan paid NATIONWIDE \$2,999 on or about
4 December 31, 2008.

5 15. After Khan paid the \$2,999 mentioned above to NATIONWIDE, he
6 received no further communications or services of any type from NATIONWIDE or from anyone
7 connected in any way with Nationwide Home Assistance.

8 Matt Okdemir's transaction

9 16. In approximately December 2008, NATIONWIDE solicited Matt Okdemir
10 (Okdemir) in order to provide loan modification services to save Okdemir's home from being lost
11 in foreclosure.

12 17. In furtherance of NATIONWIDE'S plan and scheme to provide loan
13 modification services to Okdemir, NATIONWIDE requested an advance fee of \$2,499 from
14 Okdemir. In reliance on NATIONWIDE'S representations, Okdemir paid NATIONWIDE
15 \$2,499 on or about December 11, 2008.

16 18. After Okdemir paid the \$2,499 mentioned above to NATIONWIDE, he
17 received no further communications or services of any type from NATIONWIDE or from anyone
18 connected in any way with Nationwide Home Assistance.

19 Gregory Cheever's transaction

20 19. In approximately December 2008, NATIONWIDE solicited Gregory
21 Cheever (Cheever) in order to provide loan modification services to save Cheever 's home from
22 being lost in foreclosure.

23 20. In furtherance of NATIONWIDE'S plan and scheme to provide loan
24 modification services to Cheever, NATIONWIDE requested an advance fee of \$2,999 from
25 Cheever. In reliance on NATIONWIDE'S representations, Cheever paid NATIONWIDE \$2,999
26 on or about December 15, 2008.
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1 21. After Cheever paid the \$2,999 mentioned above to NATIONWIDE, he
2 received no further communications or services of any type from NATIONWIDE or from anyone
3 connected in any way with Nationwide Home Assistance.

4 Arthur Darden's transaction

5 22. In approximately December 2008, NATIONWIDE solicited Arthur Darden
6 (Darden) in order to provide loan modification services to save Darden 's home from being lost in
7 foreclosure.

8 23. In furtherance of NATIONWIDE'S plan and scheme to provide loan
9 modification services to Darden, NATIONWIDE requested an advance fee of \$2,500 from
10 Darden. In reliance on NATIONWIDE''S representations, Darden paid NATIONWIDE \$2,500
11 on or about December 18, 2008.

12 24. After Darden paid the \$2,500 mentioned above to NATIONWIDE, he
13 received no further communications or services of any type from NATIONWIDE or from anyone
14 connected in any way with Nationwide Home Assistance.

15 Frank Williams' transaction

16 25. In approximately February 2009, NATIONWIDE solicited Frank Williams
17 (Williams) in order to provide loan modification services to save Williams' home from being lost
18 in foreclosure.

19 26. In furtherance of NATIONWIDE'S plan and scheme to provide loan
20 modification services to Williams, NATIONWIDE requested an advance fee of \$2,999 from
21 Williams. In reliance on NATIONWIDE''S representations, Williams paid NATIONWIDE
22 \$2,999 on or about March 9, 2009.

23 27. After Williams paid the \$2,999 mentioned above to NATIONWIDE, he
24 received no further communications or services of any type from NATIONWIDE or from anyone
25 connected in any way with Nationwide Home Assistance.

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1 Michael Russell's transaction

2 28. In approximately December 2008, NATIONWIDE solicited Michael
3 Russell (Russell) in order to provide loan modification services to save Russell's home from
4 being lost in foreclosure.

5 29. In furtherance of NATIONWIDE'S plan and scheme to provide loan
6 modification services to Russell, NATIONWIDE requested an advance fee of \$2,695 from
7 Russell. In reliance on NATIONWIDE'S representations, Russell paid NATIONWIDE \$2,695
8 on or about December 16, 2008.

9 30. After Russell paid the \$2,695 mentioned above to NATIONWIDE, he
10 received no further communications or services of any type from NATIONWIDE or from anyone
11 connected in any way with Nationwide Home Assistance.

12 Rueben Hoffman's transaction

13 31. In approximately December 2008, NATIONWIDE solicited Rueben
14 Hoffman (Hoffman) in order to provide loan modification services to save Hoffman's home from
15 being lost in foreclosure.

16 32. In furtherance of NATIONWIDE'S plan and scheme to provide loan
17 modification services to Hoffman, NATIONWIDE requested an advance fee of \$2,999 from
18 Hoffman. In reliance on NATIONWIDE'S representations, Hoffman paid NATIONWIDE
19 \$2,999 on or about December 19, 2008.

20 33. After Hoffman paid the \$2,999 mentioned above to NATIONWIDE, he
21 received no further communications or services of any type from NATIONWIDE or from anyone
22 connected in any way with Nationwide Home Assistance.

23 Richard Kuhn's transaction

24 34. In approximately November 2008, NATIONWIDE, by and through
25 ENCINAS, solicited Richard Kuhn (Kuhn) in order to provide loan modification services to save
26 Kuhn's home from being lost in foreclosure.

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1 35. In furtherance of NATIONWIDE'S plan and scheme to provide loan
2 modification services to Kuhn, NATIONWIDE requested an advance fee of \$2,999 from Kuhn.
3 In reliance on NATIONWIDE'S representations, Kuhn paid NATIONWIDE \$2,999 on or about
4 November 18, 2008.

5 36. After Kuhn paid the \$2,999 mentioned above to NATIONWIDE, he
6 received no further communications or services of any type from NATIONWIDE or from anyone
7 connected in any way with Nationwide Home Assistance.

8 Mark Nagle's transaction

9 37. In approximately November 2008, NATIONWIDE solicited Mark Nagle
10 (Nagle) in order to provide loan modification services to save Nagle's home from being lost in
11 foreclosure.

12 38. In furtherance of NATIONWIDE'S plan and scheme to provide loan
13 modification services to Nagle, NATIONWIDE requested an advance fee of \$2,999 from Nagle.
14 In reliance on NATIONWIDE'S representations, Nagle paid NATIONWIDE \$2,999 on or about
15 November 18, 2008.

16 39. After Nagle paid the \$2,999 mentioned above to NATIONWIDE, he
17 received no further communications or services of any type from NATIONWIDE or from anyone
18 connected in any way with Nationwide Home Assistance.

19 James Powell's transaction

20 40. In approximately February 2009, NATIONWIDE, by and through
21 DUARTE, solicited James Powell (Powell) in order to provide loan modification services to save
22 Powell's rental homes from being lost in foreclosure.

23 41. In furtherance of NATIONWIDE'S plan and scheme to provide loan
24 modification services to Powell, NATIONWIDE requested an advance fee of \$7,497 from
25 Powell. In reliance on NATIONWIDE'S representations, Powell paid NATIONWIDE \$7,497
26 on or about February 13, 2009.

1 42. After Powell paid the \$7,497 mentioned above to NATIONWIDE, he
2 received no further communications or services of any type from NATIONWIDE or from anyone
3 connected in any way with Nationwide Home Assistance.

4 Shahla Owhady's transaction

5 43. In approximately December 2008, NATIONWIDE solicited Shala Owhady
6 (Owhady) in order to provide loan modification services to save Owhady's home from being lost
7 in foreclosure.

8 44. In furtherance of NATIONWIDE'S plan and scheme to provide loan
9 modification services to Owhady, NATIONWIDE requested an advance fee of \$2,499 from
10 Owhady. In reliance on NATIONWIDE'S representations, Owhady paid NATIONWIDE
11 \$2,499 in or about December 2008.

12 45. After Owhady paid the \$2,499 mentioned above to NATIONWIDE, she
13 received no further communications or services of any type from NATIONWIDE or from anyone
14 connected in any way with Nationwide Home Assistance.

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16 CONCLUSIONS OF LAW

17 46. Based on the information contained in Paragraphs 1 through 45, above,
18 NATIONWIDE, RADOGNA, DUARTE, ENCINAS and KULEE violated Section 10130 of the
19 Code by engaging in the activities without first obtaining a broker license from the Department.

20 DESIST AND REFRAIN ORDER

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

23 A. NATIONWIDE HOME ASSISTANCE, JAMES RADOGNA, DAVID
24 DUARTE, YVONNE ENCINAS and COLONEL KULEE, immediately desist and refrain from
25 performing any acts within the State of California for which a real estate broker license is
26 required, unless or until you are so licensed.

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1 In particular each of them is ordered to desist and refrain from:

2 1. charging, demanding, claiming, collecting and/or receiving advance fees,
3 as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with
4 respect to the performance of loan modifications or any other form of mortgage loan forbearance
5 service in connection with loans on residential property containing four or fewer dwelling units
6 (Code Section 10085.6); and

7 2. charging, demanding, claiming, collecting and/or receiving advance fees,
8 as that term is defined in Section 10026 of the Code, for any other real estate related services
9 offered by them to others.

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11 DATED: _____, 2010.

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

25 cc: NATIONWIDE HOME ASSISTANCE
26 535 E. First Street, 2nd Floor
27 Tustin, CA 92780

JAMES RADOGNA
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