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**FILED**

JAN 20 2012

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	NO. H-37103 LA
	)	OAH-L2011040518
FIRST AMERICAN HOME REALTY INC.; and	)	
MARK H. BRYAN, individually and as	)	
designated officer of First American	)	
Home Realty Inc.,	)	
	)	
	)	
	)	
Respondent(s).	)	

ORDER STAYING EFFECTIVE DATE

On December 13, 2011, a Decision was rendered in the above-entitled matter to become effective January 20, 2012.

IT IS HEREBY ORDERED that the effective date of the Decision of December 13, 2011, is stayed for a period of thirty(30)days to allow Respondents FIRST AMERICAN HOME REALTY INC. and MARK H. BRYAN, to file a petition for reconsideration.

The Decision of December 13, 2011, shall become effective at 12 o' clock noon on February 17, 2012.

DATED: *1/20/12*

BARBARA J. BIGBY  
Real Estate Commissioner  
BY: *[Signature]*

8 acts

**FILED**

JAN 20 2012

DEPARTMENT OF REAL ESTATE  
BY: [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of ) NO. H-37103 LA  
 )  
FIRST AMERICAN HOME REALTY INC.; )  
and MARK H. BRYAN, individually and )  
as designated officer of First )  
American Home Realty Inc., )  
 )  
Respondents. )

ORDER NUNC PRO TUNC MODIFYING  
STIPULATION AND AGREEMENT

It having been called to the attention of the Real Estate Commissioner that there are errors in the Decision dated December 13, 2011, effective January 20, 2012, and good cause appearing therefor, the Decision is amended as follows:

Paragraph II of the Order is amended to read as follows:

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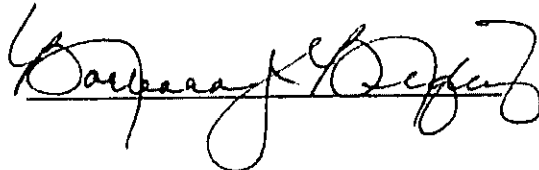
The license and licensing rights of Respondent FIRST AMERICAN HOME REALTY INC. under the Real Estate Law, are suspended for a period of ninety (90) days from the effective date of this Decision.

The license and licensing rights of Respondent MARK H. BRYAN under the Real Estate Law, are suspended for a period of ninety (90) days from the date of issuance of said restricted license.

This Order, nunc pro tunc to December 13, 2011, shall become effective immediately.

DATED: 1/19, 2012

BARBARA J. BIGBY  
Acting Real Estate Commissioner



*fact*

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Department of Real Estate  
320 W. 4<sup>TH</sup> Street, Suite 350  
Los Angeles, CA 90013-1105  
  
Telephone: (213) 576-6982

**FILED**

DEC 22 2011

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA  
\* \* \*

In the Matter of the Accusation of	)	
	)	No. H-37103 LA
FIRST AMERICAN HOME REALTY INC.; and	)	
and MARK H. BRYAN, individually and as	)	
designated officer of First American	)	<u>STIPULATION</u>
Home Realty Inc.,	)	<u>AND</u>
	)	<u>AGREEMENT</u>
Respondents.	)	
	)	
	)	

It is hereby stipulated by and between Respondents  
FIRST AMERICAN HOME REALTY INC. and MARK H. BRYAN, individually  
and as designated officer of First American Home Realty Inc.  
(sometimes collectively referred to as "Respondents"),  
represented by Steven C. Vondran, Esq., and the Complainant,  
acting by and through Elliott Mac Lennan, Counsel for the  
Department of Real Estate, as follows for the purpose of  
settling and disposing of the Accusation ("Accusation") filed on  
March 3, 2011, in this matter:

///

1 1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondents  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act ("APA"), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the  
9 Statement to Respondent, the Discovery Provisions of the APA and  
10 the Accusation filed by the Department of Real Estate in this  
11 proceeding.

12 3. Respondents filed a Notice of Defense pursuant to  
13 Section 11506 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in the Accusation.  
15 Respondents hereby freely and voluntarily withdraw said Notice of  
16 Defense. Respondents acknowledge that they understand that by  
17 withdrawing said Notice of Defense they thereby waive their right  
18 to require the Commissioner to prove the allegations in the  
19 Accusation at a contested hearing held in accordance with the  
20 provisions of the APA and that they will waive other rights  
21 afforded to them in connection with the hearing such as the right  
22 to present evidence in their defense the right to cross-examine  
23 witnesses.  
24

25 4. This Stipulation is based on the factual  
26 allegations contained in the Accusation. In the interest of  
27

1 expedience and economy, Respondents choose not to contest these  
2 allegations, but to remain silent and understand that, as a  
3 result thereof, these factual allegations, without being admitted  
4 or denied, will serve as a prima facie basis for the disciplinary  
5 action stipulated to herein. The Real Estate Commissioner shall  
6 not be required to provide further evidence to prove said factual  
7 allegations.

8           5. This Stipulation is made for the purpose of  
9 reaching an agreed disposition of this proceeding and is  
10 expressly limited to this proceeding and any other proceeding or  
11 case in which the Department of Real Estate ("Department"), or  
12 another licensing agency of this state, another state or if the  
13 federal government is involved, and otherwise shall not be  
14 admissible in any other criminal or civil proceeding.

15           6. It is understood by the parties that the Real  
16 Estate Commissioner may adopt this Stipulation as her Decision in  
17 this matter thereby imposing the penalty and sanctions on  
18 Respondents' real estate licenses and license rights as set forth  
19 in the below "Order". In the event that the Commissioner in her  
20 discretion does not adopt the Stipulation, the Stipulation shall  
21 be void and of no effect and Respondents shall retain the right  
22 to a hearing and proceeding on the Accusation under the  
23 provisions of the APA and shall not be bound by any stipulation  
24 or waiver made herein.

25  
26 ///

1           7. The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation shall not  
3 constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Department of Real  
5 Estate with respect to any matters which were not specifically  
6 alleged to be causes for accusation in this proceeding.

7           8. Respondents understand that by agreeing to this  
8 Stipulation, Respondents agree to pay, pursuant to Business and  
9 Professions Code Section 10148, the cost of the audit which led  
10 to this disciplinary action. The amount of said cost is \$3,379.70

11           9. Respondents have received, read, and understand the  
12 "Notice Concerning Costs of Subsequent Audit." Respondents  
13 further understand that by agreeing to this Stipulation, the  
14 findings set forth below in the Determination of Issues become  
15 final, and the Commissioner may charge Respondents for the cost  
16 of any subsequent audit conducted pursuant to Business and  
17 Professions Code Section 10148 to determine if the violations  
18 have been corrected. The maximum cost of the subsequent audit  
19 will not exceed \$3,379.70.  
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DETERMINATION OF ISSUES

1  
2 By reason of the foregoing, it is stipulated and agreed  
3 that the following determination of issues shall be made:

4 I.

5 The conduct of FIRST AMERICAN HOME REALTY INC. and MARK  
6 H. BRYAN as described in Paragraph 4, herein above, is in  
7 violation of Sections 10085, 10145, 10146, 10148 and 10159.5 of  
8 the Business and Professions Code ("Code") and Sections 2832.1,  
9 2832, 2970 and 2972 of Title 10, Chapter 6 of the California Code  
10 of Regulations ("Regulations") and is a basis for discipline of  
11 Respondent's license and license rights as a violation of the  
12 Real Estate Law pursuant to Code Section 10177(d) and 10177(g).

13 style="text-align: center;">ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 I.

16 The real estate broker license of Respondent  
17 MARK H. BRYAN under the Real Estate Law is revoked;  
18 provided, however, a restricted real estate salesperson license  
19 shall be issued to Respondent, pursuant to Section 10156.5 of the  
20 Business and Professions Code, if Respondent:

21 A. Makes application therefor and pays to the  
22 Department of Real Estate the appropriate fee for the restricted  
23 license within ninety (90) days from the effective date of this  
24 Decision.

25  
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1                    B. Respondent shall, prior to and as a condition of  
2 the issuance of the restricted license, submit proof satisfactory  
3 to the Commissioner of having taken and successfully completed  
4 the continuing education course on trust fund accounting and  
5 handling specified in paragraph (3) of subdivision (a) of Section  
6 10170.5 of the Business and Professions Code. Proof of  
7 satisfaction of this requirement includes evidence that  
8 respondent has successfully completed the trust fund account and  
9 handling continuing education course within 120 days prior to the  
10 effective date of the Decision in this matter.

11                    The restricted license issued to Respondent shall be  
12 subject to all of the provisions of Section 10156.7 of the Code  
13 and the following limitations, conditions and restrictions  
14 imposed under authority of Section 10156.6 of that Code.

15                    1. The restricted license issued to Respondent may be  
16 suspended prior to hearing by Order of the Real Estate  
17 Commissioner in the event of Respondent's conviction or plea of  
18 nolo contendere to a crime which is substantially related to  
19 Respondent's fitness or capacity as a real estate licensee.

20                    2. The restricted license issued to Respondent may be  
21 suspended prior to hearing by Order of the Real Estate  
22 Commissioner on evidence satisfactory to the Commissioner that  
23 Respondent has violated provisions of the California Real Estate  
24 Law, the Subdivided Lands Law, Regulations of the Real Estate  
25 Commissioner or conditions attaching to the restricted license.  
26  
27

1                   3. Respondent shall not be eligible to apply for the  
2 issuance of an unrestricted real estate license nor for the  
3 removal of any of the conditions, limitations or restrictions of  
4 a restricted license until two (2) years has elapsed from the  
5 effective date of the issuance of the restricted license.

6                   4. Respondent shall submit with any application for  
7 license under an employing broker, or any application for  
8 transfer to a new employing broker, a statement signed by the  
9 prospective employing real estate broker on a form approved by  
10 the Department of Real Estate which shall certify:

11                   (a) That the employing broker has read the  
12                   Decision of the Commissioner which granted  
13                   the right to a restricted license; and

14                   (b) That the employing broker will exercise  
15                   close supervision over the performance by the  
16                   restricted licensee relating to activities  
17                   for which a real estate license is required.

18                   5. Respondent MARK H. BRYAN shall, within nine (9)  
19 months from the effective date of this Decision, present evidence  
20 satisfactory to the Real Estate Commissioner that Respondent has,  
21 since the most recent issuance of an original or renewal real  
22 estate license, taken and successfully completed the continuing  
23 education requirements of Article 2.5 of Chapter 3 of the Real  
24 Estate Law for renewal of a real estate license. If Respondent  
25 fails to satisfy this condition, the Commissioner may order the  
26 suspension of the restricted license until Respondent presents  
27

1 such evidence. The Commissioner shall afford Respondent the  
2 opportunity for a hearing pursuant to the Administrative  
3 Procedure Act to present such evidence.

4 6. Respondent MARK H. BRYAN shall within six (6)  
5 months from the effective date of the Decision herein, take and  
6 pass the Professional Responsibility Examination administered by  
7 the Department including the payment of the appropriate  
8 examination fee. If Respondent fails to satisfy this condition,  
9 the Commissioner may order suspension of Respondent's license  
10 until Respondent passes the examination. The Commissioner shall  
11 afford Respondent the opportunity for a hearing pursuant to the  
12 Administrative Procedure Act to present such evidence.

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1 II.

2 The license and licensing rights of Respondents FIRST  
3 AMERICAN HOME REALTY INC. and MARK H. BRYAN, under the Real  
4 Estate Law, are suspended for a period of ninety (90) days from  
5 the effective date of this Decision.

6 A. Provided, however, that if Respondents request, the  
7 initial thirty (30) days of said suspension (or a portion  
8 thereof) shall be stayed for two (2) years upon condition that:

9 1. Each Respondent pays a monetary penalty pursuant to  
10 Section 10175.2 of the Business and Professions Code at the rate  
11 of \$116.67 per day for each day of the suspension for a monetary  
12 penalty of \$3,500 each Respondent, totaling \$7,000.

13 2. Said payment shall be in the form of a cashier's  
14 check or certified check made payable to the Recovery Account of  
15 the Real Estate Fund. Said check must be received by the  
16 Department prior to the effective date of the Decision in this  
17 matter.

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1                   3. No further cause for disciplinary action against  
2 the real estate license of Respondents occur within two (2) years  
3 from the effective date of the Decision in this matter.

4                   4. If Respondents fail to pay the monetary penalty in  
5 accordance with the terms of the Decision, the Commissioner may,  
6 without a hearing, order the immediate execution of all or any  
7 part of the stayed suspension, in which event the Respondent  
8 shall not be entitled to any repayment nor credit, prorated or  
9 otherwise, for money paid to the Department under the terms of  
10 this Decision.

11                   5. If Respondents pay the monetary penalty and if no  
12 further cause for disciplinary action against the real estate  
13 license of Respondent occurs within two (2) years from the  
14 effective date of the Decision, the stay hereby granted shall  
15 become permanent.

16                   B. The remaining sixty (60) days of the ninety (90)  
17 day suspension shall be stayed for two (2) years upon the  
18 following terms and conditions:

19                   1. Respondents shall obey all laws, rules and  
20 regulations governing the rights, duties and responsibilities of  
21 a real estate licensee in the State of California; and

22                   2. That no final subsequent determination be made  
23 after hearing or upon stipulation, that cause for disciplinary  
24 action occurred within two (2) years from the effective date of  
25 this Decision. Should such a determination be made, the  
26

1 Commissioner may, in his discretion, vacate and set aside the  
2 stay order and reimpose all or a portion of the stayed  
3 suspension. Should no such determination be made, the stay  
4 imposed herein shall become permanent.

5 III.

6 Pursuant to Section 10148 of the Business and  
7 Professions Code, Respondents FIRST AMERICAN HOME REALTY INC. and  
8 MARK H. BRYAN shall pay the Commissioner's reasonable cost for  
9 (a) the audit which led to this disciplinary action and (b) a  
10 subsequent audit to determine if Respondents are now in  
11 compliance with the Real Estate Law. The cost of the audit which  
12 led to this disciplinary action is \$3,379.70. In calculating the  
13 amount of the Commissioner's reasonable cost, the Commissioner  
14 may use the estimated average hourly salary for all persons  
15 performing audits of real estate brokers, and shall include an  
16 allocation for travel time to and from the auditor's place of  
17 work. Said amount for the prior and subsequent audits shall not  
18 exceed \$6,759.40.

19  
20 Respondents FIRST AMERICAN HOME REALTY INC. and MARK H.  
21 BRYAN, or either of them, shall pay such cost within 60 days of  
22 receiving an invoice from the Commissioner detailing the  
23 activities performed during the audit and the amount of time  
24 spent performing those activities.

25 The Commissioner may suspend the licenses of  
26 Respondents pending a hearing held in accordance with Section  
27

1 11500, et seq., of the Government Code, if payment is not timely  
2 made as provided for herein, or as provided for in a subsequent  
3 agreement between said Respondents and the Commissioner. The  
4 suspension shall remain in effect until payment is made in full  
5 or until said Respondents enter into an agreement satisfactory to  
6 the Commissioner to provide for payment, or until a decision  
7 providing otherwise is adopted following a hearing held pursuant  
8 to this condition.

9 IV.

10 All licenses and licensing rights of Respondent are

11 indefinitely suspended unless or until Respondent provides proof  
12 satisfactory to the Commissioner that the trust fund deficit [of  
13 \$1,775.00 set forth in the audit report described in the  
14 Accusation has been restored, including the identification of the  
15 source of funds used to cure the deficit.

16 V.

17 All licenses and licensing rights of Respondent are

18 indefinitely suspended unless or until Respondent provides proof  
19 satisfactory to the Commissioner that the affairs of Homeowners  
20 Relief Center, an unlicensed entity and unlicensed fictitious  
21 business name of FIRST AMERICAN HOME REALTY INC., have been wound  
22 up and Homeowners Relief Center is no longer operative.

23 DATED: 11-28-4

24  
25 ELN  
26 ELLIOTT MAC LENNAN, Counsel for  
27 Department of Real Estate

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2 \* \* \*

3 EXECUTION OF THE STIPULATION

4 We have read the Stipulation, and have discussed it  
5 with our counsel. Its terms are understood by us and are  
6 agreeable and acceptable to us. We understand that we are  
7 waiving rights given to us by the California Administrative  
8 Procedure Act (including but not limited to Sections 11506,  
9 11508, 11509 and 11513 of the Government Code), and we willingly,  
10 intelligently and voluntarily waive those rights, including the  
11 right of requiring the Commissioner to prove the allegations in  
12 the Accusation at a hearing at which we would have the right to  
13 cross-examine witnesses against us and to present evidence in  
14 defense and mitigation of the charges.

15 MAILING AND FACSIMILE


16  
17 Respondents (1) shall mail the original signed  
18 signature page of the stipulation herein to Elliott Mac Lennan:  
19 Attention: Legal Section, Department of Real Estate, 320 W.  
20 Fourth St., Suite 350, Los Angeles, California 90013-1105.  
21 Respondents shall also (2) facsimile a copy of signed signature  
22 page, to the Department at the following telephone/fax number:  
23 (213) 576-6917, Attention: Elliott Mac Lennan.

24 A facsimile constitutes acceptance and approval of the  
25 terms and conditions of this stipulation. Respondents agree,  
26 acknowledge and understand that by electronically sending to the  
27



1 Department a facsimile copy of Respondents' actual signature as  
2 it appears on the stipulation that receipt of the facsimile copy  
3 by the Department shall be as binding on Respondents as if the  
4 Department had received the original signed stipulation.  
5

6  
7 DATED: 11/28/11



FIRST AMERICAN HOME REALTY INC.  
BY: MARK H. BRYAN, as  
designated officer  
Respondent

10  
11  
12 DATED: 11/28/11



MARK H. BRYAN, individually and as  
designated officer of First  
American Home Realty Inc.,  
Respondent

14  
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18 DATED: 11/28/11



STEVEN C. VONDRAN, ESQ.,  
Attorney for Respondents  
First American Home Realty Inc.  
Approved as to form

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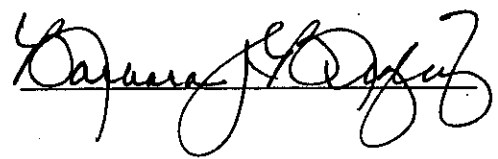
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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents FIRST AMERICAN HOME  
REALTY INC. and MARK H. BRYAN, individually and as designated  
officer of Noury Corporation and shall become effective at 12  
o'clock noon on JANUARY 20, 2012.

IT IS SO ORDERED 12/13, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



**FILED**

MAR - 3 2011

DEPARTMENT OF REAL ESTATE  
BY: 

1 Amelia V. Vetrone, SBN 134612  
Department of Real Estate  
2 320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
3  
4 Telephone: (213) 576-6982  
Direct (213) 576-6940  
5  
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7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-37103 LA  
)  
12 FIRST AMERICAN HOME REALTY INC.; and ) A C C U S A T I O N  
MARK H. BRYAN individually and as )  
13 designated officer of First )  
American Home Realty Inc., )  
14 )  
)  
15 Respondents. )  
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17  
18 The Complainant, Maria Suarez, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of Accusation  
20 against FIRST AMERICAN HOME REALTY INC., and MARK H. BRYAN  
21 individually and as designated officer of First American Home  
22 Realty Inc., alleges as follows:

23 1.

24 The Complainant, Maria Suarez, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation in  
26 her official capacity.

27 ///

1 2.

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

5 3.

6 Respondent FIRST AMERICAN HOME REALTY INC. ("FAHRI") is  
7 licensed by the Department of Real Estate ("Department") as a  
8 corporate real estate broker. Respondent FAHRI was originally  
9 licensed as a corporate real estate broker on or about October 5,  
10 2005, with Respondent MARK H. BRYAN ("BRYAN"), as its designated  
11 officer. To date the designated officer of FAHRI is BRYAN.

12 4.

13 Respondent BRYAN is licensed by the Department as a  
14 real estate broker. Respondent BRYAN was originally licensed as  
15 a real estate salesperson on March 3, 1994, and as a real estate  
16 broker on or about August 25, 2000.

17 5.

18 At all times herein relevant, FAHRI was licensed by the  
19 Department as a corporate real estate broker by and through  
20 Respondent BRYAN as the designated officer and broker  
21 responsible, pursuant to Code Section 10159.2 for supervising the  
22 activities requiring a real estate license conducted on behalf of  
23 FAHRI by its officers, agents, and employees, as herein set  
24 forth.

25 6.

26 At no time herein was Respondent BRYAN's fictitious  
27 business, Homeowners Relief Center, licensed by the Department in

1 any form.

2 7.

3 At all times herein relevant, Respondents engaged in  
4 the business of, acted in the capacity of, advertised or assumed  
5 to act as real estate brokers in the State of California within  
6 the meaning of Code Sections 10131(d) and 10131.2. Their  
7 activities included the solicitation for listings of and the  
8 negotiation of the purchase and sale of real property as the  
9 agent of others, soliciting borrowers or lenders for and/or  
10 negotiating loans, collecting payments and/or performing services  
11 for borrowers or lenders in connection with loans secured by  
12 liens on real property. Their activities also included claiming,  
13 demanding, charging, receiving, collecting or contracting for the  
14 collection of advance fees within the meaning of Code Sections  
15 10026 and 10085. Respondents advertised, solicited and offered  
16 to provide loan modification services to economically distressed  
17 homeowners seeking adjustments to the terms and conditions of  
18 their home loans including, but not limited to, repayment plans,  
19 forbearance plans, partial claims, and reduction in principal or  
20 interest, extenuations, foreclosure prevention and short sales.

21 (Audit of FAHRI)

22 8.

23 On November 30, 2009, the Department completed an audit  
24 examination of the books and records of FAHRI pertaining to the  
25 mortgage loan brokerage and the loan modification activities  
26 described in paragraph 7, above. The audit examination covered  
27 the period of time from October 1, 2006 to September 30, 2009.

1 The primary purpose of the examination was to determine  
2 Respondent FAHRI's and Respondent BRYAN's compliance with the  
3 Real Estate Law. The audit examination revealed numerous  
4 violations of the Code and the Regulations as set forth in the  
5 following paragraphs, and more fully discussed in Audit Report LA  
6 090072 and LA090083 and the exhibits and work papers attached to  
7 said audit report.

8 Bank and Trust Accounts

9 9.

10 At all times herein relevant, in connection with the  
11 activities described in Paragraph 7, above, FAHRI accepted or  
12 received funds including funds in trust (hereinafter "trust  
13 funds") from or on behalf of actual or prospective parties,  
14 including economically distressed homeowner-borrowers as advance  
15 fees for loan modifications handled by FAHRI and for mortgage  
16 loans. Thereafter FAHRI made deposits and or disbursements of  
17 such trust funds. From time to time herein mentioned during the  
18 audit period, said trust funds were deposited and/or maintained  
19 by FAHRI in the following bank account as FAHRI did not maintain  
20 a trust account during the audit period::

21 First American Home Realty Inc.  
22 Account No. XXXXX-XX373 (Redacted for security)  
23 Bank of America  
24 Anaheim, California

25 (B/A #1 - FAHRI's general bank account used for deposit of  
26 advance fees collected from homeowners for loan  
27 modifications)

26 ///

27 ///

1           Violations

2                                   10.

3                   In the course of activities described in Paragraphs 7,  
4 and 9, above, and during the examination period described in  
5 Paragraph 8, above, Respondents FAHRI and BRYAN, acted in  
6 violation of the Code and the Regulations in that Respondents:

7                   (a) Collected advance fees in connection with loan  
8 modification activities in the name of the fictitious business  
9 Homeowners Relief Center which is not a licensed fictitious  
10 business name of either Respondent in violation of Code Sections  
11 10159.5, and Regulation 2731.

12                   (b) Collected advance fees within the meaning of Code  
13 Section 10026 from homeowner-borrowers seeking loan modification  
14 services without having first submitted Respondents' advance fee  
15 agreement to the Department for review and authorization, in  
16 violation of Code Section 10085 and Regulation 2970.

17                   (c) Collected advance fees in connection with loan  
18 modification activities and deposited those fees into FAHRI's  
19 general account B/A #1, which was not in the name of the broker,  
20 or its licensed fictitious business name, and which was not  
21 designated as a trust account, in violation of Code Sections  
22 10145, 10146, and 10176(e), and Regulation 2832.

23                   (d) Misrepresented to sellers that FAHRI held earnest  
24 money deposits for buyer clients, in violation of Code Section  
25 10176(a).

26                   (e) Failed to retain records received in connection  
27 with completed real estate transactions, in violation of Code

1 Section 10148.

2 Disciplinary Statutes

3 11.

4 The conduct of Respondents FAHRI and BRYAN described in  
5 Paragraph 10, above, violated the Code and the Regulations as set  
6 forth below:

7 <u>PARAGRAPH</u>	8 <u>PROVISIONS VIOLATED</u>
9 10(a)	Code Sections 10159.5 and 10 Regulation 2731
11	
12	
13 10(b)	Code Sections 10085 and 14 Regulation 2970
15	
16	
17 10(c)	Code Sections 10145, 10146, 18 10176(e) and Regulation 2832
19	
20	
21 10(d)	Code Section 10176(a)
22	
23	
24 10(e)	Code Sections 10148

25 ///

26 ///

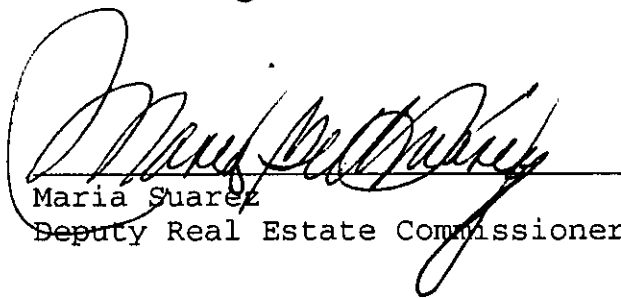
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1           The foregoing violations constitute cause for  
2 discipline of the real estate license and license rights of  
3 Respondents FAHRI and BRYAN, as aforesaid, under the provisions  
4 of Code Sections 10176(a), 10176(e), 10176(i), 10177(d), and/or  
5 10177(g).

6  
7           WHEREFORE, Complainant prays that a hearing be  
8 conducted on the allegations of this Accusation and that upon  
9 proof thereof, a decision be rendered imposing disciplinary  
10 action against the license and license rights of Respondents  
11 FIRST AMERICAN HOME REALTY INC., and MARK H. BRYAN individually  
12 and as designated officer of First American Home Realty Inc.,  
13 under the Real Estate Law and for such other and further relief  
14 as may be proper under other applicable provisions of law  
15 including restitution of advanced fees paid for unearned loan  
16 modifications, and for costs of audit.

17 Dated at Los Angeles, California, 2 March, 2011.

18  
19  
20   
21 Maria Suarez  
22 Deputy Real Estate Commissioner  
23  
24

25 cc: First American Home Realty Inc.  
26 Mark H. Bryan  
27 Maria Suarez  
Sacto  
Audits - Gina King