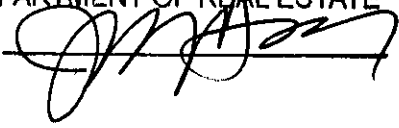


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DEPARTMENT OF REAL ESTATE

BY:



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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-37633 LA
USA LENDING PARTNERS CORP,)	<u>A C C U S A T I O N</u>
a corporate real estate)	
broker; and)	
SEAN GIVENS, individually)	
and as designated officer)	
of USA Lending Partners Corp)	
Respondents.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner, for cause of Accusation against USA LENDING PARTNERS CORP and SEAN GIVENS, individually and as designated broker-officer of USA Lending Partners Corp, is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation

1 in her official capacity.

2 LICENSE HISTORY

3 2.

4 A. At all times mentioned, Respondent USA LENDING
5 PARTNERS CORP (hereinafter "Respondent USALPC" or "USALPC") and
6 Respondent SEAN GIVENS (hereinafter "Respondent GIVENS" or
7 "GIVENS") were licensed or had license rights issued by the
8 Department of Real Estate (hereinafter "Department").

9 B. USALPC is presently licensed and/or has license
10 rights under the Real Estate Law (Part 1 of Division 4 of the
11 Business and Professions Code) as a corporate real estate
12 broker. Respondent USALPC was originally licensed as a
13 corporate real estate broker by the Department of Real Estate
14 (hereinafter "Department") on or about September 23, 2004.
15 Respondent NFC's corporate real estate broker license includes
16 no d.b.a.s. At all times relevant herein, Respondent NFC was
17 authorized to act by and through Respondent SEAN GIVENS as its
18 designated broker pursuant to Business and Professions Code
19 (hereinafter "Code") Sections 10211 and 10159.2 to supervise the
20 activities requiring a real estate license conducted on behalf
21 of USALPC and to be responsible for ensuring compliance with the
22 Real Estate Law.

23 C. Respondent GIVENS is presently licensed and/or has
24 license rights under the Real Estate Law (Part 1 of Division 4
25 of the Code) as a real estate broker. Respondent GIVENS was
26 originally licensed as a real estate broker by the Department on
27 or about May 3, 2002. GIVENS is the designated officer for
28

1 USALPC pursuant to Code Section 10159.2, responsible for
2 ensuring compliance with the Real Estate Law.

3 3.

4 At all times mentioned, in the City of Cypress, Orange
5 County, USALPC and GIVENS acted as real estate brokers and
6 conducted licensed activities within the meaning of:

7 A. Code Section 10131(d): USALPC operated a mortgage
8 and loan brokerage engaging in activities with the public
9 wherein lenders and borrowers were solicited for loans secured
10 directly or collaterally by liens on real property, wherein such
11 loans were arranged, negotiated, processed and consummated on
12 behalf of others for compensation or in expectation of
13 compensation and for fees often collected in advance as well as
14 at the conclusion of transactions.

15 4.

16 All further references to "Respondents" herein include
17 the parties identified in Paragraph 2 above, and also includes
18 the officers, directors, employees, agents and real estate
19 licensees employed by or associated with said parties and who at
20 all times herein mentioned were engaged in the furtherance of
21 the business or operations of said parties and who were acting
22 within the course and scope of their authority and employment.

23 5.

24 At all times relevant herein, Respondent GIVENS, as
25 the officer designated by Respondent USALPC pursuant to Section
26 10211 of the Code, was responsible for the supervision and
27 control of the activities conducted on behalf of Respondent NFC
28 by its officers and employees as necessary to secure full

1 compliance with the Real Estate Law as set forth in Section
2 10159.2 of the Code.

3 6.

4 Respondent GIVENS ordered, caused, authorized or
5 participated in the conduct of Respondent NFC as is alleged in
6 this Accusation.

7 FIRST CAUSE OF ACCUSATION
8 (Advance Fee Violation)

9 7.

10 At all times mentioned, Respondents engaged in the
11 business of claiming, demanding, charging, receiving, collecting
12 or contracting for the collection of advance fees, within the
13 meaning of Code Section 10026, including, but not limited to,
14 the following loan activities with respect to loans which were
15 secured by liens on real property:

16 a. Henry and Marchall P.'s Transaction: Upon receiving a
17 "cold"/solicitation call from GIVENS, Henry and Marchall P. paid,
18 in three installments between 2008 and 2009 totaling \$2,995.00,
19 advance fees pursuant to an agreement pertaining to loan
20 solicitation, negotiation, and modification services to be
21 provided by USALPC with respect to a loan secured by real
22 property located at 3934 Grandview Avenue, Gurnee, IL 60031.
23 On November 7, 2008, Henry and Marchall P. paid \$1,500.00 by
24 personal check payable to "USA Lending Partner Corp" as their
25 first installment of advance fees; on December 8, 2008, Henry P.
26 paid \$1,050.00 by money order payable to "USA Lending" as the
27 second installment of advance fees; and on January 3, 2009,
28 Henry and Marchall P. paid \$445.00 by personal check payable to

1 "USA" as the final installment of advance fees. Henry and
2 Marchall P. were instructed to stop making mortgage payments and
3 told that there was a 95% certainty that their loan modification
4 would be approved. When Henry and Marchall P. contacted their
5 lender and learned that USALPC had not communicated with the
6 bank, they requested a refund from USALPC. To date, no loan
7 modification services have been provided and no refund has been
8 issued to Henry and Marchall P.

9 8.

10 Respondents collected the advance fees described in
11 Paragraph 7, above, pursuant to the provisions of a written
12 agreement which constitutes an advance fee agreement within the
13 meaning of Code Section 10085.

14 9.

15 Respondents failed to submit the written agreement
16 referred to in Paragraphs 7 and 8, above, to the Commissioner
17 ten days before using it, in violation of Code Section 10085 and
18 Section 2970, Title 10, Chapter 6, Code of Regulations
19 ("Regulations").

20 10.

21 The conduct, acts and/or omissions of Respondents, as
22 set forth above, are cause for the suspension or revocation of
23 the licenses and license rights of Respondents pursuant to Code
24 Sections 10085, 10085.6, 10176(a), 10176(b), 10176(i), 10177(d)
25 and/or 10177(g).

26 ///

27 ///

28 ///

FOURTH CAUSE OF ACCUSATION

(Failure to Supervise)

15.

Complainant incorporates by reference the allegations set forth herein, above.

16.

The conduct, acts and/or omissions of Respondent GIVENS, in failing to exercise reasonable supervision over the activities of Respondent USALPC, as more fully set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent GIVENS pursuant to Code sections 10177(d), (g) and/or (h) for violation of Code section 10159.2.

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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 all the licenses and license rights of
5 Respondents USA LENDING PARTNERS CORP and SEAN GIVENS,
6 individually and as designated broker-officer of USA Lending
7 Partners Corp, under the Real Estate Law (Part 1 of Division 4
8 of the Business and Professions Code), and for such other and
9 further relief as may be proper under other applicable
10 provisions of law.

11 Dated at Los Angeles, California

12 this 1ST day of November 2011.

13
14 
15 _____
16 Maria Suarez
17 Deputy Real Estate Commissioner
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26 cc: USA Lending Partners Corp
27 Sean Givens
28 Maria Suarez
Sacto.