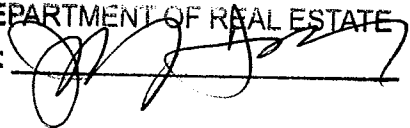


1 DEPARTMENT OF REAL ESTATE
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

NOV 30 2011

5 DEPARTMENT OF REAL ESTATE
6 BY: 

7
8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:)
12) NO. H- 37701 LA
13 USA LENDING PARTNERS CORP,)
14 or any other fictitious names used by USA)
15 Lending Partners Corp and SEAN GIVENS,)
16 individually and as designated officer of)
17 USA Lending Partners Corp) ORDER TO DESIST AND
18) REFRAIN
19) (B&P Code Section 10086)
20)

21 The Commissioner ("Commissioner") of the California Department of Real Estate
22 ("Department") caused an investigation to be made of the activities of USA LENDING
23 PARTNERS CORP. (hereinafter "USALPC") and SEAN GIVENS (hereinafter "GIVENS").
24 Based on that investigation, the Commissioner has determined that USALPC and GIVENS have
25 engaged in, are engaging in, or are attempting to engage in, acts or practices constituting
26 violations of the California Business and Professions Code ("Code") and/or Title 10, California
27 Code of Regulations ("Regulations"), including the business of, acting in the capacity of, and/or
advertising or assuming to act as, a real estate broker in the State of California within the

1 meaning of Code Section 10131(d) (performing services for borrowers in connection with loans
2 secured by real property) and 10131.2 (advance fee handling) of the Code. Based on the findings
3 of that investigation, set forth below, the Commissioner hereby issues the following Findings of
4 Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of
5 the Code.

6 Whenever acts referred to below are attributed to USALPC or GIVENS, those acts are
7 alleged to have been done by USALPC, acting by itself or by and/or through one or more agents,
8 associates, affiliates, and/or co-conspirators, including, but not limited to USALPC and using the
9 name "USA LENDING PARTNERS CORP," or other names or fictitious names unknown at this
10 time.
11

12 Whenever acts referred to below are attributed to USALPC or GIVENS, those acts are
13 alleged to have been done by GIVENS, acting by himself or by and/or through one or more
14 agents, associates, affiliates, and/or co-conspirators, including, but not limited to USALPC and
15 using the name "USA LENDING PARTNERS CORP," or other names or fictitious names
16 unknown at this time.
17

18 FINDINGS OF FACT

19 1. USALPC is presently licensed by the Department as a real estate corporation. GIVENS
20 is presently the designated officer of USALPC. USALPC filed Articles of Incorporation with
21 the Secretary of State on July 7, 2004 with GIVENS listed as the Agent for Service of Process at
22 10073 Valley View Street, #285, Cypress, California 90630. USALPC filed a Statement of
23 Information with the Secretary of State on November 14, 2005 listing USALPC's address as
24 17890 Castleton Street, #398, City of Industry, CA 91748. USALPC's corporate status in the
25 State of California was suspended on or about March 3, 2008 by the Franchise Tax Board.
26
27

1 2. GIVENS has been licensed by the Department as a real estate broker since May 3, 2002.

2 GIVENS is the designated officer of USALPC.

3 3. At all times herein mentioned, USALPC and GIVENS acted as real estate brokers and
4 conducted licensed activities, including conducting loan modification services for homeowner-
5 borrowers. USALPC and GIVENS, on behalf of homeowner-borrowers, for and in expectation
6 of compensation and for fees often collected in advance, engaged in the business, acted in the
7 capacity of, advertised or assumed to act, as real estate brokers in the State of California within
8 the meaning of Code Sections 10131(d) and 10131.2, by providing loan solicitation, negotiation,
9 and modification services to distressed homeowners.
10

11 4. USALPC collected advance fees from homeowner-borrowers seeking loan modification
12 services without having obtained a pre-approved advance fee agreement approved by the
13 Commissioner.

14 5. Between 2008 and 2009, USALPC and GIVENS collected \$2,995.00 in advance fees
15 from Henry and Marchall P. pursuant to an agreement pertaining to loan solicitation, negotiation,
16 and modification services to be provided by USALPC with respect to a loan secured by real
17 property located at 3934 Grandview Avenue, Gurnee, IL 60031. The Department has no record
18 of any advance fee materials approved by the Commissioner for use by USALPC or GIVENS.
19 When Henry and Marchall P. contacted their lender and learned that USALPC had not
20 communicated with the bank, they requested a refund from USALPC. TO date, no loan
21 modification services have been provided and no refund issued to Henry and Marchall P.
22

23 6. USALPC has listed with the Department as its main office address an address that is a
24 private mailbox at a mailbox it rents at Mail Center. USALPC has not informed the Department
25 of a physical location where it transacts business.
26
27

1 7. GIVENS failed to supervise the activities conducted on behalf of USALPC to ensure
2 compliance with the Real Estate Law.

3 CONCLUSIONS OF LAW

4 8. Based on the findings of fact contained in paragraphs 1 through 6, USALPC acting by
5 itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators,
6 including, but not limited to GIVENS using the name "USA Lending Partners Corp" or other
7 names or fictitious names unknown at this time:

8 a. solicited borrowers to negotiate loans or perform services, in connection with loans
9 secured directly or collaterally by one or more liens on real property and collected advance fees
10 pursuant to an agreement that had not been submitted to the Commissioner ten days prior to
11 using it, a violation of Code Section 10085 and Regulation 2970;

12 b. listed with the Department as its main office an address that belongs to a private
13 mailbox and failed to inform the Department of its physical office location address where
14 business is transacted, a violation of Code Section 10162 and Regulation 2715; and
15

16 c. GIVENS as designated officer failed to supervise the activities conducted on behalf of
17 USALPC to ensure compliance with the Real Estate Law, a violation of Code Section 10159.2.
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1 DATED: 11/16 2011

2 BARBARA J. BIGBY
3 Acting Real Estate Commissioner

4 By 
5

6 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a real estate
7 broker or real estate salesperson without a license or who advertises using words indicating that he or she
8 is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not
9 exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not
10 exceeding sixty thousand dollars (\$60,000)."

11 cc: USA LENDING PARTNERS CORP
12 10073 Valley View Street, #285
13 Cypress, CA 90630

14 SEAN GIVENS
15 10073 Valley View Street, #285
16 Cypress, CA 90630
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