

**FILED**

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1 DEPARTMENT OF REAL ESTATE  
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DEPARTMENT OF REAL ESTATE  
BY: *Stacy Valencia*

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

11 To: )  
12 ) NO. H-37944 LA  
13 . FIRST MORTGAGE WEST LENDING )  
14 CORPORATION, PIERCE ADAMS, KELLY ) ORDER TO DESIST AND  
15 GREENE, MICHAEL WALKER, ROBERT WEISS ) REFRAIN  
16 MICHAEL SIMMS and DAVID MARTINEZ ) (B&P Code Section 10086)  
17 )

17 The Commissioner (Commissioner) of the California Department of Real Estate  
18 (Department) caused an investigation to be made of the activities of FIRST MORTGAGE WEST  
19 LENDING CORPORATION (FMWL) PIERCE ADAMS (ADAMS), KELLY GREENE  
20 (GREENE), MICHAEL WALKER (WALKER), ROBERT WEISS (WEISS), MICHAEL  
21 SIMMS (SIMMS) and DAVID MARTINEZ (MARTINEZ). Based on that investigation, the  
22 Commissioner has determined that FMWL, ADAMS, GREENE, WALKER, WEISS, SIMMS  
23 and MARTINEZ have engaged in, are engaging in, or are attempting to engage in, acts or  
24 practices constituting violations of the California Business and Professions Code (Code),  
25 including the business of, acting in the capacity of, and/or advertising or assuming to act as, real  
26 estate brokers in the State of California within the meaning of Section 10131(d) (soliciting  
27

1 connection with loans secured by real property) of the Code. Furthermore, based on the  
2 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
3 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

4 Whenever acts referred to below are attributed to FMWL, ADAMS, GREENE,  
5 WALKER, WEISS, SIMMS or MARTINEZ, those acts are alleged to have been done by  
6 FMWL, ADAMS, GREENE, WALKER, WEISS, SIMMS or MARTINEZ, acting by  
7 themselves, or by and/or through one or more agents, associates, affiliates, and/or co-  
8 conspirators.

9 FINDINGS OF FACT

10 1. FMWL, ADAMS, GREENE, WALKER, WEISS, SIMMS and MARTINEZ  
11 are not now, and have never been, licensed by the Department in any capacity

12 2. Since April 1, 2011 FMWL has been registered with the California Secretary  
13 of State as a Domestic Corporation.

14 3. Jeffery J. Transaction

15 On or about June 5, 2011 Jeffrey J. entered into an agreement with FMWL in  
16 which FMWL offered to obtain a loan secured by the real property of Jeffrey J. As part of the  
17 agreement, FMWL collected payment of \$40,078.92 from Jeffrey J. MARTINEZ negotiated and  
18 performed services on behalf of FMWL for Jeffrey J. in this transaction.

19 4. Lynn S. Transaction

20 In or about June 2011, Lynn S. was solicited by ADAMS on behalf of FMWL.  
21 ADAMS and FMWL offered to obtain a loan secured by the real property of Lynn S.

22 5. Harriet K. Transaction

23 On or about July 7, 2011 Harriet K. entered into an agreement with FMWL in  
24 which FMWL offered to obtain a loan secured by the real property of Harriet K. As part of the  
25 agreement, FMWL collected payment of \$19,565.82 from Harriet K. WALKER and WEISS  
26 negotiated and performed services on behalf of FMWL for Harriet K. in this transaction.

27 6. Rosa B. Transaction

1 In or about August 2011, Rosa B. was solicited by SIMMS regarding loans  
2 offered by FMWL. On or about September 2, 2011 Rosa B. entered into an agreement with  
3 FMWL in which FMWL offered to obtain a loan secured by the real property of Rosa B. As part  
4 of the agreement, FMWL collected payment of \$20,601 from Rosa B.

5 7. Carolyn and Jack C. Transaction

6 On or about July 13, 2011 Carolyn and Jack C. entered into an agreement with  
7 FMWL in which FMWL offered to obtain a loan secured by the real property of Carolyn and  
8 Jack C. As part of the agreement, FMWL collected payment of \$90,000 from Carolyn and Jack  
9 C. WALKER and WEISS negotiated and performed services on behalf of FMWL for Carolyn  
10 and Jack C. in this transaction.

11 8. Sean C. Transaction

12 On or about August 18, 2011, Sean C. entered into an agreement with FMWL in  
13 which FMWL offered to obtain a loan secured by the real property of Sean C. As part of the  
14 agreement, FMWL collected payment of \$30,000 from Sean C. GREENE negotiated and  
15 performed services on behalf of FMWL for Sean C. in this transaction.

16 CONCLUSIONS OF LAW

17 Based on the findings of fact contained in paragraphs 1 through 8, FMWL,  
18 ADAMS, GREENE, WALKER, WEISS, SIMMS and MARTINEZ acting by themselves, or by  
19 and/or through one or more agents, associates, affiliates, and/or co-conspirators, solicited  
20 borrowers or negotiated loans or collected payments or performed services for borrowers in  
21 connection with loans secured by real property, which acts require a real estate broker license  
22 under Section 10131(d) of the Code, during a period of time when FMWL, ADAMS, GREENE,  
23 WALKER, WEISS, SIMMS and MARTINEZ were not licensed by the Department as real  
24 estate brokers, in violation of Section 10130 of the Code.

25 DESIST AND REFRAIN ORDER

26 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated  
27 herein, it is hereby ordered that FIRST MORTGAGE WEST LENDING CORPORATION,

1 PIERCE ADAMS, KELLY GREENE, MICHAEL WALKER, ROBERT WEISS, MICHAEL  
2 SIMMS and DAVID MARTINEZ, whether doing business under their own names, or any other  
3 names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts  
4 within the State of California for which a real estate broker license is required, unless or until  
5 they are properly licensed by the Department.

6  
7 DATED: 3/1/12

8 BARBARA J. BIGBY  
9 Acting Real Estate Commissioner

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

19 cc: FIRST MORTGAGE WEST LENDING CORPORATION  
20 PIERCE ADAMS  
21 KELLY GREENE  
22 MICHAEL WALKER  
23 ROBERT WEISS  
24 MICHAEL SIMMS  
25 DAVID MARTINEZ

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