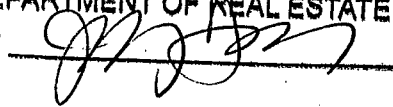


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FILED

JUL 15 2009

DEPARTMENT OF REAL ESTATE
BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation

No. H-35827 LA

MDHT CORPORATION, doing busi-)
ness as American Loan Help)
Center, Gold Key Funding and)
Gold Key Properties; and)
CHARLES MIKE DUNKELMAN, indi-)
vidually, and doing business)
as Gold Key Funding and Gold)
Key Properties, and as desig-)
nated officer for MDHT)
Corporation,)

FIRST AMENDED
ACCUSATION

Respondents.)

21 This First Amended Accusation amends the Accusation
22 filed on April 3, 2009.

23 The Complainant, Robin Trujillo, a Deputy Real Estate
24 Commissioner of the State of California, for cause of Accusation
25 against MDHT CORPORATION, doing business as American Loan Help
26 Center, Gold Key Funding and Gold Key Properties, and CHARLES
27

1 MIKE DUNKELMAN ("DUNKELMAN"), individually, and doing business as
2 Gold Key Funding and Gold Key Properties, and as designated
3 officer for MDHT Corporation, is informed and alleges as follows:

4 1.

5 The Complainant, Robin Trujillo, a Deputy Real Estate
6 Commissioner of the State of California, makes this Accusation in
7 her official capacity.

8 2.

9 Respondent MDHT CORPORATION is presently licensed
10 and/or has license rights under the Real Estate Law (Part 1 of
11 Division 4 of the Business and Professions Code, hereinafter
12 "Code"), as a corporate real estate broker acting by and through
13 Respondent DUNKELMAN as its designated broker-officer at all
14 times relevant herein.

15 3.

16 Respondent DUNKELMAN is presently licensed and/or has
17 license rights under the Real Estate Law as a real estate broker
18 and designated broker-officer of Respondent MDHT CORPORATION.

19 4.

20 At all times material herein for compensation, or in
21 expectation of compensation, Respondents engaged in the business
22 of soliciting borrowers or lenders, or negotiating loans,
23 including but not limited to loan modifications, or collecting
24 payments, or performing services for borrowers or lenders or note
25 owners in connection with loans secured directly or collaterally
26 by liens on real property on behalf of another or others within
27

the meaning of Code Section 10131(d).

5.

All further references to respondents herein include Respondents MDHT CORPORATION and DUNKELMAN, and also include officers, directors, employees, agents and real estate licensees employed by or associated with MDHT CORPORATION and DUNKELMAN, and who at all times herein mentioned were engaged in the furtherance of the business or operations of Respondents MDHT CORPORATION and DUNKELMAN, and who were acting within the course and scope of their authority and employment.

6.

At all times relevant herein Respondent DUNKELMAN, as the officer designated by Respondent MDHT CORPORATION pursuant to Section 10211 of the Code, was responsible for the supervision and control of the activities conducted on behalf of Respondent MDHT CORPORATION by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

FIRST CAUSE OF ACCUSATION
(Advance Fee Violation)

7.

At all times mentioned herein, in the State of California, Respondents MDHT CORPORATION and DUNKELMAN engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees, within the meaning of Code Section 10026, including, but not

1 limited to, the following loan modification activities with
2 respect to loans which were secured by liens on real property:

3 a. On or about July 17, 2008, Respondents collected
4 an advance fee of \$995 from Candy Cook pursuant to the provisions
5 of a written agreement pertaining to loan modification services
6 to be provided by Respondents with respect to a loan secured by
7 the real property located at 16687 Las Ramblas, Unit F, Parker,
8 Colorado 80134.

9 b. On or about August 13, 2008, Respondents collected
10 an advance fee of \$500 from Normal Aleman pursuant to the
11 provisions of a written agreement pertaining to loan modification
12 services to be provided by Respondents with respect to a loan
13 secured by the real property located at 1239 Sea Reef Drive, San
14 Diego, California 92154.

15 c. On or about September 8, 2008, Respondents
16 collected an advance fee totaling \$1,418 from Kathy Stubbs
17 pursuant to the provisions of a written agreement pertaining to
18 loan modification services to be provided by Respondents with
19 respect to a loan secured by the real property located at 3003
20 Airway Street, East Wenatchee, Washington 98802.

22 8.

23 Respondents collected the advance fees described in
24 Paragraph 7, above, pursuant to the provisions of a document
25 which constitutes an advance fee agreement within the meaning of
26 Code Section 10085.

27 ///

9.

Respondents failed to submit the written agreements referred to in Paragraph 7, above, to the Commissioner ten days before using them in violation of Code Section 10085 and Regulation 2970.

10.

The conduct, acts and/or omissions of Respondents MDHT CORPORATION and DUNKELMAN, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent MDHT CORPORATION and Respondent DUNKELMAN pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION
(Audit Violations)

11.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 10, above.

12.

On or about May 14, 2009, the Department completed an audit examination of the books and records of MDHT CORPORATION pertaining to the real estate activities described in Paragraphs 4 and 7, above, covering a period from January 1, 2008, to March 31, 2009.

13.

At all times mentioned herein, and in connection with the activities described in Paragraphs 4 and 7, above, Respondent MDHT CORPORATION accepted or received funds, including advance

1 (c) Permitted, allowed or caused the withdrawal or
2 disbursement of trust funds from BA #1 so that as of March 31,
3 2009, the trust account had a shortage of \$9,347.25. Respondents
4 caused, permitted and/or allowed said withdrawal or disbursement
5 of trust funds from account BA #1 so that the total of aggregate
6 funds remaining in the trust account was less than the existing
7 aggregate trust fund liability of Respondent MDHT CORPORATION to
8 every principal who was an owner of said funds without first
9 obtaining the prior written consent of the owners of said funds
10 as is required by Code Section 10145 and Sections 2832.1,
11 2950(d), 2950(g) and 2951 of the Regulations.

12 (d) Permitted two unlicensed and unbonded persons,
13 Vicky Fields and Joanne Faught, as authorized signatories on
14 account BA #1 in violation of Code Section 10145 and Section 2834
15 of the Regulations.

16 (e) Used the fictitious names "MDHT" and "Gold Key" on
17 some Mortgage Loan Disclosure Statements and Broker-Associate
18 Agreements and used the business name "1135 E. Route 66, LLC" on
19 account BA #1 without holding a license bearing said fictitious
20 business names in violation of Code Section 10159.5 and Section
21 2731 of the Regulations.

22 (f) Failed to notify the Department within five days
23 of the employment of salespersons Christine Garcia, Joe Anthony
24 Fields and Fred Robert Faught as is required by Code Section
25 10161.8 and Section 2752 of the Regulations.

26 (g) Failed to maintain the original salesperson
27 license certificate for Jimmy William Smith in violation of Code

1 section 10160 and Section 2753 of the Regulations.

2 (h) Failed to maintain an Independent Contractor
3 Agreement with Debbie Grohs and Jimmy William Smith in violation
4 of Section 2726 of the Regulations.

5 (i) Failed to disclose loan commissions and other fees
6 paid to Respondent MDHT CORPORATION on the Mortgage Loan
7 Disclosure Statement in the column designated "Paid To Broker" in
8 violation of Code Section 10240 and Section 2840 of the
9 Regulations.

10 (j) Failed to disclose the corporate real estate
11 license number of Respondent MDHT CORPORATION on the Mortgage
12 Loan Disclosure Statement in two of eight files examined by the
13 auditors in violation of Code Section 10236.4.

14 (k) Respondent DUNKELMAN failed to have a system in
15 place for regularly monitoring compliance with the Real Estate
16 Law, particularly with respect to establishing systems, policies
17 and procedures to review trust fund handling in violation of Code
18 Sections 10159.2 and 10177(h) and Section 2725 of the
19 Regulations.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

DISCIPLINE STATUTES AND REGULATIONS

15.

The conduct of Respondents MDHT CORPORATION and DUNKELMAN described in Paragraph 14, above, violated the Code and the Regulations as set forth below:

PARAGRAPH

PROVISIONS VIOLATED

14(a)

Code Section 10145, 10146 and Sections 2832(a), 2950(d) and 2951 of the Regulations

14(b)

Code Section 10146

14(c)

Code Section 10145 and Sections 2832.1, 2950(d) 2950(g) and 2951 of the Regulations

14(d)

Code Section 10145 and Section 2834 of the Regulations

14(e)

Code Section 10159.5 and Section 2731 of the Regulations

14(f)

Code Section 10161.8 and Section 2752 of the Regulations

14(g)

Code Section 10160 and Section 2753 of the Regulations

14(h)

Section 2726 of the Regulations

14(i)

Code Section 10240 and Section 2840 of the Regulations

14(j)

Code Section 10236.4

14(k)

Code Section 10159.2

and Section 2725 of the

Regulations

16.

The foregoing violations, as set forth hereinabove, constitute cause for the suspension or revocation of the real estate licenses and license rights of MDHT CORPORATION and DUNKELMAN under the provisions of Code Sections 10177(d) for violation of the Real Estate Law and/or 10177(g) for negligence or incompetence.

THIRD CAUSE OF ACCUSATION
(Unlicensed Activity)

17.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 16, above.

18.

The activities described in Paragraphs 4 and 7, above, require a real estate license under Sections 10131(d) and 10131.2 of the Code.

19.

Respondents violated Section 10137 of the Code by employing and/or compensating individuals who were not licensed

1 as a real estate salesperson or as a broker to perform activities
2 requiring a license as follows:

3 a. Respondents employed and/or compensated Bret Lyon
4 to perform some or all of the services alleged in Paragraphs 4,
5 and 7(a), above, though he was not licensed as a real estate
6 salesperson or broker.

7 b. Respondents employed and/or compensated Armando
8 Ramirez to perform some or all of the services alleged in
9 Paragraphs 4 and 7(b), above, though he was not licensed as a
10 real estate salesperson or broker.

11 c. Respondents employed and/or compensated Carl
12 Velasquez to perform some or all of the services alleged in
13 Paragraphs 4 and 7(c), above, though he was not licensed as a
14 real estate salesperson or broker.

15 20.

16
17 The conduct, acts and/or omissions of Respondents MDHT
18 CORPORATION and DUNKELMAN, as set forth in Paragraph 15, above,
19 violate Code Section 10137, and are cause for the suspension or
20 revocation of the licenses and license rights of Respondents MDHT
21 CORPORATION and DUNKELMAN pursuant to Code Sections 10177(d)
22 and/or 10177(g).

23 FOURTH CAUSE OF ACCUSATION
24 (Branch Office Violation)

25 21.

26 Complainant hereby incorporates by reference the
27 allegations set forth in Paragraphs 1 through 20, above.

22.

Respondents engaged in a real estate brokerage business at 1135 E. Route 66, Suite 201, Glendora, California 91740, a location for which Respondents failed to apply for and procure from the Department an additional license for the branch office being maintained by them, in violation of Section 10163 of the Code.

23.

The conduct, acts and/or omissions of Respondents, as set forth in Paragraph 22, above, violate Code Section 10163 and are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10165, 10177(d) and/or 10177(g).

FIFTH CAUSE OF ACCUSATION
(Failure to Supervise)

24.

Complainant incorporates by reference the allegations contained in Paragraphs 1 through 23, above.

25.

Respondent DUNKELMAN ordered, caused, authorized or participated in the conduct of Respondent MDHT CORPORATION, as is alleged in this Accusation.

26.


The conduct, acts and/or omissions, of Respondent DUNKELMAN, in allowing Respondent MDHT CORPORATION to violate the Real Estate Law, as set forth above, constitutes a failure by

1 DUNKELMAN, as the officer designated by a corporate broker
2 licensee, to exercise the supervision and control over the
3 activities of MDHT CORPORATION, as required by Code Section
4 10159.2, and is cause to suspend or revoke the real estate
5 licenses and license rights of DUNKELMAN under Code Sections
6 10177(d), 10177(g) and/or 10177(h).

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 all the licenses and license rights of Respondent
11 MDHT CORPORATION, and Respondent CHARLES MIKE DUNKELMAN,
12 individually, and as designated broker-officer of Respondent MDHT
13 Corporation, under the Real Estate Law (Part 1 of Division 4 of
14 the Business and Professions Code), and for such other and
15 further relief as may be proper under other applicable provisions
16 of law.

17 Dated at Los Angeles, California

18 this 15 day of July, 2009.

19
20 
21 Robin Trujillo
22 Deputy Real Estate Commissioner
23
24
25

26 cc: MDHT CORPORATION
27 CHARLES MIKE DUNKELMAN
Robin Trujillo
Sacto.
Frank M. Buda, esq.
OAH

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of)	Case No. H-35827 LA
)	
MDHT CORPORATION, doing business)	
as American Loan Help Center,)	NOTICE CONCERNING
Gold Key Funding and Gold Key)	COSTS OF AUDITS
Properties; and CHARLES MIKE)	
DUNKELMAN, individually, and)	
doing business as Gold Key)	
Funding and Gold Key Properties)	
and as designated officer for)	
MDHT Corporation,)	
)	
Respondents .)	

The enclosed Accusation contains a determination by a Deputy Real Estate Commissioner that you have either violated Section 10145 of the Business and Professions Code or a regulation of the Commissioner interpreting Section 10145, or both. Section 10148 of the Business and Professions Code provides that if this finding(s) becomes final, the Commissioner may charge you for the costs of any audit, including the audit which led to this action and a subsequent audit conducted to determine if the violations found have been corrected. Enclosed for your reference is a copy of the provisions of Section 10148 of the Business and Professions Code.

DEPARTMENT OF REAL ESTATE

Dated: July 15, 2009

By: Cheryl Kelly
Cheryl Kelly, Counsel

SECTION 10148
CALIFORNIA BUSINESS AND PROFESSIONS CODE

10148. (a) A licensed real estate broker shall retain for three years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by him or her or obtained by him or her in connection with any transactions for which a real estate broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated. After notice, the books, accounts, and records shall be made available for examination, inspection, and copying by the commissioner or his or her designated representative during regular business hours; and shall, upon the appearance of sufficient cause, be subject to audit without further notice, except that the audit shall not be harassing in nature.

(b) The commissioner shall charge a real estate broker for the cost of any audit, if the commissioner has found, in a final desist and refrain order issued under Section 10086 or in a final decision following a disciplinary hearing held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that the broker has violated Section 10145 or a regulation or rule of the commissioner interpreting Section 10145.

(c) If a broker fails to pay for the cost of an audit as described in subdivision (b) within 60 days of mailing a notice of billing, the commissioner may suspend or revoke the broker's license or deny renewal of the broker's license. The suspension or denial shall remain in effect until the cost is paid or until the broker's right to renew a license has expired.

The commissioner may maintain an action for the recovery of the cost in any court of competent jurisdiction. In determining the cost incurred by the commissioner for an audit, the commissioner may use the estimated average hourly cost for all persons performing audits of real estate brokers.