

1 Department of Real Estate  
2 320 West Fourth Street, Ste. 350  
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED  
NOV - 3 2009  
DEPARTMENT OF REAL ESTATE



8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 To: NATIONWIDE HOME ASSISTANCE )	No. H-36241 LA
12 dba Loan Center Funding, Inc.; )	
13 MICHAEL ALLAN HARRIS, LISA )	
14 KOMINEK; JAMES RADOGNA; )	<u>AMENDED</u>
15 COREY TOBIN. )	<u>ORDER TO DESIST</u>
16 )	<u>AND REFRAIN</u>
17 )	( B & P Code Section 10086)
18 Respondents. )	
19 _____ )	

20 This Amended Desist and Refrain Order amends the Desist and Refrain Order  
 21 filed on September 15, 2009. The Commissioner ("Commissioner") of the California  
 22 Department of Real Estate ("Department") caused an investigation to be made of the activities of  
 23 NATIONWIDE HOME ASSISTANCE dba Loan Center Funding, Inc. ("NATIONWIDE")  
 24 MICHAEL ALLAN HARRIS ("HARRIS"), LISA KOMINEK ("KOMINEK"), JAMES  
 25 RADOGNA ("RADOGNA"), and COREY TOBIN ("TOBIN"). Based on that investigation, the  
 26 Commissioner has determined that NATIONWIDE, HARRIS, KOMINEK, RADOGNA and  
 27 TOBIN have engaged in or are engaging in acts or are attempting to engage in the business of,  
 acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State  
 of California within the meaning of Business and Professions Code Section 10131(d) (soliciting,  
 negotiating and performing services for borrowers in connection with loans secured by real

1 property) and 10131.2 (advance fee handling).

2 In addition, based on that investigation, the Commissioner has determined that  
3 NATIONWIDE, HARRIS, KOMINEK, RADOGNA and TOBIN have engaged in or are  
4 engaging in acts or are attempting to engage in practices constituting violations of the California  
5 Business and Professions Code ("Code") and/or Title 10, California Code of Regulations  
6 ("Regulations"). Based on the findings of that investigation, set forth below, the Commissioner  
7 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order  
8 under the authority of Section 10086 of the Code.

9 FINDINGS OF FACT

10 1. NATIONWIDE is not now, and has never been, licensed by the Department  
11 in any capacity.

12 2. HARRIS is presently licensed and/or has license rights under the Real Estate  
13 Law (Part 1 of Division 4 of the Code) as a real estate broker.

14 3. KOMINEK was licensed by the Department as a real estate salesperson  
15 8/11/2000. Effective August 10, 1994, KOMINEK'S real estate salesperson license has  
16 expired.

17 4. RADOGNA is not now, and has never been, licensed by the Department in  
18 any capacity.

19 5. TOBIN is not now, and has never been, licensed by the Department in any  
20 capacity.

21 6. At the time set forth below each and every respondent solicited borrowers  
22 and negotiated to do one or more of the following acts for another or others, for or in  
23 expectation of compensation: engage in the business of, acted in the capacity of, or advertised a  
24 loan modification service and advance fee brokerage using the name Nationwide Home  
25 Assistance soliciting, offering to negotiate or perform loan modification services with respect to  
26 loans which were secured by liens on real property for compensation or in expectation of  
27 compensation and for fees collected in advance of the transaction.



1 B. MICHAEL ALLAN HARRIS, immediately desist and refrain from employing  
2 and/or compensating individuals who are not licensed as a real estate salesperson or as a broker  
3 to perform activities requiring a real estate license;

4 IT IS FURTHER ORDERED THAT MICHAEL ALLAN HARRIS:

5 1. Immediately desist and refrain from charging, demanding, claiming, collecting and/or  
6 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and  
7 under any conditions, with respect to the performance of loan modification or any other form of  
8 mortgage loan forbearance services in connection with loans on residential property containing  
9 four or fewer dwelling units (Code Section 10085.6).

10 2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or  
11 receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other  
12 real estate related services you offer to others, unless and until you demonstrate and provide  
13 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a  
14 real estate broker, and that:

15 (1) you have an advance fee agreement which has been submitted to the  
16 Department and which is in compliance with Section 10085 of the  
17 Code and Section 2970 of the Regulations;

18 (2) you have placed all previously collected advance fees into a trust  
19 account for that purpose and are in compliance with Section 10146 of  
20 the Code; and

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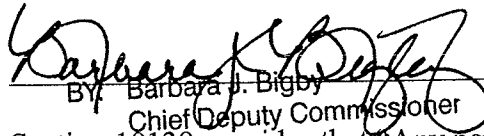
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1 (3) you have provided an accounting to trust fund owner-beneficiaries  
2 pursuant to Section 2972 of the Regulations.  
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4  
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6  
7 DATED: 11/2, 2009.

8 JEFF DAVI  
9 Real Estate Commissioner

10   
11 By Barbara J. Bigby  
12 Chief Deputy Commissioner

13 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
14 real estate broker or real estate salesperson without a license or who advertises using words  
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
19 (\$60,000)."

20 cc: NATIONWIDE HOME ASSISTANCE  
21 535 E. First Street, 2<sup>nd</sup> Floor  
22 Tustin, CA 92780

23 MICHAEL ALLAN HARRIS  
24 3369 Essex Junction Ct.  
25 Thousand Oaks, CA 91362

26 LISA KOMINEK  
27 2554 Turquoise Circle  
Chino, CA 91709

JAMES RADOGNA  
535 E. First Street, 2<sup>nd</sup> Floor  
Tustin, CA 92780

COREY TOBIN  
535 E. First Street, 2<sup>nd</sup> Floor  
Tustin, CA 92780