

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real estate broker.

3.

On or about January 12, 2011, Respondent was disbarred from the practice of law in California by the Supreme Court of California, in Case No. S187904. The disbarment was based upon a Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving; filed on September 23, 2010.

4.

In the Stipulation Re Facts, Respondent admitted the following facts: Since at least December 2008, Respondent advertised a loan modification law practice. Respondent collected advance fees from at least 12 clients and contracted to negotiate with their lenders to obtain modifications of their home loan mortgages. At least 8 of these clients resided in states where Respondent was not authorized to practice law. Respondent did not obtain loan modifications or earn the advance fees he collected from any of the 12 named clients. Respondent did not refund the advance fees he collected from 11 of the 12 named clients.

5.

In the Conclusions of Law, Respondent stipulated to, among other violations: Intentionally, recklessly or repeatedly failing to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(a), unauthorized practice of law, in violation of Rules of Professional Conduct, rule 3-110(a), willfully committing acts involving moral turpitude, dishonesty or corruption, in violation of Code Section 6106 and failure to adequately communicate with clients, in violation of Code Section 6068(m).

DETERMINATION OF ISSUES

1.

The allegations set forth in Paragraphs 3 through 5 above constitute cause under Section 10177(f) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license and license rights of Respondent BRIAN JOHN COLOMBANA under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on FEB 29 2011.

DATED: 1/31/12

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, CA 90013

3 (213) 576-6982

FILED

JAN 23 2012

DEPARTMENT OF REAL ESTATE
BY: James B. Olson

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 In the Matter of the Accusation of)
11)
12 BRIAN JOHN COLOMBANA)
13 Respondent.)

No. H-37550 LA

DEFAULT ORDER

14
15 Respondent BRIAN JOHN COLOMBANA, having failed to
16 file a Notice of Defense within the time required by Section
17 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record
19 in this matter.

20 IT IS SO ORDERED

January 23, 2012

21 BARBARA J. BIGBY
22 Acting Real Estate Commissioner

23
24 By:

Dolores Weeks
25 DOLORES WEEKS
26 Regional Manager
27

Suarez

FILED

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

SEP 23 2011

(213) 576-6982
(213) 576-6910 (direct)

DEPARTMENT OF REAL ESTATE
BY: *Maria Suarez*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37550 LA
)	
BRIAN JOHN COLOMBANA,)	<u>A C C U S A T I O N</u>
)	
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against BRIAN JOHN COLOMBANA, alleges as follows:

I

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against BRIAN JOHN COLOMBANA.

II

BRIAN JOHN COLOMBANA, (hereinafter referred to as "Respondent") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a broker. He was first licensed as a broker on November 4, 2004.

1 III

2 On or about January 12, 2011, Respondent was disbarred
3 from the practice of law in California by the Supreme Court of
4 California, in Case No. S187904. The disbarment was based upon a
5 Stipulation Re Facts, Conclusions of Law and Disposition and
6 Order Approving; filed on September 23, 2010.

7 IV

8 In the Stipulation Re Facts, Respondent admitted the
9 following facts: Since at least December 2008, Respondent
10 advertised a loan modification law practice. Respondent
11 collected advance fees from at least 12 clients and contracted to
12 negotiate with their lenders to obtain modifications of their
13 home loan mortgages. At least 8 of these clients resided in
14 states where Respondent was not authorized to practice law.
15 Respondent did not obtain loan modifications or earn the advance
16 fees he collected from any of the 12 named clients. Respondent
17 did not refund the advance fees he collected from 11 of the 12
18 named clients.

19 V

20 In the Conclusions of Law, Respondent stipulated to,
21 among other violations: Intentionally, recklessly or repeatedly
22 failing to perform legal services with competence, in violation
23 of Rules of Professional Conduct, rule 3-110(a). Unauthorized
24 practice of law, in violation of Rules of Professional Conduct,
25 rule 3-110(a), willfully committing acts involving moral
26 turpitude, dishonesty or corruption, in violation of Code Section
27

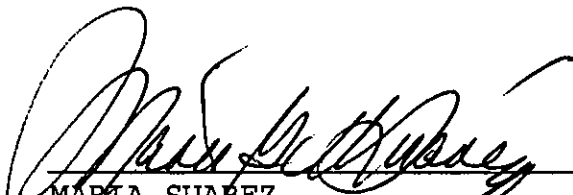
1 6106 and failure to adequately communicate with clients, in
2 violation of Code Section 6068(m).

3 VI

4 The allegations set forth in Paragraphs III through V
5 above constitute cause under Section 10177(f) of the Code for the
6 suspension or revocation of the license and license rights of
7 RESPONDENT under the Real Estate Law.

8
9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses and license rights of respondent
13 BRIAN JOHN COLOMBANA under the Real Estate Law (Part 1 of
14 Division 4 of the Business and Professions Code) and for such
15 other and further relief as may be proper under other applicable
16 provisions of law.

17 Dated at Los Angeles, California
18 this 21 day of September, 2011.

19
20
21 
22 MARIA SUAREZ
23 Deputy Real Estate Commissioner

24
25 cc: Brian John COLOMBANA
26 Maria Suarez
27 Sacto.