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FILED
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DEPARTMENT OF REAL ESTATE
By C.R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-37691 LA
12 EXECUTIVE ONE REAL ESTATE AND) A C C U S A T I O N
13 MORTGAGE CORPORATION,)
14 GERALD FRANKLIN GEORGE,)
15 individually and as designated)
16 officer of Executive One Real)
17 Estate and Mortgage Corporation,)
18 CHRISTOPHER PAUL GEORGE,)
19 individually and as former)
20 designated officer of)
21 Executive One Real Estate and)
22 Mortgage Corporation, and)
23 MABLE ROSE HERNANDEZ,)
24 Respondents.)

22 The Complainant, Maria Suarez, a Deputy Real Estate
23 Commissioner of the State of California, for cause of Accusation
24 against EXECUTIVE ONE REAL ESTATE AND MORTGAGE CORPORATION,
25 GERALD FRANKLIN GEORGE, individually and as officer of Executive
26 One Real Estate and Mortgage Corporation, CHRISTOPHER PAUL
27 GEORGE, individually and as former officer of Executive One Real
28

1 Estate and Mortgage Corporation, and MABLE ROSE HERNANDEZ
2 (collectively "Respondents") is informed and alleges as follows:

3 1.

4 The Complainant, Maria Suarez, a Deputy Real Estate
5 Commissioner of the State of California, makes this Accusation
6 in her official capacity.

7 2.

8 At all times herein mentioned, Respondents were
9 licensed and/or have license rights under the Real Estate Law
10 (Part 1 of Division 4 of the California Business and Professions
11 Code).

12 3.

13 All references to the "Code" are to the California
14 Business and Professions Code and all references to
15 "Regulations" are to Title 10, Chapter 6, California Code of
16 Regulations.

17 4.

18 From May 20, 2004, through the present, EXECUTIVE ONE
19 REAL ESTATE AND MORTGAGE CORPORATION ("EXECUTIVE ONE") was
20 licensed as a corporate real estate broker, License No.
21 01431726. From May 20, 2004, through May 19, 2008, Respondent
22 EXECUTIVE ONE was licensed to act by and through Respondent
23 CHRISTOPHER PAUL GEORGE as its officer pursuant to Code Section
24 10159.2 to be responsible for ensuring compliance with the Real
25 Estate Law. From May 20, 2008, through the present, Respondent
26 EXECUTIVE ONE has been acting by and through Respondent GERALD
27 FRANKLIN GEORGE as its officer pursuant to Code Section 10159.2
28

1 to be responsible for ensuring compliance with the Real Estate
2 Law.

3 5.

4 From November 6, 2004, through the present, Respondent
5 GERALD FRANKLIN GEORGE has been licensed as a real estate
6 broker, License No. 01354433. During all times relevant herein,
7 Respondent GERALD FRANKLIN GEORGE was an officer, director, and
8 owned or controlled ten percent or more of EXECUTIVE ONE's
9 stock.
10

11 6.

12 From April 22, 2003, through the present, Respondent
13 CHRISTOPHER PAUL GEORGE has been licensed as a real estate
14 broker, License No. 01262125. During all times relevant herein,
15 Respondent CHRISTOPHER PAUL GEORGE was an officer, director, and
16 owned or controlled ten percent or more of EXECUTIVE ONE's
17 stock.

18 7.

19 From October 19, 2005, through the present, Respondent
20 MABLE ROSE HERNANDEZ ("HERNANDEZ") has been licensed as a
21 restricted real estatesalesperson, License No. 01462457. From
22 May 14, 2008, through May 17, 2009, Respondent HERNANDEZ was
23 licensed under the employ of Respondent EXECUTIVE ONE.

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FIRST CAUSE OF ACCUSATION

(Dissolved Corporation)

(FAILURE TO SUPERVISE - Respondent GERALD FRANKLIN GEORGE

8.

Regulation 2743, subdivision (c) states: "[A] corporation licensed under Section 10211 of the Code shall not engage in the business of a real estate broker while not in good legal standing with the Office of the Secretary of State."

9.

Respondent EXECUTIVE ONE was dissolved as a corporation with the California Secretary of State. No notice of the change in corporate status was provided to the Department by either Respondent EXECUTIVE ONE or Respondent GERALD FRANKLIN GEORGE.

10.

The dissolution of Respondent EXECUTIVE ONE's corporate status is in violation of Regulation 2742, subdivision (c) and constitutes grounds to suspend or revoke Respondent EXECUTIVE ONE's corporate real estate broker license pursuant to Code Sections 10177(d) and/or 10177(g).

11.

The conduct, acts and/or omissions of Respondent GERALD FRANKLIN GEORGE as set forth in Paragraph 9, above, in failing to adequately supervise the activities of Respondent EXECUTIVE ONE to ensure compliance with the Real Estate Law, is in violation of Section 10159.2 of the Code and constitutes grounds to discipline the license and/or license rights of

1 Respondent GERALD FRANKLIN GEORGE pursuant to Code Sections
2 10177(h), 10177(d) and/or 10177(g).

3
4 SECOND CAUSE OF ACCUSATION
5 ADVANCE FEE VIOLATIONS/MISREPRESENTATIONS/DISHONEST DEALING
6 (Respondents EXECUTIVE ONE, GERALD FRANKLIN GEORGE, CHRISTOPHER
7 PAUL GEORGE, and MABLE ROSE HERNANDEZ)

8 12.

9 There is hereby incorporated in this Second, separate
10 Cause of Accusation, all of the allegations contained in
11 Paragraphs 1 through 11 above, with the same force and effect as
12 if herein fully set forth.

13 13.

14 21st Century Legal Services, Inc. has never been
15 licensed by the Department in any capacity.

16 14.

17 21st Century Real Estate Investment Corporation was
18 formerly licensed by the Department as a corporate real estate
19 broker, License No. 01835672. 21st Century Real Estate
20 Investment Corporation's license was revoked by the Department
21 on June 28, 2011, in Department Case No. H-36504 LA.

22 15.

23 For an unknown period of time beginning no later than
24 November 26, 2008, and continuing to the present, Respondents
25 while using the fictitious business names 21st Century Real
26 Estate Investment Corporation, 21st Century Real Estate &
27 Investment Corp., or other fictitious business names not known
28 at this time, engaged in the business of, acted in the capacity
of, advertised or assumed to act as real estate brokers in the

1 State of California within the meaning of Code Sections 10131,
2 subdivision (d) and 10131.2. Their activities included
3 soliciting borrowers or lenders for and/or negotiating loans,
4 collecting payments and/or performing services for borrowers or
5 lenders in connection with loans secured by liens on real
6 property. Their activities also included claiming, demanding,
7 charging, receiving, collecting or contracting for the
8 collection of an advance fee within the meaning of Code Sections
9 10026 and 10085.

10
11 16.

12 In or around November, 2008, HERNANDEZ solicited loan
13 modification and negotiation services in connection with loans
14 secured by liens on real property to Jacqueline Ann Gano
15 ("Gano"). HERNANDEZ provided Gano with a residential loan
16 modification agreement between 21st Century Real Estate &
17 Investment Corp. and Gano. Respondent HERNANDEZ made
18 misrepresentations to Gano including that a licensed attorney
19 would handle the loan modification and negotiation with Gano's
20 lender in order to induce Gano to enter into the agreement with
21 21st Century Real Estate & Investment Corp. On November 26,
22 2008, Gano paid \$1,000 in advance fees to HERNANDEZ for loan
23 negotiation and modification services. On December 30, 2008,
24 Gano paid \$1,000 in advance fees to HERNANDEZ for loan
25 negotiation and modification services. On January 31, 2009,
26 Gano paid \$1,000 in advance fees to HERNANDEZ for loan
27 negotiation and modification services. Gano did not obtain a
28 loan modification through Respondents.

1 17.

2 The residential loan modification agreement which
3 charged a \$3,000 advance fee to Gano was not submitted to the
4 Department prior to use as was required under Code Section 10085
5 and Regulation Section 2970.

6 18.

7 The advance fees collected by Respondents were not
8 deposited in a trust account as required under Code Section
9 10146. Respondents did not provide an accounting to principals,
10 in violation of Code Section 10146 and Regulation Section 2972.
11

12 19.

13 On or about September 7, 2011, Respondent HERNANDEZ
14 provided a written statement to the Department wherein HERNANDEZ
15 claimed she conducted the loan modification and negotiation
16 services for Gano while HERNANDEZ was working under the
17 direction of Respondents CHRISTOPHER PAUL GEORGE and EXECUTIVE
18 ONE.

19 20.

20 The conduct, acts and/or omissions of Respondents
21 EXECUTIVE ONE, GERALD FRANKLIN GEORGE and CHRISTOPHER PAUL
22 GEORGE, as set forth above, in collecting advance fees from
23 prospective borrowers pursuant to a written fee agreement, which
24 agreement was not submitted to the Department for review prior
25 to use, is in violation of Code Section 10085 and Regulation
26 Section 2970, and constitutes grounds for the suspension or
27 revocation of the licenses and license rights of Respondents
28 EXECUTIVE ONE, GERALD FRANKLIN GEORGE and CHRISTOPHER PAUL

1 GEORGE, pursuant to Code Sections 10177(d) or 10177(g).

2 21.

3 The conduct, acts and/or omissions of Respondents
4 EXECUTIVE ONE, GERALD FRANKLIN GEORGE, and CHRISTOPHER PAUL
5 GEORGE, as set forth above, in collecting advance fees from
6 prospective borrowers and failing to deposit the advance fees
7 into a trust account and provide an accounting to principals, is
8 in violation of Code Section 10146 and Regulation Section 2972,
9 and constitutes grounds for the suspension or revocation of the
10 licenses and license rights of Respondents EXECUTIVE ONE, GERALD
11 FRANKLIN GEORGE, CHRISTOPHER PAUL GEORGE, and HERNANDEZ pursuant
12 to Code Sections 10177(d) or 10177(g).

13
14 22.

15 The conduct, acts and/or omissions of Respondent
16 HERNANDEZ as set forth above, in making misrepresentations and
17 engaging in dishonest dealing in order to induce Gano to enter
18 into an advance fee agreement, constitutes grounds for the
19 suspension or revocation of the license and license rights of
20 Respondent HERNANDEZ pursuant to Code Sections 10137, 10145,
21 subdivision (c), 10176, subdivision (a), 10176, subdivision (b),
22 and 10176, subdivision (i).

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THIRD CAUSE OF ACCUSATION
(Use of Unlicensed Fictitious Business Name)

23.

There is hereby incorporated in this Third, separate, Cause of Accusation, all of the allegations contained in Paragraphs 1 through 22 above, with the same force and effect as if herein fully set forth.

24.

The activities described in Paragraphs 15 and 16, above, require a real estate license under Code Section 10131, subdivision (d). Use of a fictitious business name for activities requiring the issuance of a real estate license requires the filing of an application for the use of such name with the Department in accordance with the provisions of Code Section 10159.5 and Regulation 2731.

25.

Respondents acted without Department authorization in using the fictitious business names 21st Century Real Estate Investment Corporation and/or 21st Century Real Estate & Investment Corp. to engage in activities requiring the issuance of a real estate license.

26.

The conduct, acts and/or omissions of Respondents EXECUTIVE ONE, GERALD FRANKLIN GEORGE and CHRISTOPHER PAUL GEORGE, as set forth in Paragraphs 24 and 25 above, violate Code Section 10159.5 and Regulation 2731, and is cause for the suspension or revocation of the licenses and license rights of

1 Respondents EXECUTIVE ONE, GERALD FRANKLIN GEORGE and
2 CHRISTOPHER PAUL GEORGE, pursuant to Code Sections 10177,
3 subdivision (d) and/or 10177, subdivision (g).
4

5 FOURTH CAUSE OF ACCUSATION
6 (Failure to Supervise)

7 27.

8 There is hereby incorporated in this Fourth, separate
9 Cause of Accusation, all of the allegations contained in
10 Paragraphs 1 through 26, above, with the same force and effect
11 as if herein fully set forth.

12 28.

13 Respondent GERALD FRANKLIN GEORGE's failure to
14 supervise the activities of Respondent EXECUTIVE ONE and its
15 employees to ensure compliance with the Real Estate Law, is in
16 violation of Code Section 10159.2 and Regulation 2725, which
17 constitutes grounds to suspend or revoke Respondent GERALD
18 FRANKLIN GEORGE's license and license rights pursuant to Code
19 Sections 10177, subdivision (h), 10177, subdivision (d) or
20 10177, subdivision (g).
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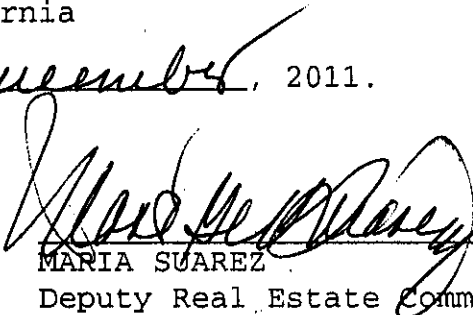
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondents
5 EXECUTIVE ONE REAL ESTATE AND MORTGAGE CORPORATION, GERALD
6 FRANKLIN GEORGE, individually and as officer of Executive One
7 Real Estate and Mortgage Corporation, CHRISTOPHER PAUL GEORGE,
8 individually and as former officer of Executive One Real Estate
9 and Mortgage Corporation, and MABLE ROSE HERNANDEZ, under the
10 Real Estate Law (Part 1 of Division 4 of the Business and
11 Professions Code) and for such other and further relief as may
12 be proper under other applicable provisions of law.
13

14 Dated at Los Angeles, California

15 this 21st day of November, 2011.

16
17 
18 MARIA SUAREZ
19 Deputy Real Estate Commissioner
20
21
22

23 cc: Executive One Real Estate and Mortgage Corporation
24 Gerald Franklin George
25 Christopher Paul George
26 Mable Rose Hernandez
27 Maria Suarez
28 Sacto.