

FILED

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February 24, 2012

DEPARTMENT OF REAL ESTATE

By *L. Jones*

6 STATE OF CALIFORNIA

7 DEPARTMENT OF REAL ESTATE

8 To:)
9)
10 MORTGAGE AUDITING PROGRAM,)
11 a division of A.M.T., and,)
12 AMT AUDITING SERVICES, LLC)

No. H-5785 SAC

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

13 The Commissioner of the California Department of Real Estate ("Department")
14 caused an investigation to be made into the activities of MORTGAGE AUDITING PROGRAM,
15 a division of A.M.T. ("MAP"), and AMT AUDITING SERVICES, LLC ("AMT"). Based on
16 the investigation, the Commissioner has determined that MAP and AMT have engaged in, are
17 engaging in, or are attempting to engage in, acts or practices constituting violations of the
18 California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code
19 of Regulations ("Regulations"), including the business of, acting in the capacity of, and/or
20 advertising or assuming to act as, a real estate broker in the State of California within the
21 meaning of Section 10131(d) (Performing Services for Borrowers in Connection with Loans
22 Secured by Real Property), Section 10085.5 (Payment of Advance Fees for Borrowers in
23 Connection with Loans Secured by Real Property), and Section 10130 of the Code (Unlawful to
24 Act as A Real Estate Broker of Salesperson Without First Obtaining a Real Estate License from
25 the Department). Furthermore, based on the investigation, the Commissioner hereby issues the
26 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
27 authority of Section 10086 of the Code.

1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein:

3 MORTGAGE AUDITING PROGRAM, a division of A.M.T. ("MAP"), doing
4 business as AMT, and/or any doing business as any other unknown business entity or individual
5 which does not hold a valid a broker license issued by the Department, is HEREBY ORDERED
6 to:

7 1. Immediately desist and refrain from performing any acts within the State
8 of California for which a real estate broker license is required. In particular, MAP is ordered to
9 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
10 in connection with loans secured directly or collaterally by one or more liens on real property,
11 unless and until MAP obtains a real estate broker license issued by the Department.

12 2. Immediately desist and refrain from charging, demanding, claiming,
13 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
14 for any of the services MAP offers to others, unless and until MAP demonstrates and provides
15 evidence satisfactory to the Commissioner that MAP is properly licensed by the Department as
16 a real estate broker, and:

17 (a) MAP has an advance fee agreement which has been submitted to
18 the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

19 (b) MAP has placed all previously collected advance fees into a trust
20 account for that purpose and is in compliance with Section 10146 of the Code;

21 (c) MAP has provided an accounting to trust fund owner-beneficiaries
22 pursuant to Section 2972 of the Regulations; and,

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1 (d) MAP is in compliance with California law, as amended effective
2 as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the
3 amended law, MAP can only collect advance fees for loan modification or other mortgage loan
4 forbearance services related to commercial loans and loans for residential properties containing
5 five or more dwelling units.

6 AMT AUDITING SERVICES, LLC. ("AMT"), doing business as MAP, and/or
7 any doing business as any other unknown business entity or individual which does not hold a
8 valid a broker license issued by the Department, is HEREBY ORDERED to:

9 1. Immediately desist and refrain from performing any acts within the State
10 of California for which a real estate broker license is required, and in particular, desist and
11 refrain from soliciting borrowers and/or performing services for borrowers or lenders in
12 connection with loans secured directly or collaterally by one or more liens on real property

13 2. Immediately desist and refrain from charging, demanding, claiming,
14 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
15 for any of the services AMT offers to others, unless and until AMT demonstrates and provides
16 evidence satisfactory to the Commissioner that AMT is properly licensed by the Department as
17 corporate real estate broker, and:

18 (a) AMT has an advance fee agreement which has been submitted to
19 the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

20 (b) AMT has placed all previously collected advance fees into a trust
21 account for that purpose and are in compliance with Section 10146 of the Code;

22 (c) AMT has provided an accounting to trust fund owner-beneficiaries
23 pursuant to Section 2972 of the Regulations; and,

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1 (d) AMT is in compliance with California law, as amended effective
2 as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the
3 amended law, AMT can only collect advance fees for loan modification or other mortgage loan
4 forbearance services related to commercial loans and loans for residential properties containing
5 five or more dwelling units.

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7 DATED: 1/26, 2012

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9 BARBARA J. BIGBY
Acting Real Estate Commissioner

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13 - NOTICE -

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

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