

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Deputy Commissioner
3 AFSANEH EGHBALDARI (CA BAR NO. 250107)
Corporations Counsel
4 Department of Corporations
1350 Front Street, Room 2034
5 San Diego, California 92101
Telephone: (619) 645-3166
6 Fax: (619) 525-4045

7 Attorneys for Complainant

8

9 BEFORE THE DEPARTMENT OF CORPORATIONS
10 OF THE STATE OF CALIFORNIA

11

12 THE CALIFORNIA CORPORATIONS)
COMMISSIONER,)

File No.: 413-0100

13

Complainant,)

**ORDER REVOKING RESIDENTIAL
MORTGAGE LENDER AND MORTGAGE
LOAN SERVICER LICENSE**

14

v.)

15

16 BROOKSAMERICA MORTGAGE)
CORPORATION,)

17

Respondent.)

18

19

20

21 The Complainant, California Corporations Commissioner ("Commissioner"), finds:

22

23 1. Respondent BrooksAmerica Mortgage Corporations ("BrooksAmerica") is a
24 residential mortgage lender and mortgage loan servicer licensed by the California Department of
25 Corporations pursuant to the California Residential Mortgage Lending Act ("CRMLA") (California
26 Financial Code sections 50000 *et seq.*). BrooksAmerica had its principal place of business located at
27 2 ADA, Suite 100, Irvine, CA 92618.

28

2. Pursuant to California Financial Code section 50200, BrooksAmerica is required to
submit a comprehensive audited financial report ("Audit Report") audited by an independent certified

1 public accountant for the end of its fiscal year.

2 3. On December 23, 2008, the Commissioner notified BrooksAmerica in writing that it
3 was required to submit an Audit report for its fiscal year ending on December 31, 2008 no later than
4 April 15, 2009. BrooksAmerica was further notified that its failure to file its Audit Report may result
5 in assessment of fines, an immediate examination by the Commissioner, and/or revocation of its
6 license. BrooksAmerica failed to file its Audit Reports.

7 4. On April 17, 2009, the Commissioner again notified BrooksAmerica in writing that it
8 had failed to file its Audit Report and it was required to file its Audit Report within ten (10) days of
9 the date of the letter.

10 5. Pursuant to California Financial Code section 50326, on June 10, 2009, the
11 Commissioner notified BrooksAmerica that it was required to pay an administrative penalty in the
12 amount of \$1,000.00 for failure to file its Audit Report.

13 6. BrooksAmerica was again notified that its failure to file its Audit Report would result
14 in revocation of BrooksAmerica's license. BrooksAmerica did not file its Audit Report and did not
15 pay the administrative penalty.

16 7. Pursuant to California Financial Code sections 50307, 50401 and California Code of
17 Regulations, title 10, section 1950.314.8, BrooksAmerica is required to file an annual Report of
18 Principal Amount of Loans and Aggregate Amount of Loans Serviced ("Activity Report") on or
19 before March 1st of each year for the preceding 12-month period ended December 31.

20 8. On January 23, 2009, an Activity Report form was sent to all CRMLA licensees,
21 including BrooksAmerica, with a notice that their Activity Report was due on or before March 1,
22 2009. BrooksAmerica did not file its Activity Report in violation of California Financial Code
23 sections 50307, 50401 and California Code of Regulations, title 10, section 1950.314.8.

24 9. On May 22, 2009, the Commissioner notified BrooksAmerica in writing that it was
25 required to file its Activity Report within ten (10) days of the date of the letter. BrooksAmerica was
26 further directed to pay an administrative penalty in the amount of \$1,000.00, pursuant to California
27 Financial Code section 50326. BrooksAmerica was notified again that its failure to file its Activity
28 Report would result in revocation of BrooksAmerica's license. BrooksAmerica did not file its

1 Activity Report and did not pay the administrative penalty.

2 10. On January 21, 2009, BrooksAmerica notified the Commissioner that it was moving
3 its office and wanted to surrender its license.

4 11. On February 5, 2009, the Commissioner provided BrooksAmerica detailed
5 instructions for the surrender of BrooksAmerica’s license.

6 12. On July 20, 2009, the Commissioner, by and through his representative, informed
7 BrooksAmerica that he had not received BrooksAmerica’s Audit Report, the Activity Report and the
8 administrative penalties. BrooksAmerica was further notified that its mail was returned by the post
9 office. The Commissioner received a voice mail response indicating that BrooksAmerica was no
10 longer in business.

11 13. BrooksAmerica never filed its Audit Report and Activity Report, and did not pay the
12 administrative penalties. BrooksAmerica further did not respond to the surrender instructions.

13 14. On September 3, 2009, the Commissioner filed and served the Accusation in Support
14 of Revocation of BrooksAmerica’s License, the Notice of Intention to Issue Order Revoking
15 BrooksAmerica’s License, and the accompanying documents (collectively, “Accusation”). The
16 Accusation was served by certified mail. BrooksAmerica received the Accusation on September 4,
17 2009. BrooksAmerica did not request a hearing and the time to request a hearing has expired.

18 NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the residential
19 mortgage lender and mortgage loan servicer license issued by the Commissioner to BrooksAmerica
20 Mortgage Corporation is hereby revoked. This order is effective as of the date hereof. Pursuant to
21 California Financial Code section 50311, BrooksAmerica Mortgage Corporations has sixty days
22 within which to complete any loans for which it had commitments.

23
24
25 DATED: September 23, 2009
26 Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

27 By _____
28 ALAN S. WEINGER
Deputy Commissioner