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**FILED**

JUL 30 2009

DEPARTMENT OF REAL ESTATE  
BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \* \*

12 In the Matter of the Accusation

No. H-36146 LA

13 PATRICK B. SMALL, )  
14 )  
15 Respondent. )  
16 \_\_\_\_\_)

A C C U S A T I O N

17 The Complainant, Robin Trujillo, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against PATRICK B. SMALL, aka Patrick Benedict Small, is informed  
20 and alleges as follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation in  
24 her official capacity.

25 2.

26 Respondent is presently licensed and/or has license rights  
27

1 under the Real Estate Law (Part 1 of Division 4 of the Business  
2 and Professions Code, hereinafter "Code"), as a real estate  
3 broker.

4 FIRST CAUSE OF ACCUSATION  
5 (Advance Fee Violation)

6 3.

7 At all times mentioned herein, in the State of  
8 California, Respondent engaged in the business of claiming,  
9 demanding, charging, receiving, collecting or contracting for the  
10 collection of advance fees, within the meaning of Code Section  
11 10026, including, but not limited to, the following loan  
12 modification activities with respect to loans which were secured  
13 by liens on real property:

14 a. On or about August 13, 2008, Respondent, using the  
15 fictitious business name "Small & Small Paralegal," collected an  
16 advance fee of \$950 from Kelly Bruchhauser pursuant to the  
17 provisions of a written agreement pertaining to loan modification  
18 services to be provided by Respondent with respect to a loan  
19 secured by the real property located at 5496 North Edgemont  
20 Drive, San Bernardino, California 92404.

21 4.

22 Respondents collected the advance fees described in  
23 Paragraph 3, above, pursuant to the provisions of a document  
24 which constitutes an advance fee agreement within the meaning of  
25 Code Section 10085.  
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5.

Respondent failed to submit the written agreement referred to in Paragraph 4, above, to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

6.

The conduct, acts and/or omissions of Respondent, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION

(Use of Unauthorized Fictitious Business Name)

7.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 6, above.

8.

Respondent acted without Department authorization in using the fictitious business name "Small & Small Paralegal" to engage in activities requiring the issuance of a real estate license in violation of the provisions of Section 10159.5 of the Code and Section 2731 of the Regulations.

9.

The conduct, acts and/or omissions of Respondent, as set forth in Paragraph 8, above, violate Code Section 10159.5 and Section 2731 of the Regulations and are cause for the suspension

1 or revocation of the licenses and license rights of Respondent  
2 pursuant to Code Section 10177(d) and/or 10177(g).

3 WHEREFORE, Complainant prays that a hearing be  
4 conducted on the allegations of this Accusation and that upon  
5 proof thereof, a decision be rendered imposing disciplinary  
6 action against all the licenses and license rights of Respondent  
7 PATRICK B. SMALL, under the Real Estate Law (Part 1 of Division 4  
8 of the Business and Professions Code), and for such other and  
9 further relief as may be proper under other applicable provisions  
10 of law.

11 Dated at Los Angeles, California

12 this 29 day of July, 2009.  
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15   
16 Robin Trujillo  
17 Deputy Real Estate Commissioner  
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26 cc: Patrick B. Small  
27 Robin Trujillo  
Sacto.