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FILED
JUN 16 2011
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-37337 LA
12 FIRENZO REAL ESTATE GROUP, INC.,) A C C U S A T I O N
13 doing business as)
14 QuickModCenter.com, Assent and)
15 Loan Rx. and DANIEL J. MOLETZ,)
16 individually and as designated)
17 officer of Firenzo Real Estate)
18 Group, Inc.,)
19 Respondents.)

18 The Complainant, Maria Suarez, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against FIRENZO REAL ESTATE GROUP, INC., doing business as
21 QuickModCenter.com, Assent and Loan Rx and DANIEL J. MOLETZ,
22 individually and as designated officer of Firenzo Real Estate,
23 Group Inc., alleges as follows:

24 1.

25 The Complainant, Maria Suarez, acting in her official
26 capacity as a Deputy Real Estate Commissioner of the State of
27

1 California, makes this Accusation against FIRENZO REAL ESTATE
2 GROUP, INC. and DANIEL J. MOLETZ.

3 2.

4 All references to the "Code" are to the California
5 Business and Professions Code and all references to
6 "Regulations" are to Title 10, Chapter 6, California Code of
7 Regulations.

8 3.

9 From October 21, 2008 through the present, Respondent
10 FIRENZO REAL ESTATE GROUP, INC. ("FIRENZO") has been licensed by
11 the Department of Real Estate ("Department") as a real estate
12 corporation. At all times relevant herein, Respondent FIRENZO
13 was doing business as QuickModCenter.com, Assent and Loan Rx.

14 4.

15 From April 14, 2006 through the present, Respondent
16 DANIEL J. MOLETZ ("MOLETZ") has been licensed by the Department
17 as a real estate broker. From October 21, 2008 through March
18 29, 2010, FIRENZO was acting by and through Respondent MOLETZ as
19 its designated officer pursuant to Code Section 10159.2 to be
20 responsible for ensuring compliance with the Real Estate Law.

21 5.

22 At all times mentioned, in the State of California,
23 Respondent FIRENZO engaged in the business of a real estate
24 broker conducting licensed activities within the meaning of Code
25 Sections 10131(a), 10131(d), and 10131.2. Respondent FIRENZO
26 engaged in operating a residential resale, mortgage loan,
27 advance fee and loan modification service brokerage, for

1 compensation or in expectation of compensation and for fees
2 often collected in advance. Respondent FIRENZO contacted
3 lenders on behalf of distressed homeowners seeking modification
4 or forbearance of the terms of their home loans.

5 Audit

6 6.

7 On May 3, 2010, the Department completed an audit
8 examination of the books and records of Respondent FIRENZO
9 pertaining to the mortgage loan, advance fee and loan
10 negotiation and modification service activities described in
11 Paragraph 5, which require a real estate license. The audit
12 examination covered a period of time beginning on December 1,
13 2006 to December 31, 2009. The audit examination revealed
14 violations of the Code and the Regulations as set forth in the
15 following paragraphs, and more fully discussed in Audit Report
16 LA 090092 and the exhibits and work papers attached to said
17 Audit Report.

18 7.

19 Violations

20 In the course of activities described in Paragraph 5,
21 above, and during the examination period described in
22 Paragraph 6, Respondents FIRENZO and MOLETZ acted in violation
23 of the Code and the Regulations as follows:

24 (A) Failed to maintain a control record in the form
25 of a columnar record in chronological order of all trust funds
26 including advance fees received, deposited and disbursed, in
27 violation of Code Section 10145 and Regulation 2831.

1 (B) Failed to maintain a separate record for each
2 beneficiary or transaction, thereby failing to account for all
3 advance fees collected, in violation of Code Section 10145 and
4 Regulation 2831.1.

5 (C) Failed to maintain a written monthly
6 reconciliation of the receipts and disbursements record and the
7 total balance of separate beneficiary records for bank account
8 used to handle advance fees, in violation of Code Section 10145
9 and Regulation 2831.2.

10 (D) Failed to establish and/or maintain a trust
11 account at a bank or other recognized financial institution in
12 the name of the broker for deposit of advance fees collected by
13 FIRENZO, thereby depositing trust funds in FIRENZO's general
14 account and thus commingling trust funds with FIRENZO's funds,
15 in violation of Code Sections 10145, 10176(e) and Regulation
16 2832.

17 (E) Advance fees that were collected from borrowers
18 in connection with loan modification transactions were deposited
19 into Respondent FIRENZO's general business account and used for
20 FIRENZO's general operating expenses. The balance of FIRENZO's
21 general business account was reduced to an amount that was less
22 than the amount of trust funds deposited, thus, conversion of
23 trust funds, in violation of Code Sections 10145 and 10177(j).

24 (F) Failed to establish and maintain a trust account
25 at a bank or other recognized financial institution in the name
26 of the broker for deposit of advance fees collected by
27 Respondent FIRENZO, in violation of Code Section 10146.

1 (G) FIRENZO failed to have in its possession the
2 license certificate for real estate salesperson Tammy L. Petri
3 (DRE License No. 01803014) at FIRENZO's main office and failed
4 to make the license available during the audit, in violation of
5 Code Section 10160 and Regulation 2753.

6 (H) Failed to provide and/or maintain an approved
7 Mortgage Loan Disclosure Statement containing all the
8 information required by Code Section 10240 before borrowers Joel
9 Tate, Havey H. Mcfadyen, Roland Sanchez, Laurelle W. Perry,
10 Robert Rice, Marcus V. Lotto, and David Mak became obligated to
11 perform under the terms of their respective loans, in violation
12 of Code Section 10240 and Regulation 2840.

13 (I) MOLETZ failed to exercise reasonable control and
14 supervision over the activities conducted on behalf of FIRENZO
15 and its licensees and employees as necessary to secure full
16 compliance with the Real Estate Law, in violation of Code
17 Section 10159.2 and Regulation 2725.

18 Disciplinary Statutes

19 8.

20 The conduct of Respondents FIRENZO and MOLETZ
21 described in Paragraph 7, above, violated the Code and the
22 Regulations as set forth below:

23

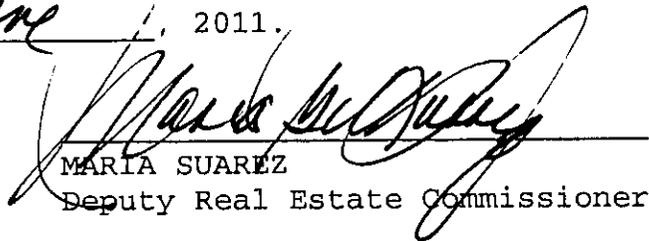
24 PARAGRAPH	PROVISIONS VIOLATED
25 7 (A)	Code Sections 10145 and Regulations 2831
26 7 (B)	Code Section 10145 and Regulation 2831.1
27 7 (C)	Code Section 10145 and Regulation 2831.2

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondents FIRENZO REAL ESTATE, INC., doing business as QuickModCenter.com and Assent and Loan Rx and DANIEL J. MOLETZ, individually and as designated officer of Firenzo Real Estate, Inc., under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 6th day of June, 2011.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Firenzo Real Estate Group, Inc.
Daniel J. Moletz
Maria Suarez
Sacto
Audits - Darryl Thomas