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FILED

MAR 12 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of ) NO. H- 2361 FR  
12 KEVIN ZENTNER, ) ACCUSATION and NOTICE  
13 Respondent. ) OF INTENTION TO ISSUE  
14 ) ORDER OF DEBARMENT  
(B&P Code §10087)

15 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate Commissioner of  
16 the State of California, for Accusation against KEVIN ZENTNER ("Respondent"), is informed  
17 and alleges as follows:

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19 The Complainant makes this Accusation against Respondent in his official  
20 capacity.

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22 At all times herein mentioned, Respondent was and now is licensed by the State  
23 of California Department of Real Estate ("Department") as a real estate salesperson. From on or  
24 about February of 2008 through May of 2008, Respondent was registered with the Department  
25 as in the employ of licensed real estate broker Jacob David Reyes ("Reyes"), but was not being  
26 compensated by Reyes for licensed activity, or working under the direction of Reyes. From May  
27 of 2008 and continuing, Respondent was not employed by any licensed real estate broker.

From February 2008 and continuing, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the California Business and Professions Code ("Code"), in that Respondent solicited and/or performed services for borrowers in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of a compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services, including but not limited to the solicitation of the following borrowers for the modification or renegotiation of their existing mortgage loans in the following locations:

	<u>Borrower</u>	<u>Location</u>
A)	Richard & Margaret Samaniego	4011 Sandy Court, Santa Maria, California
B)	Ynes Espinoza	1739 Laguna Street, Seaside, California
C)	Ramona Lopez	651 Saint Augustine Drive, Salinas, California
D)	Maria Zuniga	244 Oak Avenue, Greenfield, California

Respondent's conduct of the solicitations described in Paragraph 3, above, without first obtaining a real estate broker license and/or without active employment and supervision in Respondent's capacity as a real estate salesperson by a real estate broker, constitutes a violation of Section 10130 of the Code and grounds for the revocation or suspension of Respondent's real estate license and license rights under Section 10177(d) of the Code.

Respondent failed to submit to the Department any materials used in obtaining advance fee agreements related to the solicitations described in Paragraph 3, above, including but not limited to the contract forms, letters, or cards used to solicit prospective clients, so that the Commissioner of the Department ("Commissioner") could determine whether that material might tend to mislead prospective clients.

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Respondent's failure to submit advance fee materials, described in Paragraph 5, above, constitutes a violation of Section 10085 of the Code and grounds for the revocation or suspension of Respondent's real estate license or license rights under Section 10177(d) of the Code.

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Respondent collected advance fee payments from each of the borrowers described in Paragraph 3, above. Each of the advance fee payments received by Respondent was trust funds as to Respondent, who failed to properly handle such trust funds as required by Section 10145(c) of the Code.

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Respondent's failure to properly handle the trust funds he received from his clients, as described in Paragraph 7, above, constitutes a violation of Section 10145(c) of the Code and grounds for the revocation or suspension of Respondent's real estate license or license rights under Section 10177(d) of the Code.

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Respondent failed to perform the services that he promised to the borrowers listed in Paragraph 3, above, after receiving advance fee payments from each of the borrowers listed above. Respondent has not repaid the advance fees received from these borrowers.

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Respondent's failure to provide the services promised or to refund the Borrower's funds constitutes dishonest dealing and grounds for the revocation or suspension of Respondent's real estate license or license rights under Sections 10176(i) and/or 10177(j) of the Code.

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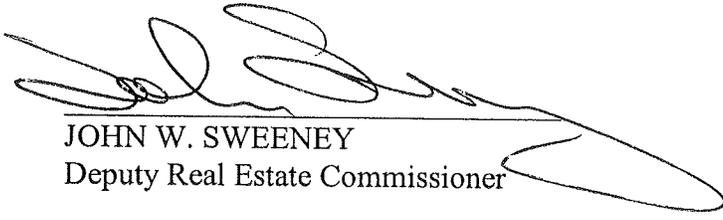
The facts alleged in Paragraphs 1 through 10 are grounds for the suspension or revocation of the license or license rights of Respondent under the Sections of the Code

1 mentioned above, and as those sections interact with Section 10177(d) of the Code, and under  
2 Sections 10176(i) and/or 10177(j) of the Code.

3 12

4 The facts alleged in Paragraphs 1 through 11, above, subject Respondent to  
5 issuance of an Order of Debarment pursuant to Section 10087 of the Code. Pursuant to Section  
6 10087(b) of the Code, you, Respondent, are hereby notified of the intention of the  
7 Commissioner to issue an Order of Debarment pursuant to Section 10087(a) of the Code should  
8 the facts alleged herein support findings that an Order of Debarment be issued.

9 WHEREFORE, Complainant prays that a hearing be conducted on the  
10 allegations of this Accusation and Notice of Intention to Issue Order of Debarment, and that  
11 upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and  
12 license rights of Respondent under the Code and, in addition, an Order of Debarment issue  
13 against Respondent pursuant to Section 10087 of the Code, and for such other and further relief  
14 as may be proper under other provisions of law.

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19 JOHN W. SWEENEY  
20 Deputy Real Estate Commissioner

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22 Dated at Fresno, California,  
23 this 5<sup>th</sup> day of March, 2009.