ALAN S. WEINGER
Deputy Commissioner
SOPHIA C. KIM (CA BAR NO. 265649)
Corporations Counsel
Department of Corporations
320 West 4th Street, Suite 750
Los Angeles, California 90013
Telephone: (213) 576-7594
Facsimile: (213) 576-7181

Attorneys for Complainant

BEFORE THE DEPARTMENT OF CORPORATIONS

OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of THE CALIFORNIA CORPORATIONS COMMISSIONER, Complainant, vs. AMERICAHOMEKEY, INC., Respondent.	File No.: 413-1075 ACCUSATION IN SUPPORT OF REVOCATION OF RESIDENTIAL MORTGAGE LENDER AND LOAN SERVICER LICENSE

The Complainant is informed and believes and based upon such information and belief, alleges and charges Respondent as follows:

I

Americahomekey, Inc. ("Americahomekey") is a residential mortgage lender and loan servicer licensed by the California Corporations Commissioner ("Commissioner") of the Department of Corporations ("Department") pursuant to the California Residential Mortgage Lending Act (California Financial Code section 50000 *et seq*.) ("CRMLA"). Americahomekey has its principal place of business located at 3838 Oak Lawn Avenue, Suite 1050, Dallas, Texas 75219.

II

Pursuant to California Financial Code sections 50307 and 50401 and California Code of

State of California – Department of Corporations

Regulations, title 10, section 1950.314.8, all licensees under the CRMLA are required to file an annual (1) Report of Principal Amount of Loans Originated and Aggregate Amount of Loans Serviced ("Activity Report"), (2) Report on Non-traditional, Adjustable Rate and Mortgage Loan Products ("Non-traditional Report"), and (3) Non-traditional, Adjustable Rate and Mortgage Loan Survey ("Survey") on or before March 1st of each year for the preceding 12-month period ended December 31st.

On February 6, 2012, an Activity Report form, Non-traditional Report form, and Survey were sent to all CRMLA licensees with a notice that they were due on or before March 1, 2012. Americahomekey has not yet submitted the Activity Report, Non-traditional Report, or Survey to the Commissioner.

On June 5, 2012, a letter was sent to Americahomekey demanding that the Activity Report, Non-traditional Report, and Survey be filed "no later than 10 days from the date of this letter," and assessing Americahomekey a penalty of $1,000 pursuant to California Financial Code section 50326. Americahomekey was notified in the letter that failure to file the Activity Report, Non-traditional Report, and Survey and to remit the $1,000 penalty would result in an action to either suspend or revoke its license pursuant to California Financial Code section 50327.

Americahomekey has yet to submit the Activity Report, Non-traditional Report, and Survey and remit the penalty as required by California Financial Code sections 50307, 50326, and 50401, and California Code of Regulations, title 10, section 1950.314.8.

III

Pursuant to California Financial Code section 50200 Americahomekey was required to submit its audited financial statement for fiscal year ended December 31, 2011 ("Audit Report") to the Commissioner by April 16, 2012, including a reconciliation of its trust accounts and an independent certified public accountant's report on internal controls ("Report on Internal Controls") pursuant to California Code of Regulations, title 10, section 1950.200. Americahomekey has yet to file its Audit Report, trust account reconciliation, and Report on Internal Controls as required by California Code of Regulations, title 10, section 1950.200.

/ / /

State of California – Department of Corporations

IV

California Financial Code section 50205(a) states that "[a] licensee shall maintain a surety bond in accordance with this subdivision." On March 30, 2012, the Department received a Notice of Cancellation of Americahomekey's surety bond from Hartford Fire Insurance Company. The date of cancellation stated on the Notice of Cancellation was June 22, 2012. Americahomekey has failed to maintain its surety bond as required.

California Financial Code section 50319 provides in pertinent part:

> (a) If the commissioner, as a result of any examination or from any report made to him or her, shall find that any person subject to this division . . . has failed to comply with the bonding requirements of Section 50205, the commissioner may, by an order addressed to and served by registered or certified mail, or by personal service on that person . . . direct discontinuance of the disbursement, in whole or in part, of trust funds held by the licensee and order the establishment of a separate trust account for all subsequent trust funds received by the licensee.

Cal. Fin. Code § 50319(a) (2012).

For failure to maintain its surety bond as required, on June 22, 2012, Americahomekey was issued an Order to Discontinue Residential Mortgage Lending and/or Servicing Activities Pursuant to Section 50319, California Financial Code ("Order to Discontinue"). To date, the surety bond has not been reinstated or replaced, and the Order to Discontinue remains in effect.

V

California Financial Code section 50327 provides in pertinent part:

> (a) The commissioner may, after notice and a reasonable opportunity to be heard, suspend or revoke any license if the commissioner finds that: (1) the licensee has violated any provision of this division or any rule or order of the commissioner thereunder; or (2) any fact or condition exists that, if it had existed at the time of the original application for the license, reasonably would have warranted the commissioner in refusing to issue the license originally.

VI

The Commissioner finds that, by reason of the foregoing, Americahomekey, Inc. has violated California Financial Code sections 50200, 50307, 50326, and 50401, and California Code of Regulations, title 10, sections 1950.200 and 1950.314.8, and based thereon, grounds exist to revoke the residential mortgage lender and loan servicer license of Americahomekey, Inc.

WHEREFORE, IT IS PRAYED that the residential mortgage lender and loan servicer license of Americahomekey, Inc. be revoked and pursuant to California Financial Code section 50311, Americahomekey, Inc. be given a transition period of sixty (60) days within which to complete any loans for which it had commitments.

Dated: July 25, 2012
Los Angeles, CA

JAN LYNN OWEN
California Corporations Commissioner

By_____
Sophia C. Kim
Corporations Counsel

State of California – Department of Corporations