Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED
MAY 16 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: JEFF RIBERA	NO. H-4195 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (hereafter "the Commissioner") of the California Department of Real Estate (hereafter "the Department") caused an investigation to be made of the activities of JEFF RIBERA, individually and doing business as "JR Direct" and "JR Direct Loan Modification" (hereafter "Respondent"). Based on that investigation, the Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in the capacity of, advertising or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property), 10131.2 (collection of advance fees), 10085 (advance fee agreements and materials) and 10085.5 (collecting unauthorized advance fees) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the

following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At no time has Respondent been licensed by the Department in any capacity.

2. During the period of time set out below, Respondent performed services for one or more borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders with respect to the collection of advance fees and loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for any of the services offered.

3. In furtherance of his plan and scheme to solicit advance fees and provide loan modification services, on or about December 21, 2009, Respondent offered loan modification services to and solicited an advance fee from Judith B. On that same date, Judith B. paid Respondent $3,900 in advance fees for the loan modification services offered by him. Respondent failed to obtain a loan modification for Judith B. and has not repaid the money he received from her.

CONCLUSIONS OF LAW

Based on the Findings of Fact contained in Paragraphs 1 through 3, above, Respondent solicited borrowers and/or performed services for those borrowers with respect to the collection of advance fees and loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10130 (real estate license requirement), 10131(d) and 10131.2 of the Code.

Respondents used a form of advance fee agreement which had not been provided to the Department for its prior review and consideration, in violation of Sections 10085 and 10085.5 of the Code, and Section 2970 (submission of advance fee materials) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, JEFF RIBERA, individually and doing business as "JR Direct" and "JR Direct Loan Modification", whether doing business under your own name, or any other name or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from:

1. Performing any acts within the State of California that require a real estate license unless and until you are properly licensed by the Department.

2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department and that JEFF RIBERA, individually and doing business as "JR Direct" and "JR Direct Loan Modification":

   (a) Has an advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

   (b) Has placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 (deposit of advance fees into trust account) of the Code;

   (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and

   (d) Has refunded to Judith B. any and all advance fees paid to you by her in this matter.

3. Demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with

respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.

DATED: 5/12/11

REAL ESTATE COMMISSIONER

By: [signature]

Notice: Business and Professions Code Section 10139 provides that, "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)...."

cc: JEFF RIBERA
3627 Quimby Street
San Diego, CA 92106

ATTY: JWB/km