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

Telephone: (916) 227-0789

FILED
DEC 17 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: SUE ANN KRAMER and GLEN GARRY MARKETING LLC	NO. H-4257 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("the Commissioner") of the California Department of Real Estate ("the Department") caused an investigation to be made of the activities of SUE ANN KRAMER ("KRAMER") and GLEN GARRY MARKETING LLC, individually or doing business as "Credit Advocate Alliance", "Secure Loan Modifications", "Franklin Loan Modification", Franklin Debt Settlement", "Franklin Financial" and "Franklin Credit Restoration", ("GGM"), (collectively "Respondents"). Based on that investigation, the Commissioner has determined that Respondents have engaged in, are engaging in, or are 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 all times relevant herein, KRAMER was and is licensed by the Department as a real estate broker.

2. At no time has GGM been licensed in any capacity by the Department to conduct real estate activity in the State of California.

3. During the period of time set out below, Respondents 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.

4. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, on or about December 11, 2008, Respondent, while in the employ of GGM, doing business as "Secure Loan Modifications", entered into a loan modification services agreement with Gerardo S. and Shari S. According to that agreement, Respondents agreed to negotiate a loan modification on behalf of Gerardo S. and Shari S. for their property located at 128 West 9th, Escondido, California, in exchange for an advance fee payment of $3,000. The loan modification agreement used by Respondents was not submitted to the Department for approval prior to its use. On or about December 15, 2008, Gerardo S. and Shari S. paid an advance fee of $1,500 to Respondents. On or about December 30, 2008,

Gerardo S. and Shari S. paid an additional $1,500 to Respondents as an advance fee. No loan modification was ever obtained by Respondents for Gerardo S. and Shari S., nor did Respondents ever refund the advance fee paid to them by Gerardo S. and Shari S.

CONCLUSIONS OF LAW

5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above, SUE ANN KRAMER and GLEN GARRY MARKETING LLC 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.

6. SUE ANN KRAMER and GLEN GARRY MARKETING LLC used a form of an advance fee agreement which had not been provided to the Department for review and consideration prior to its use, in violation of Section 10085 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, SUE ANN KRAMER and GLEN GARRY MARKETING LLC, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from 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 as a real estate broker and that SUE ANN KRAMER and GLEN GARRY MARKETING LLC:

   (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;

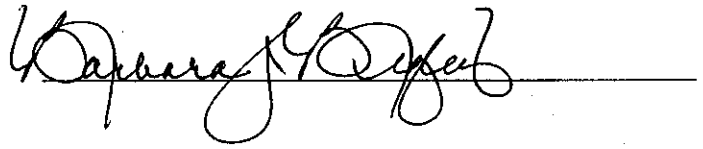
(b) Has placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 (deposit of advance fees into trust account) of the Code;

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

2. Immediately desist and refrain from 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: 12/15/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



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)...."

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cc: SUE ANN KRAMER
20262 Eagle Hill Lane
Ramona, CA 92065

SUE ANN KRAMER
11234 El Camino Real, #100
San Diego, CA 92130

Leigh K. Cook
as Agent For Service of Process
GLEN GARRY MARKETING LLC
2488 Historic Decatur Road, Suite 210
San Diego, CA 92106

ATTY JWB/km