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FILED

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BUREAU OF REAL ESTATE

By B. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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To: KEEPING MY PROPERTY, and MARC COOPER	NO. H-6096 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of KEEPING MY PROPERTY ("KMP") and MARC COOPER ("COOPER"), (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 no time has KMP been licensed by the Bureau in any capacity.

2. At no time has COOPER been licensed by the Bureau in any capacity.

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, in or about September 2012, Respondents entered into a contract with Robert O. and Julie O. to provide loan modification services to Robert O. and Julie O. for their real property located at 24 Belmont Court, Pleasant Hill, California, and to resolve the second mortgage on that property. Robert O. and Julie O. paid an advance fee of $1,595 to Respondents for loan modification services and an additional $40,000 for resolving the second mortgage on the Belmont Court property. Respondents failed to obtain a loan modification for Robert O. and Julie O. and have not refunded the money they received from Robert O. and Julie O.

5. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, in or about June 2012, Respondents entered into a contract with Michael H. to provide loan modification services to Michael H. for his real property located at 1440 Whitman Road, Concord, California, and to resolve the second mortgage on that property. Michael H. paid an advance fee of $1,595 to Respondents in exchange for loan modification services and an additional payment of $10,000 for resolving the second mortgage on the Whitman Road property. Respondents failed to obtain a loan modification for Michael H. and have not refunded the money they received from Michael H.

6. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, on or about March 24, 2011, Respondents entered into a contract with Joe S. to provide loan modification services on ten (10) real properties owned by Joe S. Joe S. paid an advance fee of $10,000 to Respondents for those loan modification services. Respondents were able to obtain loan modification services on eight (8) of Joe S.'s real properties. However, Respondents failed to obtain loan modifications on two (2) of Joe S.'s real properties and have not refunded the money they received from Joe S. for those properties.

7. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, in or about January 2013, Respondents entered into a contract with Mike B. and Shannon B. to provide loan modification services on their real property located at 311 Culet Drive, Danville, California. Mike B. and Shannon B. paid an advance fee of $4,000 to Respondents for those loan modification services. Respondents failed to obtain loan a modification for Mike B. and Shannon B. and have not refunded the money they received from Mike B. and Shannon B.

8. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, in or about June 2011, Respondents entered into a contract with Christopher E. to provide loan modification services on Christopher E.'s real property located at 3252 Alta Lane, Lafayette, California. Christopher E. paid an advance fee of $1,599 to Respondents for those loan modification services. Respondents failed to obtain a loan modification for Christopher E. and have not refunded the money they received from Christopher E.

9. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, in or about 2013, Respondents entered into a contract with Glen B. to provide loan modification services to Glen B. for his real property located at 2020 San Miguel Drive, Walnut Creek, California, and to resolve the second mortgage on that property. Glen B. paid an advance fee of $1,495 to Respondents in exchange for loan modification services and an additional $10,000 for resolving the second mortgage on his San Miguel Drive property.

Respondents obtained a loan modification for Glen B. However, Respondents failed to resolve Glen B.'s second mortgage on the San Miguel Drive property and have only repaid $900 of the $10,000 they received from Glen B. for those services.

CONCLUSIONS OF LAW

Based on the Findings of Fact contained in Paragraphs 1 through 9, above, KEEPING MY PROPERTY and MARC COOPER, 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 10131(d) and 10131.2 of the Code.

KEEPING MY PROPERTY and MARC COOPER used a form of advance fee agreement which had not been provided to the Bureau for its prior review and consideration, in violation of Section 10085 of the Code, and Sections 2970 (submission of advance fee materials) and 2972 (content of verified accounting) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, KEEPING MY PROPERTY and MARC COOPER, whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from:

1. Performing any acts within the State of California that require a real estate broker license unless and until you are properly licensed by the Bureau as a real estate broker.
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 Bureau as a real estate broker and that KEEPING MY PROPERTY and MARC COOPER:

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

(b) Have 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; and

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

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: MAR 13 2014

REAL ESTATE COMMISSIONER

JEFFREY MASON
Chief Deputy 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)...."

TTY JWB/kc