FILED

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BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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| To:<br><br>MAGER CAPITAL and SASHA MAGER | No. H-6166 SAC<br><br>ORDER TO DESIST AND REFRAIN<br>(B&P Code Section 10086) |

The Real Estate Commissioner of the State of California (Commissioner) has caused an investigation to be made of the activities of MAGER CAPITAL (MC) and SASHA MAGER (MAGER), collectively Respondents, including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate brokers in the State of California within the meaning of Section 10131(d) of the California Business and Professions Code (Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that:

MC and MAGER have violated Section 10130 of the Code by engaging in the business of or acting as a real estate broker, within the meaning of Section 10131(d) (mortgage loans) of the Code without first having obtained a real estate broker license from the California Bureau of Real Estate (Bureau).

Whenever acts referred to below are attributed to MC, those acts are alleged to have been done by MC, acting by/through MAGER, or by and/or through one or more agents, associates, and/or co-conspirators, and using other names or fictitious names.

## FINDINGS OF FACT

1. At no time mentioned herein was MC licensed by the Bureau as a corporate real estate broker.

2. At no time mentioned herein was MAGER licensed by the Bureau as a real estate salesperson or real estate broker.

3. At all times mentioned herein Respondents engaged in the business of and acted in the capacity of, or assumed to act as, real estate brokers in the State of California within the meaning of Section 10131(d) of the Code, for or in expectation of compensation, by soliciting borrowers and lenders and negotiating loans or collecting payments or performing services for borrowers or lenders in connection with loans secured directly or collaterally by liens on real property.

4. On or about September 21, 2012, Regional Economic Development Investment Group, Inc. (REDIG) contacted MC for services to obtain a bridge loan for a development planned to be built in Lockeford, California.

5. On or about October 22, 2012, MC advised REDIG that it would execute a Fee Protection Agreement (Agreement), which stated the following:

   a. MC is devoting substantial time and resources to Principal and Borrower.

   b. If the Principal or Borrower breaches its obligation, or elects not to proceed with its obligations hereunder, that they shall pay MC its fees and expenses and a termination fee equal to 3% of the amount of the loan, as liquidated damages.

   c. If MC terminated its obligations for reasons not the fault of Principal or Borrower, MC would not be entitled to liquidated damages.

   d. MC is the procuring party and MAGER as a partner at or for MC.

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6. On or about October 29, 2012, REDIG received a Letter of Interest (Letter) from Sequoia Mortgage Capital (Sequoia) in which Sequoia expressed an interest in providing financing for REDIG. The Letter included a provision that Sequoia would receive a fee of four (4) points and that the Mortgage Broker would also receive a fee of four (4) points.

7. On or about October 29, 2012, REDIG received an Agency Confirmation that confirm MC was the exclusive agent for the borrower and that Sequoia was the exclusive agent for the lender.

8. On or about October 29, 2012, REDIG received the Mortgage Loan Disclosure Statement, which provided that MC was to receive a brokerage fee of $49,995.00.

9. Although MC submitted a loan application on behalf of REDIG to Sequoia, the loan did not close.

10. The activities set forth above, in Paragraphs 4 through 9, constitute broker activities that are in violation of Section 10131(d) of the Code.

CONCLUSIONS OF LAW

1. Based on the Findings of Fact contained above in Paragraphs 1 through 10, MC and MAGER have performed and/or participated in mortgage loan activities which require a real estate license under Section 10131(d) of the Code during a period of time when neither MC or MAGER were licensed by the Bureau as a real estate salesperson or broker in violation of Section 10130 of the Code.

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## DESIST AND REFRAIN ORDER

Now, therefore, MAGER CAPITAL and SASHA MAGER ARE HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from:

1. Performing any and all acts within the State of California for which a real estate broker license is required, unless and until they obtain a real estate broker license.

DATED: SEPTEMBER 23, 2014

REAL ESTATE COMMISSIONER

**By: 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)…".