FILED

Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007
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March 18, 2013

DEPARTMENT OF REAL ESTATE

By _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: MICHAEL JAMES BOOKER	NO. H-11530 SF
	ORDER TO DESIST AND REFRAIN (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 MICHAEL JAMES BOOKER (BOOKER), including engaging in the business of, 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) of the California Business & Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that BOOKER has violated Section 10130 of the Code by engaging in the business of or acting as a real estate broker, within the meaning of Sections 10085.6 (charging an advance fee), 10130 (act as a real estate broker without a license) and 10131(d) (soliciting borrowers for services in connection with loans secured by real property) of the Code without first having obtained a real estate broker license from the California Department of Real Estate (Department).

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FINDINGS OF FACT

1. At all times mentioned herein, BOOKER was licensed by the Department as a real estate salesperson. At no time mentioned herein was BOOKER licensed by the Department as a real estate broker.

3. At no time mentioned herein did BOOKER have any Advanced Fee Materials approved by the Department.

4. At all times mentioned herein between on or about January 11, 2012, and continuing up to at least February of 2013, BOOKER engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including solicitation of borrowers for, or negotiation of loans, or performance of services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property, including but not limited to direct solicitation of individual mortgage borrowers including but not limited to Marie T. and Yashak D.

5. On or about January 11, 2012, BOOKER collected an advance fee payment of $1,500.00 from Marie T. and Yashak D. to perform a loan modification on that certain real property commonly known as 2467 Renwick Street, Oakland, California (Renwick Property). BOOKER failed to obtain a loan modification on the Renwick Property and also failed to refund any of the fees to Marie T. and Yashak D.

CONCLUSIONS OF LAW

Based on the Findings of Fact contained in paragraphs 1 through 5, BOOKER, among other things, solicited and/or performed services for borrowers, including but not limited to Marie T. and Yashak D., in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services. Thus, BOOKER violated Sections 10130, 10131(d) and 10085.5 of the Code.

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DESIST AND REFRAIN ORDER

Now, therefore MICHAEL JAMES BOOKER dba FORECLOSURE DETOURS IS 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 he obtains a real estate broker license.

(2) Charging, demanding, contracting for or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services offered to others, unless and until he demonstrates and provides evidence satisfactory to the Commissioner that he is properly licensed by the Department and that MICHAEL JAMES BOOKER:

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

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

(c) Has 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: 3/12/2013

WAYNE S. BELL
Real Estate Commissioner

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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: MICHAEL JAMES BOOKER
5531 Estates Drive
Oakland, CA 94618

ATTY: RKU/ga