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Department of Real Estate
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FILED

AUG 16 2012

DEPARTMENT OF REAL ESTATE
BY: R. Michelhold

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

To:	No. H-38342 LA
IAN GREENFIELD dba Magnolia Park Realty,	ORDER TO DESIST AND REFRAIN

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of IAN GREENFIELD ("GREENFIELD"). Based on that investigation, the Commissioner has determined that GREENFIELD has engaged in or is engaging in acts or is attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Business and Professions Code Sections 10131(d) (soliciting, negotiating and performing services for borrowers in connection with loans secured by real property) and 10131.2 (advance fee handling).

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In addition, based on that investigation, the Commissioner has determined that GREENFIELD has engaged in acts or is attempting to engage in practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"). Based on the findings of that investigation, set forth below, 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 herein mentioned has GREENFIELD been licensed by the Department as a real estate broker.

2. At the time set forth below GREENFIELD solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: engaged in the business of, acted in the capacity, of, or advertised a loan modification and negotiation service and advance fee brokerage using the name "Magnolia Park Realty" soliciting, offering to negotiate or perform loan modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction.

3. On or about April 13, 2009, GREENFIELD entered into an agreement with Mariette F. for loan modification and negotiation services on Mariette F.'s existing mortgage on her home located at 17809 Halsted St. Unit 213, Northridge, California.

4. GREENFIELD demanded and received a total advance fee of $2,600 from Mariette F. for the activities described above.

CONCLUSIONS OF LAW

5. Based on the information contained in Paragraphs 1 through 4, above, GREENFIELD violated Section 10085 of the Code and Regulation 2970, by not having an approved advance fee agreement on file with the Department.

6. Based on the information contained in Paragraphs 1 through 4, above, GREENFIELD violated Section 10130 of the Code by engaging in the activities without first obtaining a broker license from the Department.

DESIST AND REFRAN ORDER

Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that:

(A) IAN GREENFIELD immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed.

IT IS FURTHER ORDERED THAT IAN GREENFIELD immediately desist and refrain from:

1. charging, demanding, claiming, collecting and 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 modifications or any other form of mortgage loan forbearance service in connection with

loans on residential property containing four or fewer dwelling units (Code Section 10085.6).

2. charging, demanding, claiming, collecting and receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others, unless and until IAN GREENFIELD demonstrates and provides evidence satisfactory to the Commissioner he:

(a) has an advance fee agreement which has been submitted to the Department and which is in compliance with Section 10085 of the Code and Section 2970 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 of the Code; and

(c) has provided an accounting to trust fund owner-beneficiaries from who advance fees have previously been collected in compliance with Section 10146 of the Code and Section 2972 of the Regulations.

DATED: June 15, 2012

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

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 the 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: Ian Greenfield
8811 Riverton Ave.
North Hollywood, CA 91601

JRP:ED