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FILED

FEB 13 2013

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:	No. H-38706 LA
NOD CONSULTANTS, LLC and RICHLYN GRAF	ORDER TO DESIST AND REFRAIN
	(B&P Code Section 10086)

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

In addition, based on that investigation, the Commissioner has determined that NOD and GRAF have engaged in, or are engaging in, acts, or are attempting to engage in practices constituting violations of the California Business and Professions Code ("Code").

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. NOD and GRAF are not now, nor have they ever been, licensed by the Department in any capacity.

2. At the times set forth below, NOD and GRAF negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: acted in the capacity of a loan modification and negotiation service and advance fee brokerage 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 (Code Sections 10131(d) and 10131.2) .

Gregory & Sara H. Transaction

3. On or about February 20, 2010, Gregory & Sara H. entered into an agreement with NOD in which NOD agreed to negotiate new loan terms with Gregory & Sara H's lender, in exchange for payment of an advance fee. Between February 25, 2010 and March 25, 2010, Gregory & Sarah H. paid $3,450 to NOD, as advance fees for loan modification services.

Christopher & Laura J. Transaction

4. On or about February 19, 2010 Christopher & Laura J. entered into an agreement with NOD in which Christopher & Laura J. agreed to pay $2,950 in advance fees to NOD for loan modification services.

Tate & Allison B. Transaction

5. On or about April 20, 2010 Tate & Allison B. entered into an agreement with NOD in which Tate & Allison B. agreed to pay $2,950 in advance fees to NOD for loan modification services. Between April 21, 2010 and May 24, 2010, Tate & Allison B. paid $2,950 in advance fees to NOD for loan modification services. GRAF negotiated with Tate & Allison B's lender on behalf of NOD.

John S. Transaction

6. On or about March 5, 2010 John S. entered into an agreement with NOD in which John S. agreed to pay $2,950 in advance fees to NOD for loan modification services. GRAF negotiated with John S's lender on behalf of NOD.

Donald & Lois O. Transaction

7. On or about May 13, 2010 Donald & Lois O. entered into an agreement with NOD in which Donald & Lois O. agreed to pay $2,950 in advance fees to NOD for loan modification services. On May 22, 2010, Donald & Lois O. paid $2,950 in advance fees to NOD for loan modification services. GRAF negotiated with Donald & Lois O's lender on behalf of NOD.

CONCLUSIONS OF LAW

8. Based on the information contained in Paragraphs 1 through 8 above, NOD and GRAF violated Code Section 10130 by engaging in activities requiring a broker license without first obtaining a broker license from the Department.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that NOD CONSULTANTS, LLC and RICHLYN GRAF, whether doing business under their own names, or any other names, or any fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless NOD CONSULTANTS, LLC and RICHLYN GRAF are properly licensed. In particular, each of them is ORDERED TO DESIST AND REFRAIN from:

1. charging, 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 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); and

2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by them to others.

DATED: 2/5/13,

Real Estate Commissioner

By AWET P. KIDANE
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)."

cc: NOD CONSULTANTS, LLC
RICHLYN GRAF

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