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

Telephone: (916) 227-0789

FILED

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DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: MARISA ANTONIA JOYNER and ABS BUSINESS SOLUTIONS, INC.	NO. H-4154 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (hereafter "the Commissioner") of the California Department of Real Estate (hereafter "the Department") caused an investigation to be made of the activities of MARISA ANTONIA JOYNER (hereafter "JOYNER"), individually, and doing business as Your Lighthouse Real Estate, and ABS BUSINESS SOLUTIONS, INC. (hereafter "ABS"), (hereafter collectively "Respondents"). Based on that investigation, the Commissioner has determined that JOYNER and ABS have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations (hereafter "the 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

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property) and 10131.2 (collection of advance fees) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At all times relevant herein, JOYNER was and is licensed by the Department as a real estate salesperson. She is the owner/operator of Your Lighthouse Real Estate. In addition, for the period on or about September 22, 2008, through June 15, 2009, JOYNER was employed with ABS.

2. At no time has Your Lighthouse Real Estate been licensed by the Department in any capacity.

3. At no time has ABS been licensed by the Department in any capacity.

4. 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. Although JOYNER was employed by a real estate broker at the time of the acts mentioned herein, JOYNER was not acting under the supervision and control, or with the knowledge of her real estate broker in the performance of the acts mentioned herein.

5. In furtherance of their plan and scheme to solicit advance fees and provide loan modification services, Respondents collected advance fees, including on or about November 3, 2008, JOYNER solicited and collected an advance fee in the amount of $1,500 payable to ABS, from Cinthia M. for mortgage loan audit services related to property located at 122 Garfield Avenue, El Cajon, California. On or about November 4, 2008, JOYNER solicited and collected an additional advance fee in the amount of $1,100 from Cinthia M. in exchange for assistance in

obtaining access to loan audit services and the selection and gathering of documents related to property located at 122 Garfield Avenue, El Cajon, California. Respondents never obtained a loan modification for and have never refunded the advance fees paid by Cinthia M.

CONCLUSIONS OF LAW

1. Based on the Findings of Fact contained in Paragraphs 1 through 5, above, MARISA ANTONIA JOYNER, individually and doing business as Your Lighthouse Real Estate, and ABS BUSINESS SOLUTIONS, INC., 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, and are in violation of Section 10130 of the Code.

2. MARISA ANTONIA JOYNER, individually and doing business as Your Lighthouse Real Estate, and ABS BUSINESS SOLUTIONS, INC., used a form of advance fee agreement which had not been provided to the Department for 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 upon the Findings of Fact and Conclusions of Law stated herein, you MARISA ANTONIA JOYNER, individually and doing business as Your Lighthouse Real Estate, and ABS BUSINESS SOLUTIONS, INC., whether doing business under your own name, or any other name or fictitious name, 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 Department 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 Department as a real estate broker and that MARISA ANTONIA JOYNER and ABS BUSINESS SOLUTIONS:

(a) Have an advance fee agreement which has been submitted to the Department 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: 11/16, 2010

JEFF DAVI
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)...."

TO: Marisa Antonia Joyner
8080 La Mesa Boulevard, #107
La Mesa, CA 91942

Paul Killmar, Agent For Service of Process For:
ABS Business Solutions, Inc.
249 South Highway 101, Suite #210
Solana Beach, CA 92075