Department of Real Estae
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FILED

APR 16 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: IAN LYNCH, TRINA MAESER and TRICIA DEINI LOPEZ	No. H-5194 SAC ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Real Estate Commissioner of the State of California has caused an investigation to be conducted and has determined that IAN LYNCH, TRINA MAESER and TRICIA DEINI LOPEZ (hereinafter collectively referred to as "you") have violated Sections 10130, 10085, 10085.5, 10146, and 10177(d) and (j) of the Business and Professions Code (the Code) and Sections 2970 and 2972 of the Title 10 (Chapter 6) of the California Code Regulations (the Regulations).

1

At all times mentioned herein, IAN LYNCH (hereinafter "Lynch") was not licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a real estate broker or a real estate salesperson; TRINA MAESER (hereinafter "Maeser") was not licensed by the Department as a real estate broker or real estate salesperson; and TRICIA DEINI LOPEZ (hereinafter "Lopez") was licensed by the Department as an individual real estate broker.

2

At all times mentioned herein, you engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

3

On or about March 14, 2009, in connection with the real estate activities described in Paragraph 2, IAN LYNCH and TRINA MAESER, on behalf of Homeloan Preservation, a corporation not licensed by the Department to engage in real estate activities, claimed, demanded, charged, received, collected, and contracted for a fee of at least $500 in advance from Gul Akbar, the owner of real property located in California, for services you were to perform thereafter regarding obtaining a modification of loan terms for a loan secured by the said property.

4

On or about March 14, 2009, in connection with the real estate activities described in Paragraph 2, TRICIA DEINI LOPEZ, on behalf of Homeloan Preservation, a corporation not licensed by the Department to engage in real estate activities, solicited one or more employees of the Department and the California State Bar to engage Homeloan Preservation and its agents to represent those employees in negotiating with their lender(s) modifications of one or more loans which were represented to Lopez to be in arrears or in default. In connection with that solicitation, Lopez represented to those employees that an advance fee would be claimed, charged and collected from those employees for services you were to perform on behalf of Homeloan Preservation thereafter regarding obtaining a

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modification of loan terms for one or more loans secured by the real property owned by those employees.

5

The fees described in paragraphs 3 and 4 constituted "advance fees" within the meaning of Sections 10026 and 10131.2 of the Code.

6

In connection with the collection and handling of the advance fees described in paragraphs 3 and 4, you failed to cause the advance fee agreement(s) and all materials used in obtaining the advance fees to be submitted to the Department of Real Estate prior to use, as required by Sections 10085 (submission to Department of materials used in collection of advance fees prior to use), 10085.5 (collecting an advance fee under the circumstances described above is a public offense), 10146 (advance fees to be deposited in broker's trust account), and 10177(d) (willful disregard of the Code, Regulations and Sections mentioned in this paragraph) of the Code and Sections 2970 and 2972 of the Regulations.

7

The acts and/or omissions described in paragraphs 3 and 4 violated Sections 10085, 10085.5, 10046, and 10177(d) of the Code and Sections 2970 and 2972 of the Regulations.

8

In addition, your acts and omissions described in paragraphs 2 through 4 violated Section 10130 (engaging in acts requiring a real estate license while unlicensed), Section 10139 (criminal penalties for unlicensed activity); and Section 10177(j) (fraud or dishonest dealing) of the Code.

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NOW, THEREFORE, YOU, IAN LYNCH, TRINA MAESER, and TRICIA LOPEZ ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing any and all acts within the State of California on behalf of Homeloan Preservation, or any other entity which is not licensed by the Department to act as a real estate broker, for which a real estate broker license is required, within the meaning of Section 10131 of the Code unless and until you comply with Sections 10130, 10085, 10085.5 and 10146 of the Code and Sections 2970 and 2972 of the Regulations.

DATED: 4-14-09

JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner