DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0791

FILED
AUG 25 2009
DEPARTMENT OF REAL ESTATE
By L. Frost

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

TO: PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS	NO. H-5265 SAC ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (hereinafter "Commissioner") of the California Department of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS. Based on that investigation, the Commissioner has determined that PINNACLE HOLDINGS INVESTMENT GROUP, INC., GREENLEAF LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS, and TANYA GIBBS have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "Code") and/or Title 10, California Code of Regulations (hereinafter "Regulations"), 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) (performing services for borrowers and lenders in

connection with loans secured by real property) of the Code. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned have GREENLEAF LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS, and TANYA GIBBS been licensed by the Department in any capacity.

2. From June 19, 2007, until July 27, 2007, PINNACLE HOLDINGS INVESTMENT GROUP, INC. was licensed by the Department as a corporate real estate broker under the broker officer license of Jason Anthony Youngs, through whom it was licensed to act as a real estate broker pursuant to Sections 10159 and 10211 of the Code. At no time since July 27, 2007, has PINNACLE HOLDINGS INVESTMENT GROUP, INC. been licensed under a broker officer licensee pursuant to Sections 10159 and 10211 of the Code.

3. Whenever reference is made in this Desist and Refrain Order to an act or omission of PINNACLE HOLDINGS INVESTMENT GROUP, INC., or GREENLEAF LEGAL SERVICES, LLC, such reference shall be deemed to mean that the owners, officers, directors, employees, agents, and real estate licensees employed by or associated with said entities committed such act or omission while engaged in the furtherance of the business or operations of said entities and while acting within the course and scope of their corporate authority and employment.

4. For an unknown period of time prior to June 1, 2008, until and including June 1, 2009, and at all times herein mentioned, PINNACLE HOLDINGS INVESTMENT GROUP, INC., GREENLEAF LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS, and TANYA GIBBS solicited borrowers and lenders and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation, within the meaning of Section 10131(d) of the Code: negotiate one or more loans for borrowers and lenders in

connection with loans secured or to be secured directly or collaterally by one or more liens on real property, or perform services for borrowers and/or lenders in connection with loans secured or to be secured directly or collaterally by one or more liens on real property.

5. GREENLEAF LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS, and TANYA GIBBS violated Section 10130 of the Code by engaging in the activities described in Paragraph 4, above, without first obtaining a real estate broker license from the Department.

6. PINNACLE HOLDINGS INVESTMENT GROUP, INC. violated Section 10130 of the Code by engaging in the activities described in Paragraph 4, above, without having a broker officer licensee pursuant to Sections 10159 and 10211 of the Code.

7. For an unknown period of time prior to June 1, 2008, until and including June 1, 2009, PINNACLE HOLDINGS INVESTMENT GROUP, INC., KEVIN RUSSELL GIBBS, and TANYA GIBBS, for or in expectation of compensation, solicited Rose and Walter De La Garza as borrowers to negotiate the modification of, to obtain an extension of the maturity date of, to change the interest rate of, and/or to lower the monthly payments of a loan secured by the borrowers' real property commonly known as 8154 Tecopa Way in Sacramento, Sacramento County, California, within the meaning of Section 10131(d) of the Code.

8. On or about July 24, 2008, PINNACLE HOLDINGS INVESTMENT GROUP, INC., KEVIN RUSSELL GIBBS, and TANYA GIBBS, for or in expectation of compensation, within the meaning of Section 10131(d) of the Code, solicited Rose and Walter De La Garza as borrowers for the purpose of negotiating the modification of, obtaining an extension of the maturity date of, changing the interest rate of, and/or of lowering the monthly payments of a loan secured by the borrowers' real property commonly known as 8154 Tecopa Way in Sacramento, Sacramento County, California, negotiated for, demanded and collected from said borrowers an advance fee of $2,500.00 pursuant to a written agreement with said borrowers without first obtaining approval of an advance fee agreement from the Commissioner in accordance with Sections 10085 and 10085.5 of the Code.

///

9. KEVIN RUSSELL GIBBS and TANYA GIBBS violated Sections 10130 of the Code by engaging in the activities described in Paragraphs 7 and 8, above, without first obtaining a real estate broker license from the Department, and violated Section 10085.5 of the Code by engaging in the activities described in Paragraph 8, above.

10. PINNACLE HOLDINGS INVESTMENT GROUP, INC. violated Section 10130 of the Code by engaging in the activities described in Paragraphs 7 and 8, above, without having a broker officer licensee pursuant to Sections 10159 and 10211 of the Code, and violated Section 10085.5 of the Code by engaging in the activities described in Paragraph 8, above.

11. For an unknown period of time prior to June 1, 2008, until and including June 1, 2009, and at all times herein mentioned, PINNACLE HOLDINGS INVESTMENT GROUP, INC., employed, for or in expectation of compensation, within the meaning of Section 10131(d) of the Code, KEVIN RUSSELL GIBBS and TANYA GIBBS to perform the acts and conduct the activities described in Paragraphs 7 and 8, above.

12. PINNACLE HOLDINGS INVESTMENT GROUP, INC. violated Section 10138 of the Code by engaging in the activities described in Paragraph 11, above.

13. For an unknown period of time prior to June 1, 2008, until and including June 1, 2009, and at all times herein mentioned, GREENLEAF LEGAL SERVICES, LLC, employed, for or in expectation of compensation, within the meaning of Section 10131(d) of the Code, PINNACLE HOLDINGS INVESTMENT GROUP, INC., KEVIN RUSSELL GIBBS, and TANYA GIBBS to perform the acts and conduct the activities described in Paragraphs 4, 6, and 7, above.

14. GREENLEAF LEGAL SERVICES, LLC violated Section 10138 of the Code by engaging in the activities described in Paragraph 13, above.

15. For an unknown period of time prior to June 1, 2008, until and including June 1, 2009, GREENLEAF LEGAL SERVICES, LLC, for or in expectation of compensation, negotiated with a lender, identified as Ocwen Financial Corporation, on behalf of Rose and

Walter De La Garza as borrowers to obtain the modification of, to obtain an extension of the maturity date of, to change the interest rate of, and/or to lower the monthly payments of a loan secured by the borrowers' real property commonly known as 8154 Tecopa Way in Sacramento, Sacramento County, California, within the meaning of Section 10131(d) of the Code.

16. GREENLEAF LEGAL SERVICES, LLC violated Section 10130 of the Code by engaging in the activities described in Paragraph 15, above, without first obtaining a real estate broker license from the Department.

CONCLUSIONS OF LAW

17. Based on the information contained in paragraphs 1 through 16, PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS solicited borrowers and lenders, negotiated loans, and performed services for those borrowers and/or those borrowers' lenders in connection with loans secured or to be secured directly or collaterally by one or more liens on real property, which requires a real estate license under Section 10131(d) of the Code, during a period of time when PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, did not have a broker officer licensee pursuant to Sections 10159 and 10211 of the Code, and when GREENLEAF LEGAL SERVICES, LLC, California limited liability corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS were not licensed by the Department in any capacity and demanded and collected advance fees without first obtaining approval of an advance fee agreement from the Commissioner in accordance with Sections 10085 and 10085.5 of the Code.

18. Based on the information contained in paragraphs 1 through 16, PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS also violated Section 10139 of the Code, which violation is a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000.00), or by imprisonment in the county jail for a term not to exceed six months, or by

both fine and imprisonment or, when violated by a corporation, punishable by a fine not exceeding sixty thousand dollars ($60,000.00).

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein:

I

GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS, doing business under your own name, or any other names, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular you are ordered to desist and refrain from:

(i) Soliciting borrowers or lenders and/or performing services for borrowers or lenders in connection with loans secured or to be secured directly or collaterally by one or more liens on real property; and,

(ii) From charging, demanding, or collecting advance fees unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Regulations relating to charging, collecting, and accounting for advance fees.

2. Immediately desist and refrain from employing individuals to perform any acts within the State of California for which a real estate broker license is required, unless and until such individuals obtain a real estate broker license issued by the Department.

3. Immediately desist and refrain from demanding or collecting advance fees, as that term is defined in Section 10026 of the Code, in any form and particularly with respect to loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you have:

(i) An advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(ii) Placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code; and,

(iii) Provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations.

II

PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, doing business under your own name, or any other names, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required unless and until you obtain a broker officer licensee pursuant to Sections 10159 and 10211 of the Code. In particular you are ordered to desist and refrain from:

(i) Soliciting borrowers or lenders and/or performing services for borrowers or lenders in connection with loans secured or to be secured directly or collaterally by one or more liens on real property; and,

(ii) From charging, demanding, or collecting advance fees unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Regulations relating to charging, collecting, and accounting for advance fees.

2. Immediately desist and refrain from employing individuals to perform any acts within the State of California for which a real estate broker license is required, unless and until such individuals obtain a real estate broker license issued by the Department.

3. Immediately desist and refrain from demanding or collecting advance fees, as that term is defined in Section 10026 of the Code, in any form and particularly with

respect to loan modification, loan refinance, principal reduction, foreclosure abatement or short sale services, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you have:

(i) An advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(ii) Placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code; and,

(iii) Provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations.

DATED: 7-1-09

JEFF DAVI
Real Estate Commissioner

By
BARBARA BIGBY
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: GREENLEAF LEGAL SERVICES, LLC
Agent for Service of Process
DAY & ASSOCIATES, INCOPRPORATED
740 Lomas Santa Fe Drive, Suite 207
Solana Beach, CA 92075

GREENLEAF LEGAL SERVICES, LLC
33 Journey Drive, Suite 250
Aliso Viejo, CA 92656

GREENLEAF LEGAL SERVICES, LLC
27271 Las Rumblas, Suite 301
Mission Viejo, CA 92691

PINNACLE HOLDINGS INVESTMENT GROUP, INC.
Agent for Service of Process
KEVIN GIBBS
3050 Fite Circle
Sacramento, CA 95827

PINNACLE HOLDINGS INVESTMENT GROUP, INC.
10702 Alicante Way
Rancho Cordova, CA 95670

KEVIN RUSSELL GIBBS
10702 Alicante Way
Rancho Cordova, CA 95670

KEVIN RUSSELL GIBBS
3050 Fite Circle
Sacramento, CA 95827

TANYA GIBBS
10702 Alicante Way
Rancho Cordova, CA 95670

TANYA GIBBS
3050 Fite Circle
Sacramento, CA 95827

- - - -