DEPARTMENT OF REAL ESTATE
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FILED

JUL 15 2009

DEPARTMENT OF REAL ESTATE

By

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: KEVIN JAMES ROBERTS	NO. H-10723 SF 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 KEVIN JAMES ROBERTS (ROBERTS). Based on that investigation, the Commissioner has determined that ROBERTS has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (the Code) and/or Title 10, Chapter 6, California Code of Regulations (the Regulations), including 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 Section 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, 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.

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Whenever acts referred to below are attributed to ROBERTS, those acts are alleged to have been done by ROBERTS, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names "Classic Mortgage Company", "Rci Properties Kevin Roberts", "Loan Safe Solutions", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. ROBERTS has been licensed by the Department as a real estate broker since September 3, 1993, and his license expires on September 2, 2009.

2. During the period of time set out below, ROBERTS solicited 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 in connection with loans secured directly or collaterally by one or more liens on real property; and charge, demand or collect an advance fee for any of the services offered.

3. In approximately September 2008, ROBERTS solicited William S. Kappy (Kappy) in order to provide loan modification services to Kappy ..

4. In furtherance of ROBERTS ' plan and scheme to provide loan modification services to Kappy, ROBERTS requested an advance fee of $5,000 from Kappy. In reliance on ROBERTS ' representations, Kappy delivered a check to ROBERTS, payable to Classic Mortgage for $5,000.00 on or about September 24, 2008.

5. After Kappy delivered the check mentioned above to ROBERTS, he received no further communications or services of any type from ROBERTS, or from anyone connected in any way with ROBERTS or Classic Mortgage Company.

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CONCLUSIONS OF LAW

6. Based on the findings of fact contained in paragraphs 1 through 5, ROBERTS, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names "Classic Mortgage Company", "Rci Properties Kevin Roberts", "Loan Safe Solutions", or other names or fictitious names unknown at this time, solicited a borrower and represented that he would perform services for that borrower and/or that borrower's lender in connection with one or more loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee 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 prior submission by the broker of an advance fee agreement to the Department for its review.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, KEVIN JAMES ROBERTS, whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from charging, demanding, or collecting advance fees, as that term in defined in Section 10026 of the Code, for any of the services you offer to others, 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:

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

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(c) 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

BY: Barbara J. 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: KEVIN JAMES ROBERTS
1515 OAKLAND BLVD., SUITE 250
WALNUT CREEK, CA 94596