

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982  
5 (213) 620-6430 (Direct)

**FILED**  
JAN 16 2009  
DEPARTMENT OF REAL ESTATE

*Laura B. Dean*

8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 To:	)	NO. H-35628 LA
	)	
13 MODCO LLC,	)	<u>ORDER TO DESIST</u>
RUSSELL SAMUEL BISZANTZ,	)	<u>AND REFRAIN</u>
14 ERIN FORBES, and	)	
15 MARK S. RUSSELL	)	
	)	
	)	

16  
17 The Real Estate Commissioner of the State of  
18 California ("Commissioner") has caused an investigation to be  
19 made of your activities requiring a real estate license and,  
20 based on the findings of that investigation, as set forth  
21 below, is of the opinion that you, MODCO LLC, you, RUSSELL  
22 SAMUEL BISZANTZ, you, ERIN FORBES, and you, MARK S. RUSSELL,  
23 have violated Sections 10130 and 10085 of the Business and  
24 Professions Code ("Code"), and Regulation 2970, Title 10,  
25 California Code of Regulations ("Regulations").  
26

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1.

1  
2 You, MODCO LLC, are not now and have never been  
3 licensed by the Department of Real Estate of the State of  
4 California ("Department") as a real estate broker.

5  
6 2.

7 You, ERIN FORBES, are not now and have never been  
8 licensed by the Department as a real estate broker.

9  
10 3.

11 You, MARK S. RUSSELL, are not now and have never been  
12 licensed by the Department as a real estate broker.

13  
14 4.

15 You, RUSSELL SAMUEL BISZANTZ, are licensed by the  
16 Department as a real estate broker. At all times relevant  
17 herein, you were and are also doing business as the principal  
18 of MODCO LLC, an unlicensed business entity.

19  
20 5.

21 During a period of time from approximately January 9,  
22 2008 and continuing to the present time, you, MODCO LLC, you,  
23 ERIN FORBES, you, MARK S. RUSSELL, and you, RUSSELL SAMUEL  
24 BISZANTZ, engaged in the business of, acted in the capacity of,  
25 advertised or assumed to act as real estate brokers in the  
26 State of California, within the meaning of Code Sections  
27 10131(d) and 10131.2, for or in expectation of compensation.  
Your activities included the operation of or conduct of a real

1 property sales business with the public wherein you engaged in  
2 the negotiation and solicitation of borrowers and lenders for  
3 loans secured by residential real property. Said activities  
4 included representing borrowers in negotiating and modifying  
5 terms and obtaining loans secured by real property, and  
6 claiming, demanding, charging, receiving, collecting or  
7 contracting for an advance fee in connection therewith.

8  
9 6.

10 Your acts as described in Paragraph 5, above, are  
11 acts requiring a real estate broker license under the  
12 provisions of Code Sections 10131(d) and 10131.2.

13 7.

14 You, MODCO LLC, you, ERIN FORBES, and you, MARK S.  
15 RUSSELL, violated Code Section 10130 by engaging in the  
16 activities described in Paragraphs 5 and 6, above, without  
17 first obtaining a real estate broker license from the  
18 Department.  
19

20 8.

21 At all times mentioned herein, in the State of  
22 California, you, RUSSELL SAMUEL BISZANTZ, engaged in the  
23 business of claiming, demanding, charging and receiving,  
24 collecting or contracting for the collection of advance fees  
25 within the meaning of Code Sections 10026 and 10131.2,  
26 including but not limited to advance fees collected from  
27

1 borrowers for loan modification services relating to loans  
2 secured by real property.

3 9.

4 Said advance fees were collected pursuant to written  
5 agreements which constituted advance fee agreements within the  
6 meaning of Code Section 10085.

7 10.

8 You, RUSSELL SAMUEL BISZANTZ, failed to submit the  
9 agreements referred to in Paragraph 9 to the Commissioner ten  
10 days before use, in violation of Code Section 10085 and  
11 Regulation 2970.  
12

13 NOW, THEREFORE, YOU, MODCO LLC, YOU, ERIN FORBES, and  
14 YOU, MARK S. RUSSELL, ARE ORDERED TO DESIST AND REFRAIN from  
15 performing any and all acts within the State of California for  
16 which a real estate broker license is required, within the  
17 meaning of Code Section 10131, unless and until you obtain a  
18 real estate broker license or a real estate salesperson license  
19 and are employed by a real estate broker.  
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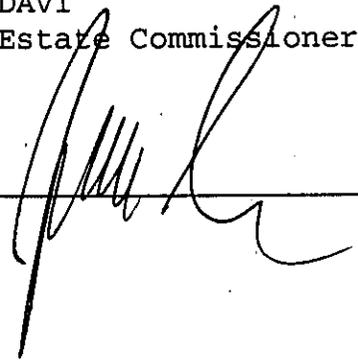
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1 NOW, THEREFORE, YOU, RUSSELL SAMUEL BISZANTZ, ARE  
2 ORDERED TO DESIST AND REFRAIN from collecting advance fees  
3 within the meaning of Code Section 10026 unless and until you  
4 are in compliance with Code Section 10185 and Regulation 2970.

5 DATED: 1-15-09.

6 JEFF DAVI  
7 Real Estate Commissioner

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16 cc: Modco LLC  
17 32 Journey, Suite 100  
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20 Erin Forbes  
21 32 Journey, Suite 100  
22 Aliso Viejo, CA 92656  
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24 Mark S. Russell  
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