DEPARTMENT OF REAL ESTATE
320 West Fourth Street, Ste. 350
Los Angeles, CA 90013

Telephone: (213) 576-9682

FILED
JUNE 19, 2009
DEPARTMENT OF REAL ESTATE
By C.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: MICHAEL TUBBIOLA, individually and doing business as American Mortgage Modification, Inc., American Mortgage Modification, Debt Advisory Alliance, Loan Modification Solutions, Home Retention Solutions, Foreclosure Avoidance Network.com, Loanmodpro.com, Landmark Mortgage Services, Inc., and/or any other names or fictitious names used by Michael Tubbiola.	NO. H-36065 LA 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 MICHAEL TUBBIOLA ("TUBBIOLA") doing business as American Mortgage Modification, Inc., American Mortgage Modification, Debt Advisory Alliance, Loan Modification Solutions, Home Retention Solutions, Foreclosure Avoidance Network.com, Loanmodpro and Landmark Mortgage Services, Inc. Based on that investigation, the Commissioner has determined that TUBBIOLA has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the

California Business and Professions Code ("Code") Sections 10085 and 10085.5 and Title 10, Chapter 6, California Code of Regulations ("Regulations"), Sections 2970 and 2731.

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 Code Section 10086.

Whenever acts referred to below are attributed to TUBBIOLA, those acts are alleged to have been done by TUBBIOLA, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names "American Mortgage Modification, Inc.", "American Mortgage Modification", "Debt Advisory Alliance", "Loan Modification Solutions", "Home Retention Solutions", "Foreclosure Avoidance Network.com", "Loanmodpro" and "Landmark Mortgage Services, Inc.", or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1.

At all times herein mentioned, you, MICHAEL TUBBIOLA ("TUBBIOLA"), were licensed and/or have license rights under the Code as a real estate broker. You, MICHAEL TUBBIOLA, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Code Section 10131(d) and 13121.2 (offering to perform services for borrowers in connection with loans secured by real property and charging, collecting or handling advance fees in connection with loan modification services)

2.

For an unknown period of time beginning no later than April, 2008, and continuing to the present time, you, MICHAEL TUBBIOLA, advertised, and continue to advertise, services under one or more business names including, but not limited to, "American Mortgage Modification, Inc.", "American Mortgage Modification", "Debt Advisory Alliance", "Loan Modification Solutions", "Home Retention Solutions", "Foreclosure Avoidance

Network.com", "Loanmodpro" and/or "Landmark Mortgage Services, Inc." in various print and electronic media, including, though not limited to, the following websites: **http://www.modmymortgage.com** and **http://www.americanmortgagemod.com**. Those advertisements solicited, and continue to solicit, borrowers and offering loan modification services.

At all times herein mentioned, American Mortgage Modification, Inc., is and was a California corporation. TUBBIOLA is the Secretary of American Mortgage Modification, Inc. At all times relevant herein, TUBBIOLA has owned or controlled more than 10% of American Mortgage Modification, Inc.'s stock. American Mortgage Modification is a fictitious business name of American Mortgage Modification, Inc. and TUBBIOLA.

3.

At all times material herein, in the State of California, you, MICHAEL TUBBIOLA, doing business as American Mortgage Modification, Inc., American Mortgage Modification, Debt Advisory Alliance, Loan Modification Solutions, Home Retention Solutions, Foreclosure Avoidance Network.com, Loanmodpro and/or Landmark Mortgage Services, Inc., engaged in the business of claiming, demanding, charging, receiving, collecting or contracting, for the collection of advance fees, within the meaning of Section 10026 of the Code, including, but not limited to, offering to contract for the performance of loan modification services with respect to loans which are secured by liens on real property in exchange of an advance fee payment to you. Examples of the advance fees you collected from borrowers for the purpose of providing loan modifications include, but are not limited to, the following transactions:

Date Received	Borrower	Amount Collected
April 1, 2008	Sandra Mendoza	$2,000.00
June 12, 2008	Delia Santos	$ 800.00
July 2, 2008	Delia Santos	$ 800.00
July 11, 2008	Jaime Velasco	$1,000.00
Unknown	Jaime Velasco	$1,400.00

Date Received	Borrower	Amount Collected
Sept. 10, 2008	Kathy M. Nunes	$3,500.00
Oct. 10, 2008	Robert Rodriguez	$1,300.00
Nov. 12, 2008	Robert Rodriguez	$1,300.00

4.

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

5.

At all times material herein, you, MICHAEL TUBBIOLA, used unlicensed fictitious business names, "American Mortgage Modification, Inc.", "American Mortgage Modification", "Debt Advisory Alliance", "Loan Modification Solutions", "Home Retention Solutions", "Foreclosure Avoidance Network.com", and "Loanmodpro", for activities requiring a real estate license without filing an application for the use of such name with the Department as required by the provisions of Code Section 10159.5 and Section 2731(a) of the Regulations.

CONCLUSIONS OF LAW

6.

You claimed, demanded, charged, received, collected or contracted for advance fees as described above without submitting a written advance fee agreement to the Commissioner ten days prior to claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees as discussed in Paragraph 4 above, in violation of Sections 10085, 10085.5 of the Code and Section 2970 of the Regulations.

7.

You used unlicensed fictitious business names, as discussed in Paragraph 5, in violation of Code Section 10159.5 and Section 2731(a) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, MICHAEL TUBBIOLA, whether doing business under your own name, or any other names or fictitious names, ARE HEREBY ORDERED to:

1. Immediately desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, using the fictitious business names "American Mortgage Modification, Inc.", "American Mortgage Modification", "Debt Advisory Alliance", "Loan Modification Solutions", "Home Retention Solutions", "Foreclosure Avoidance Network.com", "Loanmodpro", and "Landmark Mortgage Services, Inc.," or other names or fictitious names unknown at this time, and

(ii) from charging, demanding, or collecting an advance fee for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Regulations as set forth in this Order, and specifically relating to charging, collecting, and accounting for advance fees.

2. Immediately desist and refrain from using unlicensed fictitious business names including, but not limited to, "American Mortgage Modification, Inc.", "American Mortgage Modification", "Debt Advisory Alliance", "Loan Modification Solutions", "Home Retention Solutions", "Foreclosure Avoidance Network.com", "Loanmodpro", or other names or fictitious names unknown at this time for acts requiring a real estate license and specifically, to solicit borrowers and/or offer to perform services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

3. Immediately desist and refrain from 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: 6-16, 2009

JEFF DAVI
Real Estate Commissioner

cc: Michael Tubbiola
18981 Crimson Circle
Huntington Beach, CA 92646

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Fountain Valley, CA 92708