SACTO FIAG

FILED

AUG 17 2011

DEPARTMENT OF REAL ESTATE
BY: Guadalupe Valencia

Department of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

(213) 576-6982
(213) 576-6910

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JEFFERY ALLEN CONVERSE, Respondent.	No. H-36851 LA L-2010110210 STIPULATION AND AGREEMENT

It is hereby stipulated by and between JEFFERY ALLEN CONVERSE (sometimes referred to as "Respondent") and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 5, 2010, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of

this Stipulation and Agreement ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On October 18, 2010, Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense, he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understands that, as a result thereof, these factual statements will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and Respondent's decision not to

contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), or another licensing agency of this state, another state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as her decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the below "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondent shall retain the right to a hearing on the Accusation under all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any conduct which was not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following

determination of issues shall be made:

The conduct, acts and/or omissions of Respondent JEFFERY ALLEN CONVERSE as described in Paragraph 4, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent JEFFERY ALLEN CONVERSE under the provisions of Section 10177(g) of the Business and Professions Code ("Code").

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

A. All licenses and license rights of Respondent JEFFERY ALLEN CONVERSE under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that the initial thirty (30) days of said suspension shall be stayed upon the following terms and conditions:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $50 for each day of the suspension for a total monetary penalty of $1,500.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within two years from the effective date of the Decision in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two years from the effective date of the Decision, the stay hereby granted shall become permanent.

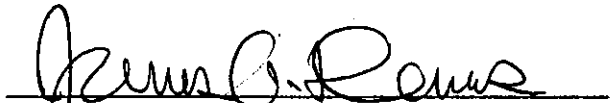
B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed for two (2) years upon the following terms and conditions:

(1) Respondent JEFFERY ALLEN CONVERSE shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

(2) That no final subsequent determination be made after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the

stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 7/25/11



JAMES A. DEMUS, Counsel for the Department of Real Estate

* * *

I have read the Stipulation. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following fax number: James A. Demus at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation,

that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 7-15-2011

JEFFERY ALLEN CONVERSE
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on SEP 06 2011.

IT IS SO ORDERED August 11, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By WILLIAM E. MORAN
Assistant Commissioner, Enforcement

SPCTO Flag

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6910 (direct)

FILED

OCT - 5 2010

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JEFFERY ALLEN CONVERSE, Respondent.	No. H-36851 LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JEFFERY ALLEN CONVERSE, is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

JEFFERY ALLEN CONVERSE (hereinafter "Respondent") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and

Professions Code, hereinafter "Code"), as a real estate a salesperson.

3.

On or about July 23, 2009, Respondent registered the fictitious business name "Loan Modification Action Network" (hereinafter "LMAN") with the Assessor-County Clerk-Recorder for the County of Riverside, California. LMAN is not, and has never been, licensed by the California Department of Real Estate in any capacity.

FIRST CAUSE OF ACCUSATION

(MISLEADING ADVERTISING)

4.

In or about August of 2009, Thomas Bell received a solicitation by mail at his home address located at 1126 San Ysidro Drive, Beverly Hills, CA, 90210. This solicitation states that Mr. Bell is eligible to modify the terms of his $500,000 loan with Washington Mutual Bank. The advertisement lists the name of "Washington Mutual Bank" in four different locations, with no indication that the issuer of the solicitation was not sponsored by or affiliated with Washington Mutual Bank. The advertisement does not indicate the license under which the loan modification would be arranged or the state regulatory agency supervising the loan modification. An investigation revealed that Respondent had issued this solicitation.

///

///

5.

The conduct, acts and/or omissions of Respondent, as set forth in paragraph 4 above are in violation of Code Sections 10235, 10235.5, 14701, 14702 and 17539.4, as well as Section 2848(3) of Chapter 6, Title 10, California Code of Regulations. It also provides cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d), 10177(g) and/or 10177(j).

SECOND CAUSE OF ACCUSATION

(UNLICENSED BROKER ACTIVITY)

6.

From at least November 12, 2009 to the present, Respondent, under the name of LMAN, operated a website at http://loanmodaction.com. This website stated "we are a loan modification marketing company that uses the Internet and technology to reduce costs and improve efficiency." By marketing loan modification services, Respondent solicited borrowers to negotiate loans or perform services on loans secured by real property. Therefore, Respondent engaged in business requiring a real estate broker license in the State of California within the meaning of Code Section 10131(d), in violation of Code Section 10130.

7.

The conduct, acts and/or omissions of Respondent, as set forth in paragraph 6 above provides cause for the

suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d) and/or 10177(g).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent JEFFERY ALLEN CONVERSE under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 4 day of May, 2010.

Robin Trujillo
Deputy Real Estate Commissioner

c: JEFFERY ALLEN CONVERSE
Robin Trujillo
Sacto.