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Department of Real Estate
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Los Angeles, CA 90013

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FILED
OCT 10 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-37577 LA
FAIR LENDING REVIEW LLC, KEVIN MONTALVO, and DAVID ARTHUR CRUICKSHANK,	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be made of the activities of FAIR LENDING REVIEW LLC, KEVIN MONTALVO, and DAVID ARTHUR CRUICKSHANK, aka Dave Cruickshank. Based on that investigation, the Commissioner has determined that FAIR LENDING REVIEW LLC, KEVIN MONTALVO, and DAVID ARTHUR CRUICKSHANK have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations") including acting in the capacity of, advertising and/or assuming to act as real estate brokers in the State of California within the meaning of Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to perform loan modification services for

distressed homeowners) and 10131.2 (collecting advance fees in connection with those services). Based on that 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.

FINDINGS OF FACT

1. FAIR LENDING REVIEW LLC ("FLR") is a Nevada limited liability company doing business in California, with offices at 3185 Airway, Suite C-2, Costa Mesa, CA 92626. FLR is not now and has never been licensed by the Department in any capacity.

2. KEVIN MONTALVO ("MONTALVO") is not now and has never been licensed by the Department in any capacity. At all times relevant herein, MONTALVO was and is a managing principal of FLR.

3. DAVID ARTHUR CRUICKSHANK, aka Dave Cruickshank ("CRUICKSHANK"), is licensed by the Department as a real estate salesperson. CRUICKSHANK was first licensed by the Department as a real estate salesperson on or about October 28, 2010. CRUICKSHANK has never been licensed by the Department as a broker. Prior to October 28, 2010, CRUICKSHANK was never licensed by the Department in any capacity.

4. Laura Ysais ("Ysais"), Cindy Knutsen ("Knutsen"), and Jenny Mc Clellan ("Mc Clellan") are not now and have never been licensed by the Department in any capacity. At times relevant herein, Ysais, Knutsen and Mc Clellan acted as agents, employees, business associates and/or affiliates of FLR.

5. The parties and entities listed above also have engaged in real estate activities under the following unlicensed business names:

a) www.fairlendinglaw.com

b) www.modificationservices.com

c) Fairlending Review

6. All further references to the parties listed in Paragraphs 1 through 5 above, include those parties and entities themselves, as well as the officers, agents and employees of the parties listed in Paragraphs 1 through 5 above.

7. At all times relevant herein, the parties and entities listed in Paragraphs 1 though 5 above engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Code Sections 10131(d) and 10131.2. Their activities included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property. Their activities also included claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee within the meaning of Code Sections 10026 and 10085.

Unlicensed Loan Modification Activity

Raymond and Trudi E.

8. On or about April 1, 2009, Raymond and Trudi E. entered into an agreement with FLR for loan modification services in connection with mortgage loans secured by their home. FLR, doing business out of its office in Costa Mesa, California, promised to assist Raymond and Trudi E. in avoiding foreclosure and in negotiating with lenders to modify the terms of the loans. In April of 2009, Raymond and Trudi E. paid FLR in excess of $1,900.00 as an upfront fee towards loan services.

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9. Between April 1, 2009 and on or after August 24, 2009, Raymond and Trudi E. engaged in numerous communications with CRUICKSHANK, Ysais and other agents and representatives of FLR and/or its affiliates. CRUICKSHANK held himself out as a branch manager for FLR and stated that the Raymond and Trudi E.'s file and loan documents were under review by their lender as part of FLR's loan negotiation process. However, Raymond and Trudi E. discovered that this was not true. FLR failed to perform services as promised and the property went into foreclosure. FLR refused to refund or account for any of the fees paid.

Quovonna B.

10. On or about March 25, 2009, Quovonna B. entered into an agreement with FLR for loan modification services in connection with mortgage loans secured by her home. FLR, through agent Knutsen, promised to assist Quovanna B. in avoiding foreclosure and in negotiating with lenders to modify the terms of the loans. On or about March 25, 2009, Quovanna B. paid FLR in excess of $1,997.50 as an up front fee towards loan services.

11. Between March 25, 2009 and on or after September 10, 2009, Quovanna B. engaged in numerous communications with Knutsen and other agents and representatives of FLR. Representatives of FLR stated that the Quovanna B.'s file and loan documents were under review by the lender as part of FLR's loan negotiation process. However, Quovanna B. discovered that this was not true. FLR failed to perform services as promised. FLR refused to refund or account for any of the fees paid.

Joanne C.

12. On or about May 4, 2009, Joanne C. entered into an agreement with FLR for loan modification services in connection with mortgage loans secured by her home. FLR, through agent Mc Clellan, promised to assist Joanne C. in avoiding foreclosure and in

negotiating with lenders to modify the terms of the loans. Joanne C. paid FLR in excess of $1,247.00 as upfront fees towards loan services.

13. Between May 4, 2009 and on or after June 25, 2009, Joanne C. engaged in numerous communications with Mc Clellan and other agents and representatives of FLR and FLR's affiliates. Representatives of FLR stated that Joanne C.'s file and loan documents were under review by the lender as part of FLR's loan negotiation process. However, Joanne C. discovered that this was not true. FLR failed to perform any services as promised. FLR refused to refund or account for any of the fees paid.

Charmon P.

14. On or before March 30, 2009, Charmon P. entered into an agreement with FLR for loan modification services in connection with mortgage loans secured by her home. FLR, through agent Knutsen, promised to assist Charmon P. in negotiating with lenders to modify the terms of the loans. Borrower paid FLR approximately $2,995.00 in up front fees towards loan services.

15. Charmon P. engaged in numerous communications with FLR, through Knutsen and other agents and representatives. FLR failed to perform any services as promised. FLR refused to refund or account for any of the fees paid.

Eric I.

16. On or before February 5, 2009, Eric I. entered into an agreement with FLR and its affiliates for loan modification services in connection with mortgage loans secure by his home. FLR, through agent CRUICKSHANK, promised to assist Eric I. in negotiating with lenders to modify the terms of the loans. Eric I. paid FLR $3,000.00 in up front fees towards loan services.

17. Eric I. engaged in numerous communications with FLR, through CRUICKSHANK and other agents and representatives. FLR failed to perform any services as promised. FLR refused to refund or account for any of the fees paid.

Thomas and Bonita S.

18. On or about July 6, 2009, Thomas and Bonita S. entered into an agreement with FLR and its affiliates for loan modification and related services in connection with mortgage loans secured by their home. FLR, through agents and/or affiliates CRUICKSHANK, Knutsen and others, promised to assist Thomas and Bonita S. in negotiating with lenders to modify the terms of the loans. Thomas and Bonita S. paid FLR $2,327.00 in up front fees towards loan services.

19. As set forth above, FLR and MONTALVO, through agents and affiliates, including but not limited to CRUICKSHANK, Knutsen, Ysais and Mc Clellan, advertised, solicited and entered into loan modification agreements with borrowers when neither FLR nor any of its representatives or agents were licensed by the Department, and all were therefore unlawfully engaging in activities requiring a real estate license.

CONCLUSIONS OF LAW

The conduct, acts and/or omissions of FAIR LENDING REVIEW LLC, KEVIN MONTALVO, and DAVID CRUICKSHANK, as set forth in the Findings of Fact above, when not licensed by the Department as real estate brokers or as a salespersons employed by real estate brokers licensed by the Department, were in violation of Code Section 10130.

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DESIST AND REFRAIN ORDER

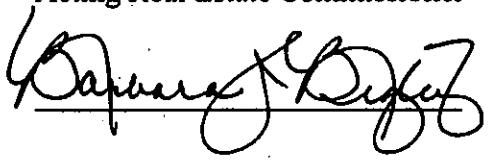
Based on the Findings of Fact and Conclusions of Law stated herein, FAIR LENDING REVIEW LLC, KEVIN MONTALVO, and DAVID CRUICKSHANK, whether doing business under your own names, or any other names, or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, including:

(i) 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, and

(ii) charging, demanding, or collecting a fee for any of the services you offer to others, 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 Code and Commissioner's Regulations relating to charging, collecting, and accounting for fees.

DATED: 9/28, 2011

BARBARA J. BIGBY
Acting Real Estate 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: Fair Lending Review LLC
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