

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

FILED

JUL 29 2009

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

[Signature]

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

11 TO:)
12 DIETER GABLE,)
13 SHANNON BARD,)
14 STEVE WALKER,)
15 ZACK PAPIKE,)
16 JOHN JACABSON, and)
17 RANDY SABARRA,)
dba INTELICHOICE MORTGAGE,)
SERVICES, LLC, and/or any other)
names or fictitious names)

NO. H-3995 SD

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

18 The Commissioner (Commissioner) of the California Department of Real Estate
19 (Department) caused an investigation to be made of the activities of DIETER GABLE (GABLE),
20 SHANNON BARD (BARD), STEVE WALKER (WALKER), ZACK PAPIKE (PAPIKE),
21 JOHN JACABSON (JACABSON) and RANDY SABARRA (SABARRA), doing business as
22 INTELICHOICE MORTGAGE SERVICES, LLC. (IMS). Based on that investigation, the
23 Commissioner has determined that GABLE, BARD, WALKER, PAPIKE, JACABSON, and
24 SABARRA have engaged in acts or practices constituting a violation of Section 10130 (engaging
25 in the business of, advertising, or assuming to act as a real estate broker without first obtaining a
26 real estate license), of the California Business and Professions Code (Code) and/or Section 2970
27 (requirements for advance fee agreements) and Section 2972 of Title 10, Chapter 6, California

1 Code of Regulations (Regulations). Furthermore, based on the investigation, the Commissioner
2 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order
3 under the authority of Section 10086 of the Code.

4 FINDINGS OF FACT

5 1. At no time herein mentioned has IMS been licensed by the Department in
6 any capacity. GABLE, BARD, and WALKER are the owners, officers, and/or partners of IMS.

7 2. During the periods of time set below, IMS has solicited consumers and
8 provided loan modification services to consumers in exchange for the payment of an advance fee
9 without having first obtained a real estate license, in violation of Section 10130 of the Code.

10 3. At no time herein mentioned has JACABSON or SABARRA been
11 licensed by the Department in any capacity.

12 4. PAPIKE has been licensed by the Department as a real estate salesperson
13 affiliated with Cabrillo Mortgage and Realty. PAPIKE's license expires on February 8, 2010.

14 5. During the period of time set out below, PAPIKE, JACABSON, and/or
15 SABARRA solicited borrowers and negotiated to do one or more of the following acts for
16 another or others, for or in expectation of compensation: negotiate one or more loans for, or
17 perform services for, borrowers and/or lenders in connection with loans secured directly or
18 collaterally by one or more liens on real property; and charge, demand or collect an advance fee
19 for any of the services offered.

20 6. For an unknown period of time beginning no later than September 15,
21 2008, and continuing to the present time, GABLE, BARD, WALKER, PAPIKE, JACABSON,
22 and/or SABARRA advertised and/or continue(s) to advertise services under one or more
23 business names including, but not limited to, "Intellichoice Mortgage Services, LLC." in various
24 print and electronic media. Those advertisements solicited, and continue to solicit, borrowers by
25 offering loan modification services.

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1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein, you,
3 INTELCHOICE MORTGAGE SERVICES, LLC, DIETER GABLE, SHANNON BARD,
4 STEVE WALKER, ZACK PIPIKE, JOHN JACABSON, and RANDY SABARRA, ARE
5 HEREBY ORDERED to:

6 1. Immediately desist and refrain from performing any acts within the State
7 of California for which a real estate broker license is required. In particular, you are ordered to
8 desist and refrain from:

- 9 (i) providing or participating in property management services for others and
10 for compensation unless and until you, individually, obtain an appropriate
11 license issued by the Department; and
12 (ii) soliciting borrowers and/or performing services for borrowers or lenders
13 in connection with loans secured directly or collaterally by one or more
14 liens on real property.

15 2. Immediately desist and refrain from collecting advance fees, as that term
16 in defined in Section 10026 of the Code, in any form; particularly with respect to loan
17 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,
18 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you
19 have:

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- 1 (i) an advance fee agreement which has been submitted to the Department
2 and you are in full compliance with all requirements of Sections 2970 and
3 2972 of the Regulations relating to charging, collecting, and accounting
4 for advance fees, and
5 (ii) placed all previously collected advance fees into a trust account for that
6 purpose and are in compliance with Section 10146 of the Code.

7 DATED: _____

7/28/09

8 JEFF DAVI
9 Real Estate Commissioner

10 By _____
11 

12 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
13 real estate broker or real estate salesperson without a license or who advertises using words
14 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
15 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
16 imprisonment in the county jail for a term not to exceed six months, or by both fine and
17 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
18 (\$60,000)."

17 cc: Intellichoice Mortgage Services, LLC
18 7975 Raytheon Road, Suite 350
19 San Diego, CA 92111
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