

1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

**FILED**  
APR - 7 2011

DEPARTMENT OF REAL ESTATE  
By *R. Mar*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 To: )  
12 ) NO. H-4182 SD  
13 MARCUS WILSON )  
14 ) ORDER TO DESIST AND REFRAIN  
15 ) (B&P Code Section 10086)

16 The Commissioner (hereafter "the Commissioner") of the California Department  
17 of Real Estate (hereafter "the Department") caused an investigation to be made of the activities  
18 of MARCUS WILSON (hereafter "Respondent"). Based on that investigation, the  
19 Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting  
20 to engage in, acts or practices constituting violations of the California Business and Professions  
21 Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"),  
22 including acting in the capacity of, advertising or assuming to act as a real estate broker in the  
23 State of California within the meaning of Section 10131(d) (performing services for borrowers  
24 and/or lenders in connection with loans secured by real property), 10131.2 (collection of  
25 advance fees), 10085 (advance fee agreements and materials) and 10085.5 (collecting  
26 unauthorized advance fees) of the Code. Furthermore, based on the investigation, the

27 ///

1 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist  
2 and Refrain Order under the authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. At no time has Respondent been licensed by the Department in any capacity.

5 2. During the period of time set out below, Respondent performed services for one  
6 or more borrowers and negotiated to do one or more of the following acts for another or others,  
7 for or in expectation of compensation: negotiate one or more loans for, or perform services for,  
8 borrowers and/or lenders with respect to the collection of advance fees and loan modification,  
9 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those  
10 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens  
11 on real property; and charged, demanded or collected an advance fee for any of the services  
12 offered.

13 3. In further of his plan and scheme to solicit advance fees, on or about March 14,  
14 2010, Michael S. entered into a "Forensic Loan Audit Retainer Agreement" with Marcus Wilson,  
15 representing Expedia Marketing Firm (hereafter "EMF"). Michael S. made payments to EMF  
16 for its forensic audit and loan modification services on the following dates:

<u>Date</u>	<u>Payment Amount</u>
04/16/10	\$1,500
04/19/10	\$1,300
	\$2,800

21 Respondent has not obtained a loan modification for Michael S. and has not returned the money  
22 received from him.

23 CONCLUSIONS OF LAW

24 Based on the Findings of Fact contained in Paragraphs 1 through 3, above, MARCUS  
25 WILSON, solicited borrowers and/or performed services for those borrowers with respect to the  
26 collection of advance fees and loan modification, loan refinance, principal reduction, foreclosure  
27 abatement or short sale services and/or those borrowers' lenders in connection with loans

1 secured directly or collaterally by one or more liens on real property; and charged, demanded or  
2 collected advance fees for the services to be provided, which acts require a real estate broker  
3 license under Sections 10131(d) and 10131.2 of the Code.

4 MARCUS WILSON used a form of advance fee agreement which had not been provided  
5 to the Department for its prior review and consideration, in violation of Sections 10085 and  
6 10085.5 of the Code, and Section 2970 (submission of advance fee materials) of the Regulations.

7 DESIST AND REFRAIN ORDER

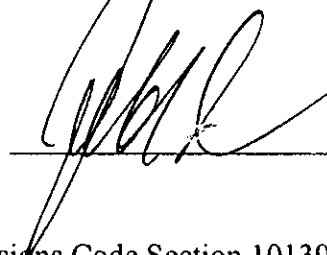
8 Based on the Findings of Fact and Conclusions of Law stated herein, MARCUS  
9 WILSON, whether doing business under your own name, or any other name or fictitious name,  
10 IS HEREBY ORDERED to immediately desist and refrain from:

- 11 1. Performing any acts within the State of California that require a real estate broker  
12 license unless and until you are properly licensed by the Department as a real  
13 estate broker.
- 14 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that  
15 term is defined in Section 10026 of the Code, for any of the services you offer to  
16 others, unless and until you demonstrate and provide evidence satisfactory to the  
17 Commissioner that you are properly licensed by the Department as a real estate  
18 broker and that MARCUS WILSON:
  - 19 (a) Has an advance fee agreement which has been submitted to the Department  
20 and which is in compliance with Sections 2970 and 2972 of the Regulations;
  - 21 (b) Has placed all previously collected advance fees into a trust account for that  
22 purpose and are in compliance with Section 10146 (deposit of advance fees  
23 into trust account) of the Code; and
  - 24 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to  
25 Section 2972 of the Regulations.
- 26 3. Demanding, claiming, collecting and/or receiving advance fees, as that term is  
27 defined in Section 10026 of the Code, in any form, and under any conditions,

1 with respect to the performance of loan modification or any other form of  
2 mortgage loan forbearance services in connection with loans on residential  
3 property containing four or fewer dwelling units.

4 DATED: 2/24/200

5 JEFF DAVI  
6 Real Estate Commissioner

7   
8  
9

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

17  
18 cc: MARCUS WILSON  
19 c/o Expedia Marketing Firm  
20 9672 Via Excelencia, Suite 201  
21 San Diego, CA 92126

22 Expedia Marketing Firm  
23 Agent for Service of Process:  
24 Hector Ortega  
25 9672 Via Excelencia, Suite 201  
26 San Diego, CA 92126

27 JWB/km