

1 Department of Real Estate
2 P. O. Box 187007
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FILED
DEC 17 2011

DEPARTMENT OF REAL ESTATE
R. Mat

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 To:)
13) NO. H-4257 SD
14 SUE ANN KRAMER and)
15 GLEN GARRY MARKETING LLC) ORDER TO DESIST AND REFRAIN
) (B&P Code Section 10086)
16)

17 The Commissioner ("the Commissioner") of the California Department of Real
18 Estate ("the Department") caused an investigation to be made of the activities of SUE ANN
19 KRAMER ("KRAMER") and GLEN GARRY MARKETING LLC, individually or doing
20 business as "Credit Advocate Alliance", "Secure Loan Modifications", "Franklin Loan
21 Modification", "Franklin Debt Settlement", "Franklin Financial" and "Franklin Credit
22 Restoration", ("GGM"), (collectively "Respondents"). Based on that investigation, the
23 Commissioner has determined that Respondents have engaged in, are engaging in, or are
24 attempting to engage in, acts or practices constituting violations of the California Business and
25 Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations
26 ("Regulations"), including acting in the capacity of, advertising or assuming to act as a real
27 estate broker in the State of California within the meaning of Section 10131(d) (performing

1 services for borrowers and/or lenders in connection with loans secured by real property),
2 10131.2 (collection of advance fees), 10085 (advance fee agreements and materials) and
3 10085.5 (collecting unauthorized advance fees) of the Code. Furthermore, based on the
4 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
5 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

6 FINDINGS OF FACT

7 1. At all times relevant herein, KRAMER was and is licensed by the Department
8 as a real estate broker.

9 2. At no time has GGM been licensed in any capacity by the Department to
10 conduct real estate activity in the State of California.

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

19 4. In furtherance of their plan and scheme to solicit advance fees and provide loan
20 modification services, on or about December 11, 2008, Respondent, while in the employ of
21 GGM, doing business as "Secure Loan Modifications", entered into a loan modification
22 services agreement with Gerardo S. and Shari S. According to that agreement, Respondents
23 agreed to negotiate a loan modification on behalf of Gerardo S. and Shari S. for their property
24 located at 128 West 9th, Escondido, California, in exchange for an advance fee payment of
25 \$3,000. The loan modification agreement used by Respondents was not submitted to the
26 Department for approval prior to its use. On or about December 15, 2008, Gerardo S. and
27 Shari S. paid an advance fee of \$1,500 to Respondents. On or about December 30, 2008,

1 Gerardo S. and Shari S. paid an additional \$1,500 to Respondents as an advance fee. No loan
2 modification was ever obtained by Respondents for Gerardo S. and Shari S., nor did
3 Respondents ever refund the advance fee paid to them by Gerardo S. and Shari S.

4 CONCLUSIONS OF LAW

5 5. Based on the Findings of Fact contained in Paragraphs 1 through 4, above, SUE
6 ANN KRAMER and GLEN GARRY MARKETING LLC solicited borrowers and/or
7 performed services for those borrowers with respect to the collection of advance fees and loan
8 modification, loan refinance, principal reduction, foreclosure abatement or short sale services
9 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one
10 or more liens on real property; and charged, demanded or collected advance fees for the
11 services to be provided.

12 6. SUE ANN KRAMER and GLEN GARRY MARKETING LLC used a form of
13 an advance fee agreement which had not been provided to the Department for review and
14 consideration prior to its use, in violation of Section 10085 of the Code, and Section 2970
15 (submission of advance fee materials) of the Regulations.

16 DESIST AND REFRAIN ORDER

17 Based on the Findings of Fact and Conclusions of Law stated herein, SUE ANN
18 KRAMER and GLEN GARRY MARKETING LLC, whether doing business under your own
19 name, or any other name or fictitious name, ARE HEREBY ORDERED to:

- 20 1. Immediately desist and refrain from charging, demanding, claiming, collecting
21 and/or receiving advance fees, as that term is defined in Section 10026 of the
22 Code, for any of the services you offer to others, unless and until you
23 demonstrate and provide evidence satisfactory to the Commissioner that you are
24 properly licensed by the Department as a real estate broker and that SUE ANN
25 KRAMER and GLEN GARRY MARKETING LLC:

- 26 (a) Has an advance fee agreement which has been submitted to the Department
27 and which is in compliance with Sections 2970 and 2972 of the Regulations;

1 (b) Has placed all previously collected advance fees into a trust account for that
2 purpose and are in compliance with Section 10146 (deposit of advance fees
3 into trust account) of the Code;

4 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to
5 Section 2972 of the Regulations.

6 2. Immediately desist and refrain from demanding, claiming, collecting and/or
7 receiving advance fees, as that term is defined in Section 10026 of the Code, in
8 any form, and under any conditions, with respect to the performance of loan
9 modification or any other form of mortgage loan forbearance services in
10 connection with loans on residential property containing four or fewer dwelling
11 units.

12 DATED: 12/15/11

13 BARBARA J. BIGBY
14 Acting Real Estate Commissioner

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18 **Notice:** Business and Professions Code Section 10139 provides that, "Any person acting as a
19 real estate broker or real estate salesperson without a license or who advertises using words
20 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
21 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
22 imprisonment in the county jail for a term not to exceed six months, or by both fine and
23 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
24 (\$60,000)...."

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cc: SUE ANN KRAMER
20262 Eagle Hill Lane
Ramona, CA 92065

SUE ANN KRAMER
11234 El Camino Real, #100
San Diego, CA 92130

Leigh K. Cook
as Agent For Service of Process
GLEN GARRY MARKETING LLC
2488 Historic Decatur Road, Suite 210
San Diego, CA 92106

ATTY JWB/km