1	DEPARTMENT OF REAL ESTATE
2	P. O. Box 187007 Sacramento, CA 95818-7007
3	Telephone: (916) 227-0789
4	JUL 20 2012
5	DEPARTMENT OF REAL ESTATE By
6	
7	
8	
9	STATE OF CALIFORNIA
10	DEPARTMENT OF REAL ESTATE
11	To:)
12) NO. H-4386 SD CRAIG MICHAEL LAVERTY)
13	and NANCY TORRES, ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)
15	The Commissioner (hereinafter "Commissioner") of the California Department of
16	Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
17	CRAIG MICHAEL LAVERTY (hereinafter "LAVERTY") and NANCY TORRES (hereinafter
18	"TORRES"). Based on that investigation, the Commissioner has determined that LAVERTY
19	and TORRES engaged in, are engaging in, or are attempting to engage in, acts or practices
20	constituting violations of the California Business and Professions Code (hereinafter "the Code"),
21	including the business of, acting in the capacity of, and/or advertising or assuming to act as, a
22	real estate broker in the State of California within the meaning of section 10131(d) (performing
23	services for borrowers and/or lenders in connection with loans secured by real property) of the
24	Code. Furthermore, based on the investigation, the Commissioner hereby issues the following
25	Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of
26	section 10086 of the Code.
27	/// · · · ·

Whenever acts referred to below are attributed to LAVERTY and TORRES, those
acts are alleged to have been done by LAVERTY and/or TORRES, acting by himself and/or
herself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, or
other names or fictitious names unknown at this time (collectively referred to as "the related
entities").

FINDINGS OF FACT

1. At no time has either LAVERTY or TORRES been licensed by the Department in any capacity.

During the period of time set forth below, LAVERTY and TORRES
and/or other agents, associates, affiliates and/or co-conspirators, solicited one or more borrowers
and negotiated to do one or more of the following acts for another or others, for or in expectation
of compensation: negotiate one or more loans for, or perform services for, borrowers and/or
lenders in connection with loans secured directly or collaterally by one or more liens on real
property; and charge, demand or collect an advance fee for any of the services offered.

¹⁵ 3. On or about August 16, 2009, LAVERTY and TORRES solicited Nadine
¹⁶ L. in order to provide her with loan modification services in connection with loans secured by
¹⁷ real property located at 540 Harbison Ave. South National City, CA 91950 and 3618-20 Central
¹⁸ Ave. San Diego, CA 92105.

¹⁹ 4. In furtherance of the related plan and scheme to provide loan modification
²⁰ services to Nadine L., LAVERTY and TORRES requested an advance fee of \$2,600.00 from
²¹ Nadine L. In reliance on the representations of LAVERTY and TORRES, Nadine L. issued a
²² credit card payment to LAVERTY on August 21, 2009 in the amount of \$1,300.00 to perform the
²³ activities described above in Paragraph 3. Also in reliance on the representations of LAVERTY
²⁴ and TORRES, Nadine L. issued a cashier's check to Patriot Mortgage on December 21, 2009 in
²⁵ the amount of \$1,300.00 to perform the activities described above in Paragraph 3.

26 ///

6

7

8

27 ///

5. After Nadine L. delivered the checks mentioned above to LAVERTY and
 Patriot Mortgage, Nadine L. did not obtain a successful and sustainable loan modification, obtain
 any other benefit from either LAVERTY and TORRES, or from anyone connected in any way
 with LAVERTY and TORRES, or receive a refund of the amount Nadine L. paid to either
 LAVERTY or Patriot Mortgage.

CONCLUSIONS OF LAW

7 6. Based on the findings of fact contained in paragraphs 1 through 5 above, 8 LAVERTY and TORRES solicited borrowers and represented that they would perform services 9 for those borrowers and/or the borrowers' lender in connection with one or more loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected 10 an advance fee for the services to be provided, which acts require a real estate broker license 11 12 under sections 10131(d) (performing services for borrowers and/or lenders in connection with 13 loans secured by real property) and 10131.2 (claiming, demanding, charging, receiving, 14 collecting or contracting for the collection of an advance fee in connection with any employment 15 undertaken to obtain a loan secured by real property) of the Code, all in violation of sections 16 10130 (it is unlawful for any person to act as a real estate broker within this state without first 17 obtaining a real estate license from the Department) and 10139 (any person acting as a real estate 18 broker without a license or who advertises using words indicating that he is a real estate broker 19 without being so licensed shall be guilty of a public offense punishable by a fine not exceeding 20 twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed 21 six months, or by both fine and imprisonment) of the Code.

22

6

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, CRAIG
 MICHAEL LAVERTY and NANCY TORRES, whether doing business under their own name,
 or any other name or fictitious name, 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; and,

- 3 -

1 2. Immediately desist and refrain from charging, demanding, claiming, collecting 2 and/or receiving advance fees, as that term is defined in section 10026 of the Code, in any form, 3 and under any conditions, with respect to the performance of loan modifications or any other 4 form of mortgage loan forbearance service in connection with loans on residential property 5 containing four or fewer dwelling upits (Code Section 10085.6).

2018 DATED: Real Estate Commissioner

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)."

- NOTICE-

20 cc: Craig Michael Laverty Craig Michael Laverty 30025 Alicia Parkway # 186 - OR -29596 Colebrook Dr. 21 Laguna Niguel, CA 92677 Laguna Niguel, CA 92677 22 Craig Michael Laverty 23 27611 La Paz Road, Suite A-1 Laguna Niguel, CA 92677 24 Nancy Torres 25 276 La Paz Road, Suite A-1

Laguna Niguel, CA 92677

6

7

8

9

10

11

12

13

14

15

16

17

18

19

26

27

- 4 -

E S. BELL

ief Counsel

- OR