

FILED

OCT 27 2010

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0791

DEPARTMENT OF REAL ESTATE

By R. Henry

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

11 \* \* \*

|  |   |                           |
|--|---|---------------------------|
| 12 TO:   | ) |                           |
|  | ) |                           |
| 13 STEVE TAPLIN, individually,                 | ) | NO. H-5500 SAC            |
| 14 BOB RICHARDS, individually, and             | ) |                           |
| 15 both of these individuals doing business as | ) |                           |
| 16 AMERICAN LOAN RESTRUCTURING and             | ) | <u>ORDER TO</u>           |
| FEDERAL LOAN RESTRUCTURING                     | ) | <u>DESIST AND REFRAIN</u> |
|  | ) | (B&P Code Section 10086)  |

17 The Real Estate Commissioner (Commissioner) of the California Department of  
18 Real Estate (Department) caused an investigation to be made of the activities of STEVE TAPLIN  
19 (TAPLIN) and BOB RICHARDS (RICHARDS) and AMERICAN LOAN RESTRUCTURING  
20 (ALR), also known as FEDERAL LOAN RESTRUCTURING (FLR). Based on the  
21 investigation, the Commissioner has determined that TAPLIN and RICHARDS and ALR and  
22 FLR have engaged in, are engaging in, or are attempting to engage in, acts or practices  
23 constituting violations of the California Business and Professions Code (Code) and/or Title 10,  
24 Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the  
25 capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California  
26 within the meaning of Sections 10131(d) (performing services for borrowers in connection with  
27

1 loans secured by real property), 10085 (advanced fee materials), and 10085.5  
2 (claiming/collecting/receiving advanced fees) of the Code. Furthermore, based on the  
3 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
4 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

5           Whenever acts referred to below are attributed to TAPLIN and/or ALR and/or  
6 FLR, those acts are alleged to have been done by TAPLIN, acting by himself, or by and/or  
7 through one or more agents, associates, affiliates, and/or co-conspirators, and using the names  
8 ALR and/or FLR, or other names or fictitious names unknown at this time.

9           Whenever acts referred to below are attributed to RICHARDS and/or ALR and/or  
10 FLR, those acts are alleged to have been done by RICHARDS, acting by himself and in his  
11 capacity as an agent for TAPLIN, or by and/or through one or more agents, associates, affiliates,  
12 and/or co-conspirators, and using the names ALR and/or FLR, or other names or fictitious names  
13 unknown at this time.

#### 14                                   FINDINGS OF FACT

- 15           1. At no time herein mentioned has TAPLIN been licensed by the Department  
16 in any capacity.
- 17           2. At no time herein mentioned has RICHARDS been licensed by the  
18 Department in any capacity.
- 19           3. At no time herein mentioned has ALR been licensed by the Department in  
20 any capacity.
- 21           4. At no time herein mentioned has FLR been licensed by the Department in  
22 any capacity.
- 23           5. From about June 2009 through November 2009, TAPLIN solicited, through  
24 email advertisements, borrowers to negotiate and/or perform one or more of the following acts  
25 for another or others, for or in expectation of compensation: negotiate one or more loans for,  
26 or perform services for borrowers and/or lenders in connection with loans secured directly or  
27 collaterally by one or more liens on real property.

1           6. During November 2009, RICHARDS solicited Department investigator  
2 Mark Tutera (Tutera), acting in his official capacity as an investigator in the guise of a  
3 borrower on real property, to negotiate and/or perform one or more of the following acts for  
4 Tutera, for or in expectation of compensation: negotiate one or more loans for, or perform  
5 services for borrowers and/or lenders in connection with loans secured directly or collaterally  
6 by one or more liens on real property located in California.

7           7. During November 2009, TAPLIN sought advanced fees in the amount of  
8 \$1,000.00 from Tutera, without having first submitted advanced fee materials to the  
9 Commissioner.

10   CONCLUSIONS OF LAW

11           8. Based on the Findings of Fact contained in Paragraphs 1 through 7, above,  
12 TAPLIN, acting by himself, and RICHARDS, acting by himself, and TAPLIN and RICHARDS  
13 acting by and/or through one or more agents, associates, affiliates, and/or co-conspirators and  
14 using the name ALR and/or FLR, or other names or fictitious names unknown at this time,  
15 solicited to perform and/or performed services for those borrowers and/or those borrowers'  
16 lenders in connection with loans secured directly or collaterally by one or more liens on real  
17 property in California, which requires a real estate license under Sections 10130 and 10131(d)  
18 of the Code, during a period of time when TAPLIN, RICHARDS, ALR, and FLR were not  
19 licensed by the Department in any capacity.

20           9. Based on the Findings of Fact contained in Paragraphs 1 through 7, above,  
21 TAPLIN, acting by himself, and RICHARDS, acting by himself, and TAPLIN and RICHARDS  
22 acting by and/or through one or more agents, associates, affiliates, and/or co-conspirators and  
23 using the name ALR and/or FLR, or other names or fictitious names unknown at this time,  
24 sought or attempted to contract for advanced fees, in violation of Sections 10085 and 10085.5  
25 of the Code.

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DESIST AND REFRAIN ORDER

Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered that, STEVE TAPLIN, BOB RICHARDS, AMERICAN LOAN RESTRUCTURING, and FEDERAL LOAN RESTRUCTURING, whether doing business under these names, or any other names, or any 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, and in particular:

1. Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, you are ordered to desist and refrain from 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, unless and until you obtain a real estate broker license issued by the Department.

2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services you offer to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker, and that STEVE TAPLIN, BOB RICHARDS, AMERICAN LOAN RESTRUCTURING, and FEDERAL LOAN RESTRUCTURING:

(A) Have an advance fee agreement which has been submitted to the Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

(B) Have placed all previously collected advance fees into a trust account for that purpose and are in compliance with Section 10146 of the Code;

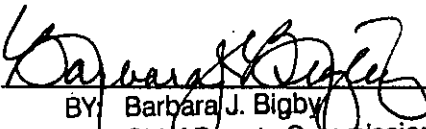
(C) Have provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and

(D) Are in compliance with California law, as amended effective as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the amended law,

1 you can only collect advance fees for loan modification or other mortgage loan forbearance  
2 services related to commercial loans and loans for residential properties containing five or more  
3 dwelling units.

4  
5 DATED: 10/20, 2010

6 JEFF DAVI  
7 Real Estate Commissioner

8  
9 By   
10 BY Barbara J. Bigby  
11 Chief Deputy Commissioner

12 **Notice:**

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

19 cc: STEVE TAPLIN  
20 9375 E. Shea Boulevard, Ste. 100  
21 Scottsdale, AZ 85260

22 cc: BOB RICHARDS  
23 9375 E. Shea Boulevard, Ste. 100  
24 Scottsdale, AZ 85260

25 cc: AMERICAN LOAN RESTRUCTURING  
26 9375 E. Shea Boulevard, Ste. 100  
27 Scottsdale, AZ 85260

cc: FEDERAL LOAN RESTRUCTURING  
9375 E. Shea Boulevard, Ste. 100  
Scottsdale, AZ 85260

TTY DEK/rh