

1 DEPARTMENT OF REAL ESTATE
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FILED

JUL 15 2009

DEPARTMENT OF REAL ESTATE

By 

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:

ACM NORTH,
MARK ANTHONY SAWYER, and
ELKE STEPHENSON

No. H-10725 SF

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

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of ACM NORTH (ACM), MARK ANTHONY SAWYER (Sawyer), and ELKE STEPHENSON (Stephenson). Based on the investigation, the Commissioner has determined that ACM, Sawyer, and Stephenson engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to ACM, Sawyer, or Stephenson,
2 those acts are alleged to have been done by Sawyer and/or Stephenson, acting by himself or
3 herself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators,
4 and using the names ACM North, acmnorth.com, or other names or fictitious names unknown at
5 this time.

6 FINDINGS OF FACT

7 1. At no time herein mentioned have ACM, Sawyer, or Stephenson been
8 licensed by the Department in any capacity.

9 2. During the period of time set out below, ACM, Sawyer, and/or
10 Stephenson solicited borrowers and negotiated to do one or more of the following acts for
11 another or others, for or in expectation of compensation: negotiate one or more loans for, or
12 perform services for borrowers and/or lenders in connection with loans secured directly or
13 collaterally by one or more liens on real property, in violation of Section 10130 of the Code.

14 3. On or about December 1, 2008, ACM, Sawyer, and/or Stephenson
15 solicited Anthony and Petra Hernandez (Hernandez) to provide loan modification services to
16 save the Hernandez' home, located at 988 McLellan Ave., San Jose, CA., from being lost in
17 foreclosure. ACM, acting through Sawyer, Stephenson, or their associates, agents or
18 affiliates, requested Hernandez to pay the sum of \$600.00 as an up front fee for services,
19 specifically, modifying Hernandez mortgage loan to avoid foreclosure. Based on the
20 representation of ACM, Sawyer, Stephenson, or their associates, affiliates or agents, Hernandez
21 paid the amount of \$600.00 to ACM North by personal check on December 11, 2008. Contrary
22 to their representations and promises, ACM, Sawyer and/or Stephenson failed to provide a
23 successful and sustainable loan modification for Hernandez.

24 CONCLUSIONS OF LAW

25 5. Based on the findings of fact contained in paragraphs 1 through 3, ACM
26 North, Sawyer and Stephenson, acting by themselves, or by and/or through one or more agents,
27 associates, affiliates, and/or co-conspirators, and using the names ACM North, acmnorth.com,

1 or other names or fictitious names unknown at this time, solicited borrowers and purported to
2 perform services for those borrowers and/or those borrowers' lenders in connection with one or
3 more loans secured directly or collaterally by one or more liens on real property, which requires
4 a real estate license under Section 10131(d) of the Code, during a period of time when ACM
5 North, Sawyer and Stephenson were not licensed by the Department in any capacity.

6 DESIST AND REFRAIN ORDER

7 Based on the Findings of Fact and Conclusions of Law stated herein, you
8 ACM NORTH, MARK ANTHONY SAWYER, and ELKE STEPHENSON, doing business
9 under your own names, using the names ACM North, acmnorth.com, or any other names or
10 fictitious names, ARE HEREBY ORDERED to:

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

14 (a) soliciting borrowers and/or performing services for borrowers or lenders in
15 connection with loans secured directly or collaterally by one or more liens on real property, and

16 (b) from charging, demanding, or collecting an advance fee for any of the
17 services you offer to others, unless and until you obtain a real estate broker license issued by the
18 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner
19 that you are in full compliance with all of the requirements of the Code and Regulations relating
20 to charging, collecting, and accounting for advance fees.

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

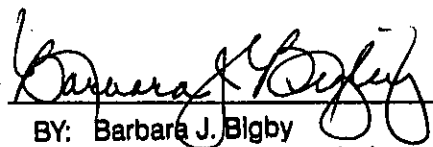
26 (a) an advance fee agreement which has been submitted to the Department
27 and which is in compliance with Sections 2970 and 2972 of the Regulations;

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

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

5 DATED: 7-1-89

6 JEFF DAVI
7 Real Estate Commissioner

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

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)."

19 cc: ACM North
20 2051 Junction Avenue, # 230
21 San Jose, CA 95131

22 Elke Stephenson
23 2051 Junction Avenue, # 230
24 San Jose, CA 95131

25 Mark Anthony Sawyer
26 2051 Junction Avenue, # 230
27 San Jose, CA 95131