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OCT - 8 2009

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:

JAMES E. EDGERLY, dba THE ENTERPRISE ZONE INC., and/or any other names or Fictitious names

**DEPARTMENT OF REAL ESTATE** 

Sacramento, CA 95818-7007

Telephone: (916) 227-0789

P. O. Box 187007

No. H-10766 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 JAMES E. EDGERLY, doing business as THE ENTERPRISE ZONE INC. (EDGERLY). Based on the investigation, the Commissioner has determined that EDGERLY has engaged in, is engaging in, or is 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, a real estate broker 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.

Whenever acts referred to below are attributed to EDGERLY, those acts are alleged to have been done by EDGERLY, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names THE ENTERPRISE ZONE INC., THE ENTERPRISE ZONE, or other names or fictitious names unknown at this time.

## **FINDINGS OF FACT**

- 1. At no time herein mentioned has EDGERLY been licensed by the Department in any capacity.
- 2. During the period of time set out below, EDGERLY 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, in violation of Sections 10130 (real estate broker license required to perform certain acts), 10085.5 (real estate broker license required to charge or collect an advance fee), and 10139 (criminal penalties for unlicensed activity) of the Code.
- 3. On or about February 3, 2009, EDGERLY entered into an agreement with Rosa Wilridge (Wilridge) concerning her property located at 8117 Sunkist Drive, Oakland, CA, in which EDGERLY would negotiate a loan modification for Wilridge's loan from Saxon Mortgage Services (Saxon), and Wilridge agreed to pay, and did pay to EDGERLY, as his fee for services, the sum of \$3,000, in violation of Sections 10130 and 10085.5, and 10139 of the Code.

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## CONCLUSIONS OF LAW

4. Based on the findings of fact contained in paragraphs 1 through 3, EDGERLY, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names THE ENTERPRISE ZONE INC., THE ENTERPRISE ZONE, or other names or fictitious names unknown at this time, solicited one or more borrowers and performed services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property. which requires a real estate license under Section 10131(d) of the Code, during a period of time when EDGERLY was not licensed by the Department in any capacity.

## DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you JAMES E. EDGERLY, doing business under your own name, the names THE ENTERPRISE ZONE INC., THE ENTERPRISE ZONE, or any other names or 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. In particular, you are ordered to desist and refrain from:

Soliciting borrowers and/or performing services for borrowers or lenders 1. in connection with loans secured directly or collaterally by one or more liens on real property, and

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2. From charging, demanding, or collecting an advance fee for any of the services you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Regulations relating to charging, collecting, and accounting for advance fees, including Section 10146 (place all previously collected advance fees into a trust account for that purpose) of the Code and Sections 2970 (an advance fee agreement must be submitted to the Department and be in compliance with the Regulations) and 2972 (must provide an accounting to trust fund owner-beneficiaries) of the Regulations.

> JEFF DAVI Real Estate Commissioner

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**Notice:** 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)."

TO: JAMES E. EDGERLY 2707 - 99th Avenue Oakland, CA 94605