

1 Department of Real Estate  
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FILED

JAN 1 2 2011

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 To: )  
12 ) NO. H-11053 SF  
13 KEVIN LEE REESE )  
14 ) ORDER TO DESIST AND REFRAIN  
15 ) (B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real  
17 Estate ("Department") caused an investigation to be made of the activities of KEVIN LEE  
18 REESE ("REESE"). Based on that investigation, the Commissioner has determined that  
19 REESE, has engaged in, is engaging in, or is attempting to engage in, acts or practices  
20 constituting violations of the California Business and Professions Code ("Code") and/or  
21 Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in the  
22 capacity of, advertising or assuming to act as a real estate broker in the State of California within  
23 the meaning of Sections 10131(a) (acts involving selling, buying, soliciting and/or negotiating  
24 sale or exchange of real property) and 10131(d) (performing services for borrowers and/or  
25 lenders in connection with loans secured by real property). Furthermore, based on the  
26 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
27 Law and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 FINDINGS OF FACT

2 1. At no time has REESE been licensed by the Department as a real estate  
3 salesperson or real estate broker.

4 2. At all times relevant herein, REESE acted in the capacity of, advertised  
5 or assumed to act as a real estate broker in the State of California by performing acts for or in  
6 expectation of compensation including selling or offering to sell, buying or offering to buy,  
7 soliciting prospective sellers or purchasers of, soliciting or obtaining lists of, or negotiating the  
8 purchase, sale or exchange of real property.

9 3. At all times relevant herein, REESE acted in the capacity of, advertised or  
10 assumed to act as a real estate broker in the State of California by performing services for one or  
11 more borrowers and negotiated to do one or more of the following acts for another or others, for  
12 or in expectation of compensation: negotiate one or more loans for, or perform services for,  
13 borrowers and/or lenders with respect to loan modification, loan refinance, principal reduction,  
14 foreclosure abatement or short sale services and/or those borrowers' lenders in connection with  
15 loans secured directly or collaterally by one or more liens on real property.

16 4. In furtherance of his plan and scheme to act as a real estate broker as set  
17 forth in Paragraph 2, above, Respondent represented Maria M. and Abundio M. in multiple real  
18 estate transactions, including:

- 19 a. On or about March 2007, Respondent negotiated the attempted  
20 purchase of property located at 28 Juana Street, San Leandro,  
21 California, on behalf of Maria M. and Abundio M. and charged Maria  
22 M. and Abundio M. a \$5,000 fee for his services.
- 23 b. On or about March 2007, Respondent negotiated the purchase of  
24 property located at 19035 Standish Avenue, Hayward, California, on  
25 behalf of Maria M. and Abundio M. During that transaction,  
26 Respondent represented himself as a mortgage broker for SS Future  
27 Financial to the listing agent, real estate broker Douglas Carleton  
Korb.

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1           5.       In furtherance of his plan and scheme to act as a real estate broker as set  
2 forth in Paragraph 3, above, Respondent represented and/or assisted Maria M. and Abundio M.  
3 in obtaining financing of multiple real estate properties, including:

- 4                   a.   On or about January 2006, Respondent assisted with the financing of  
5                   the property located at 1274 and 1276 Terra Avenue, San Leandro,  
6                   California, on behalf of Maria M. and Abundio M.
- 7                   b.   On or about January 2007, Respondent assisted Maria M. and Abundio  
8                   M. with the refinancing of their primary residence located at 17811  
9                   Center Street, Castro Valley, California.
- 10                  c.   On or about February 2007, Respondent assisted with the financing of  
11                  the property located at 20756 Westren Boulevard, Hayward,  
12                  California, on behalf of Maria M. and Abundio M.
- 13                  d.   On or about April 2007, Respondent assisted with the financing of the  
14                  property located at 19056-19064 Standish Avenue, Hayward,  
15                  California, on behalf of Maria M. and Abundio M.

16                                   CONCLUSIONS OF LAW

17           6.       Based on the Findings of Fact contained in Paragraphs 1 through 5, above,  
18 KEVIN LEE REESE, acting by himself or through one or more agents, associates, affiliates  
19 and/or co-conspirators or fictitious names unknown at this time, for or in expectation of  
20 compensation sold or offered to sell, bought or offer to buy, solicited prospective sellers or  
21 purchasers of, solicited or obtained lists of, or negotiated the purchase, sale or exchange of real  
22 property; and performed services for one or more borrowers and negotiated to do one or more of  
23 the following acts for another or others, for or in expectation of compensation: negotiate one or  
24 more loans for, or perform services for, borrowers and/or lenders with respect to loan  
25 modification, loan refinance, principal reduction, foreclosure abatement or short sale services  
26 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one  
27 or more liens on real property, in violation of Sections 10130 (requirement of license to perform  
acts of real estate broker), 10131(a) and 10131(d) of the Code.

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DATED: 12-30, 2010

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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). . . .”

ATTY JWB/km