

FILED

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

September 13, 2011

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By *[Signature]*

7
8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

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11 To:) NO. H-11212 SF
12)
13) ORDER TO DESIST AND REFRAIN
14 UNITED EMPLOYEE BENEFITS, LLC,)
15 RICK STONE, TIM GIBBONS,) (B & P Code Section 10086)
16 BARRY JOHNSON and JENNIFER YOFFE.)
17)
18)

19 The Real Estate Commissioner of the State of California (Commissioner) has
20 caused an investigation to be made of the activities of UNITED EMPLOYEE BENEFITS, LLC
21 (UEB), RICK STONE (STONE), TIM GIBBONS (GIBBONS), BARRY JOHNSON
22 (JOHNSON) and JENNIFER YOFFE (YOFFE), including engaging in the business of, acting in
23 the capacity of, advertising, or assuming to act as a real estate broker in the State of California
24 within the meaning of Section 10131(d) of the California Business and Professions Code (the
25 Code). Based upon the findings of that investigation, as set forth below, the Commissioner has
26 determined and is of the opinion that UEB, STONE, GIBBONS, JOHNSON and YOFFE, have
27 violated Section 10130 of the Code by engaging in the business of or acting as a real estate
salesperson or broker, within the meaning of Sections 10130 (Act as a Real Estate Broker or
Salesman Without a License) and 10131(d) (Mortgage Loan Activity) without first having
obtained a real estate license from the California Department of Real Estate (Department).

FINDINGS OF FACT

1
2 1. At no time mentioned herein was UEB licensed by the Department as a
3 corporate real estate broker.

4 2. At no time mentioned herein was STONE licensed by the Department
5 as a real estate broker or salesperson, as appropriate.

6 3. At no time mentioned herein was GIBBONS licensed by the Department
7 as a real estate broker or salesperson, as appropriate.

8 4. At no time mentioned herein was JOHNSON licensed by the Department
9 as a real estate broker or salesperson, as appropriate.

10 5. At no time mentioned herein was YOFFE licensed by the Department as
11 a real estate broker or salesperson, as appropriate.

12 6. At all times mentioned herein between on or about March 10, 2011, and
13 continuing up to at least July 15, 2011, UEB, STONE, GIBBONS, JOHNSON and YOFFE
14 engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker
15 within the State of California within the meaning of Section 10131(d) of the Code, including
16 solicitation of borrowers for or negotiation of loans or performance of services for borrowers or
17 lender or note owners in connection with loans secured directly or collaterally by liens on real
18 property, for or in expectation of compensation.

19 7. On or about April 25, 2011, the Oakland District Office of the
20 Department received a fax advertisement from National Employee Benefits Groups, which now
21 operates under the name UEB, listing relief programs including resolving foreclosure
22 proceedings, mortgage loan modification, restructuring programs and renegotiating home loan
23 balances.

24 8. On or about May 3, 2011, a Department Deputy Commissioner (Deputy)
25 placed a shopper call to UEB in order to determine if acts requiring a license were being
26 performed. The Deputy represented that he sought a loan modification for a property commonly
27 known as 1012 Fedora Avenue, Clovis, California. During the phone call, JOHNSON

1 represented that he and UEB, can help her (Deputy) modify her mortgage. The Deputy was told
2 to send in documentation and a check equal to a month's mortgage payment. JOHNSON
3 emailed the Deputy additional information about the loan modification.

4 9. On or about May 13, 2011, the Deputy received a modification agreement
5 signed by GIBBONS. The agreement required an initial payment of \$1,966.74 and three (3)
6 installments of \$300.00 with a fourth payment of \$250.00 for "home loan modification
7 submission and mitigation services".

8 10. On or before May 13, 2011, YOFFE emailed the Deputy requesting
9 additional documentation, to which she, the deputy, responded on or about May 13, 2011.

10 11. On or about May 16, 2011, the Deputy received a phone call from
11 STONE, who explained that he would be working on the loan modification and wanted to
12 answer some of the Deputy's questions. STONE advised the Deputy that the fee was not
13 refundable, and to not worry, because they "always get the loans modified".

14 CONCLUSIONS OF LAW

15 Based on the findings of fact contained in paragraphs 1 through 11, UEB,
16 STONE, GIBBONS, JOHNSON and YOFFE, among other things, solicited and/or performed
17 services for borrowers, in connection with loans secured directly or collaterally by liens on real
18 property or on a business opportunity, for or in expectation of compensation. Thus, UEB,
19 STONE, GIBBONS, JOHNSON and YOFFE, violated Sections 10130 and 10131(d) of the
20 Code.

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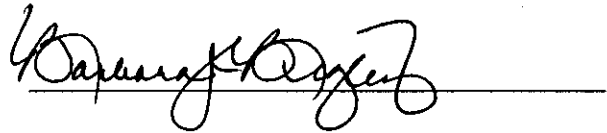
DESIST AND REFRAIN ORDER

Now, therefore, UNITED EMPLOYEE BENEFITS, LLC, RICK STONE, TIM GIBBONS, BARRY JOHNSON and JENNIFER YOFFFE ARE HEREBY ORDERED to immediately Desist and Refrain from:

(1) Performing any and all acts within the State of California for which a real estate salesperson or broker license is required, unless and until he or she obtains a real estate salesperson or broker license.

DATED: 9/12/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



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).

Silver Shield Services, Inc.
As Agent For Service of Process For:
UNITED EMPLOYEE BENEFITS, LLC
2840 Highway 95, Alt. S #7
Silver Springs, NV 89427

RICK STONE
8871 W. Flamingo Road, Suite 202
Las Vegas, NV 89147

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TIM GIBBONS
395 Callesita Mariola
Chula Vista, CA 91914-4411

BARRY JOHNSON
8871 W. Flamingo Road, Suite 202
Las Vegas, NV 89147

JENNIFER YOFFE
507 Woodhaven Court
Upland, CA 91786-2365

ATTY RKU/km