

**FILED**

DEPARTMENT OF REAL ESTATE

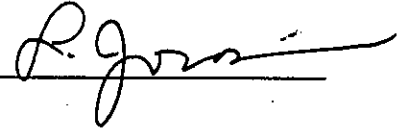
December 12, 2011

P. O. Box 187000  
Sacramento, CA 95818-7000

DEPARTMENT OF REAL ESTATE

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By



STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:

UNITED EQUITY NEGOTIATIONS,  
and TIMOTHY JON CARRE

No. H-11256 SF

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

The Commissioner of the California Department of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of UNITED EQUITY NEGOTIATIONS (hereinafter "UEN"), and TIMOTHY JON CARRE (hereinafter "CARRE"). Based on that investigation, the Commissioner has determined that UEN and CARRE have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (hereinafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations (hereinafter "the 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 Sections 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10131.2 (real estate broker license required to charge and collect an advance fee) 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 UEN, those acts are alleged to  
2 have been done by CARRE, acting by himself, or by and/or through one or more agents,  
3 associates, affiliates, and/or co-conspirators, and using the name "United Equity Negotiations",  
4 "United Equity Negotiations, LLC", or other names or fictitious names unknown at this time.

5 FINDINGS OF FACT

6 1. UEN is a limited liability company registered in the State of California.  
7 At no time mentioned has UEN been licensed by the Department in any capacity, or endorsed  
8 as a mortgage loan originator.

9 2. At all times mentioned, CARRE was and is licensed by the Department  
10 as a real estate salesperson. At no time after November 8, 2010, has CARRE's real estate  
11 salesperson license been affiliated with an employing broker. At no time mentioned was  
12 Respondent licensed by the Department as a real estate broker, or endorsed as a mortgage loan  
13 originator.

14 3. During the period of time set forth below, UEN and CARRE solicited  
15 borrowers and negotiated to do one or more of the following acts for another or others, for or in  
16 expectation of compensation; negotiate one or more loans for, or perform services for, borrowers  
17 and/or lenders in connection with loans secured directly or collaterally by one or more liens on  
18 real property; and charge, demand or collect an advance fee for any of the services offered.

19 4. Beginning in July 2011, CARRE, as a representative of UEN, solicited Jim  
20 S. (hereinafter "Jim") in order to provide "short pay refinance" services on behalf of Jim in  
21 connection with a loan secured by real property located at 325 Brisk Avenue, Waterford,  
22 California. CARRE, on behalf of UEN, claimed, demanded, and/or charged a fee of \$3,995 from  
23 Jim, which would be due in advance.

24 CONCLUSIONS OF LAW

25 5. Based on the findings of fact contained in paragraphs 1 through 4, UEN  
26 and CARRE solicited one or more borrowers to perform services for those borrowers and/or  
27 those borrowers' lenders in connection with loans secured directly or collaterally by one or more

1 liens on real property located within the State of California, and charged, demanded or collected  
2 advance fees for the services to be provided, which acts require a real estate broker license under  
3 Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate  
4 broker license required to charge or collect an advance fee) of the Code, in violation of Sections  
5 10130 and 10166.02 of the Code.

6 6. UEN and CARRE used a form of advance fee agreement which had not  
7 been provided to the Department for its prior review and consideration, in violation of Section  
8 10085 of the Code (prior submission of advance fee materials required) and Section 2970  
9 (details for prior submission of advance fee materials) of the Regulations.

10 DESIST AND REFRAIN ORDER

11 Based on the Findings of Fact and Conclusions of Law stated herein, UEN and  
12 CARRE, whether doing business under your own name, or any other name or fictitious name,  
13 ARE HEREBY ORDERED to:

14 1. Immediately desist and refrain from performing any acts within the State  
15 of California for which a real estate broker license is required. In particular, you are ordered to  
16 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders  
17 in connection with loans secured directly or collaterally by one or more liens on real property,  
18 unless and until you obtain a real estate broker license issued by the Department, and  
19 endorsement to act as a mortgage loan originator.

20 2. Immediately desist and refrain from charging, demanding, claiming,  
21 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,  
22 for any of the services you offer to others, unless and until you demonstrate and provide  
23 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a  
24 real estate broker, and that UEN and CARRE:

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

27 (b) Have placed all previously collected advance fees into a trust

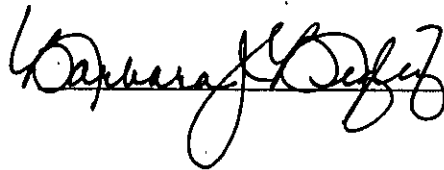
1 account for that purpose and are in compliance with Section 10146 of the Code;

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

4 (d) Are in compliance with California law, as amended effective as  
5 of October 11, 2009, with respect to loan modification and/or forbearance services. Under  
6 the amended law, you can only collect advance fees for loan modification or other mortgage  
7 loan forbearance services related to commercial loans and loans for residential properties  
8 containing five or more dwelling units.

9  
10 DATED: 11/14/11

11  
12 BARBARA J. BIGBY  
13 Acting Real Estate Commissioner

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16

17 **- NOTICE -**

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