

1 Department of Real Estate
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FILED

DEC - 3 2012

DEPARTMENT OF REAL ESTATE
By R. [Signature]

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 To:

12 EQUITY COALITION, LLC and
13 RUSSELL THOMAS ROESNER.

)
)
) NO. H-11484 SF

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

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

1 FINDINGS OF FACT

2 1. At no time has EQUITY been licensed in any capacity by the Department to
3 conduct real estate activity in California.

4 2. At all times relevant, ROESNER was the President of EQUITY. ROESNER
5 was previously licensed by the Department as a real estate salesperson, which license expired
6 on May 20, 2006.

7 3. During the period of time set out below, Respondents performed services for
8 borrowers and/or lenders in connection with loans secured by real property.

9 4. In furtherance of Respondents' plan and scheme to perform services for
10 borrowers and/or lenders in connection with loans secured by real property, on or about April
11 4, 2012, ROESNER contacted a Deputy Commissioner of the Department by e-mail regarding
12 Respondents' real estate property investment business and an investment loan opportunity on
13 real property located at 98 Westwood Drive, San Francisco, California. ROESNER's
14 correspondence was in response to an e-mail sent to him earlier that day by the Deputy
15 Commissioner using the pseudonym of "C. S.". In a subsequent e-mail, ROESNER provided
16 forms with the EQUITY logo to the Deputy Commissioner to complete for the investment loan
17 on the Westwood Drive property. On or about April 11, 2012, ROESNER met with the Deputy
18 Commissioner to review Respondents' private money lending program. During that meeting,
19 ROESNER explained that the fee for servicing the loan on the real property would be paid by
20 increasing the interest rate on the real property loan by 1%.

21 5. In furtherance of Respondents' plan and scheme to perform services for
22 borrowers and/or lenders in connection with loans secured by real property, on or about April
23 18, 2012, ROESNER contacted the Deputy Commissioner by e-mail providing information
24 regarding an investment loan on real property located in Clear Lake, California, and solicited
25 the Deputy Commissioner to invest in that loan.

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1 CONCLUSIONS OF LAW

2 6. Based on the Findings of Fact contained in Paragraphs 1 through 5, above,
3 EQUITY COALITION, LLC and RUSSELL THOMAS ROESNER, performed services for
4 borrowers and/or lenders in connection with loans secured by real property, which acts require
5 a real estate broker license under Section 10131(d) of the Code in violation of Section 10130 of
6 the Code.

7 DESIST AND REFRAIN ORDER

8 Based on the Findings of Fact and Conclusions of Law stated herein, EQUITY
9 COALITION, LLC and RUSSELL THOMAS ROESNER, whether doing business under your
10 own name, or any other name or fictitious name, ARE HEREBY ORDERED to immediately
11 desist and refrain from performing services for borrowers and/or lenders in connection with
12 loans secured by real property unless and until you demonstrate and provide evidence
13 satisfactory to the Commissioner that you are properly licensed by the Department to perform
14 such activities.

15 DATED: 11/16/2012

16 REAL ESTATE COMMISSIONER

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21 **Notice:** Business and Professions Code Section 10139 provides that, “Any person acting as a
22 real estate broker or real estate salesperson without a license or who advertises using words
23 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
24 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
25 imprisonment in the county jail for a term not to exceed six months, or by both fine and
26 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
27 (\$60,000)....”

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cc: Brian H. Scott
As Agent for Service of Process
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ATTY JWB/km