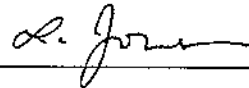


**FILED**

Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007  
Telephone: (916) 227-0789

**March 18, 2013**

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

To: )  
 ) NO. H-11530 SF  
MICHAEL JAMES BOOKER )  
 ) ORDER TO DESIST AND REFRAIN  
 ) (B&P Code Section 10086)  
 )

The Real Estate Commissioner of the State of California (Commissioner) has caused an investigation to be made of the activities of MICHAEL JAMES BOOKER (BOOKER), including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the California Business & Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that BOOKER has violated Section 10130 of the Code by engaging in the business of or acting as a real estate broker, within the meaning of Sections 10085.6 (charging an advance fee), 10130 (act as a real estate broker without a license) and 10131(d) (soliciting borrowers for services in connection with loans secured by real property) of the Code without first having obtained a real estate broker license from the California Department of Real Estate (Department).

///

1 FINDINGS OF FACT

2 1. At all times mentioned herein, BOOKER was licensed by the Department as a  
3 real estate salesperson. At no time mentioned herein was BOOKER licensed by the  
4 Department as a real estate broker.

5 3. At no time mentioned herein did BOOKER have any Advanced Fee Materials  
6 approved by the Department.

7 4. At all times mentioned herein between on or about January 11, 2012, and  
8 continuing up to at least February of 2013, BOOKER engaged in the business of, acted in the  
9 capacity of, or assumed to act as a real estate broker within the State of California within the  
10 meaning of Section 10131(d) of the Code, including solicitation of borrowers for, or  
11 negotiation of loans, or performance of services for borrowers or lenders or note owners in  
12 connection with loans secured directly or collaterally by liens on real property, including but  
13 not limited to direct solicitation of individual mortgage borrowers including but not limited to  
14 Marie T. and Yashak D.

15 5. On or about January 11, 2012, BOOKER collected an advance fee payment of  
16 \$1,500.00 from Marie T. and Yashak D. to perform a loan modification on that certain real  
17 property commonly known as 2467 Renwick Street, Oakland, California (Renwick Property).  
18 BOOKER failed to obtain a loan modification on the Renwick Property and also failed to  
19 refund any of the fees to Marie T. and Yashak D.

20 CONCLUSIONS OF LAW

21 Based on the Findings of Fact contained in paragraphs 1 through 5, BOOKER,  
22 among other things, solicited and/or performed services for borrowers, including but not  
23 limited to Marie T. and Yashak D., in connection with loans secured directly or collaterally by  
24 liens on real property or on a business opportunity, for or in expectation of compensation and  
25 claimed, demanded, charged, received, collected or contracted for an advanced fee for such  
26 services. Thus, BOOKER violated Sections 10130, 10131(d) and 10085.5 of the Code.

27 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

DETOURS IS HEREBY ORDERED to immediately desist and refrain from:

(2) Charging, demanding, contracting for or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services offered to others, unless and until he demonstrates and provides evidence satisfactory to the Commissioner that he is properly licensed by the Department and that MICHAEL JAMES BOOKER:

(b) Has placed all previously collected advance fees into a trust account for that purpose and is in compliance with Section 10146 (deposit of advance fees into trust account) of the Code; and

(3) Demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.

DATED: 3/12/2013

WAYNE S. BELL  
Real Estate Commissioner

Real Estate Commissioner

1                   **Notice:** Business and Professions Code Section 10139 provides that, "Any  
2 person acting as a real estate broker or real estate salesperson without a license or who  
3 advertises using words indicating that he or she is a real estate broker without being so licensed  
4 shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars  
5 (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both  
6 fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand  
7 dollars (\$60,000)..."

8  
9 cc:     MICHAEL JAMES BOOKER  
10         5531 Estates Drive  
11         Oakland, CA 94618

12 ATTY: RKU/ga  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27