

FILED
JUL 28 2009
DEPARTMENT OF REAL ESTATE

By C. J. [Signature]

DEPARTMENT OF REAL ESTATE

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of SEBASTIAN JONQUA ("JONQUA") doing business as "Tilt Financial, Inc.", "Tilt Financial", and/or "Fair Lending Review, LLC". Based on that investigation, the Commissioner has determined that JONQUA has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("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 Section 10131(d) (performing services for borrowers in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, the

1 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
2 Refrain Order under the authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to JONQUA, those acts are alleged
4 to have been done by JONQUA, acting by himself, or by and/or through one or more agents,
5 associates, employees, affiliates, and/or co-conspirators, including, but not limited to BRETT
6 PORTIER ("PORTIER"), PEGGY SOUBLIS ("SOUBLIS"), LINDSEY NAVARETT
7 ("NAVARETT"), TRICIA HANSON ("HANSON"), and SCOTT HUNT ("HUNT"), and using
8 the names "Tilt Financial, Inc.", "Tilt Financial", "Fair Lending Review, LLC" or other names or
9 fictitious names unknown at this time.

10 FINDINGS OF FACT

11 1. JONQUA is not now, and has never been, licensed by the Department in any
12 capacity. At all times herein mentioned JONQUA was doing business as Tilt Financial, Tilt
13 Financial, Inc. and/or Fair Lending Review, LLC, all business entities not licensed with the
14 Department.

15 2. PORTIER is not now, and has never been, licensed by the Department in any
16 capacity.

17 3. SOUBLIS is not now, and has never been, licensed by the Department in any
18 capacity.

19 4. NAVARETT, is not now, and has never been, licensed by the Department in
20 any capacity.

21 5. HANSON is not now, and has never been, licensed by the Department in any
22 capacity.

23 6. HUNT is not now licensed by the Department in any capacity.

24 7. During the period of time set out below, JONQUA, doing business as Tilt
25 Financial, Tilt Financial, Inc. and/or Fair Lending Review, LLC, and acting by and/or through
26 PORTIER, SOUBLIS, NAVARETT, HANSON, HUNT, or other unknown individuals, solicited
27 borrowers and negotiated to do one or more of the following acts for another or others, for or in

1 expectation of compensation: negotiate one or more loans for, or perform services for, borrowers
2 and/or lenders in connection with loans secured directly or collaterally by one or more liens on
3 real property; and charge, demand or collect an advance fee for any of the services offered.

4 8. For an unknown period of time beginning no later than October 28, 2008, and
5 continuing to the present time, JONQUA advertised, and continues to advertise, his services
6 under one or more business names including, but not limited to "Tilt Financial, Inc.", "Tilt
7 Financial", and "Fair Lending Review, LLC" in various print and electronic media, including
8 websites located at <http://www.tiltfinancial.com> and <http://www.twentycentral.com>. Those
9 advertisements solicited, and continue to solicit, borrowers, offering loan modification services.

10 Louie A. Tejado's transaction

11 9. In approximately October, 2008, PORTIER solicited Louie A. Tejado
12 ("Tejado") in order to provide loan modification services to save Tejado's home from being lost
13 in foreclosure.

14 10. In furtherance of JONQUA's plan and scheme to provide loan modification
15 services to Tejado, PORTIER requested an advance fee of \$3,000 from Tejado. In reliance on
16 PORTIER's representations, Tejado gave PORTIER his credit card account information and a
17 debit of \$3,000 was charged to Tejado's credit account by JONQUA on or near the date of the
18 original solicitation in October, 2008.

19 11. Several weeks after Tejado was charged the fee mentioned above, Tejado was
20 informed by his lender that he did not qualify for a loan modification. Tejado sent an e-mail
21 message to PORTIER requesting a refund of his \$3,000. Over the next several weeks, Tejado
22 exchanged e-mail messages with both JONQUA and PORTIER regarding his request for a
23 refund. JONQUA asked Tejado to withdraw the complaint Tejado had filed with the Better
24 Business Bureau against Tilt Financial based on their refusal to refund Tejado's money.
25 Thereafter, JONQUA paid Tejado \$2,000 and claimed the remaining \$1,000 was a non-
26 refundable fee for work done on Tejado's behalf.

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1 Suzanne M. Sachse-Luppino's transaction

2 12. On or about October 11, 2008, PORTIER solicited Suzanne M. Sachse-
3 Luppino ("Sachse-Luppino") in order to provide loan modification services to save Sachse-
4 Luppino's home from being lost in foreclosure.

5 13. In furtherance of JONQUA's plan and scheme to provide loan modification
6 services to Sachse-Luppino, PORTIER requested an advance fee of \$1,495 from Sachse-
7 Luppino. In reliance on PORTIER's representations, Sachse-Luppino gave her credit card
8 account information and a debit of \$1,495 was charged to Sachse-Luppino's credit account by
9 JONQUA on October 30, 2008.

10 14. After Sachse-Luppino paid \$1,495 to JONQUA, she was informed that Tilt
11 Financial, Inc. could only get her loan modified to terms different from those which had been
12 originally promised by Tilt Financial, Inc., including a higher interest rate and without a
13 reduction of her principal loan balance. Sachse-Luppino did not receive a refund of the \$1,495
14 advance fee she paid to Tilt Financial for loan modification services.

15 Donna Parra's transaction

16 15. In approximately January, 2009, Donna Parra ("Parra") received an e-mail
17 solicitation advertising Tilt Financial's loan modification services. Parra initially spoke with
18 SOUBLIS regarding Tilt Financial's loan modification services that could save Parra's home
19 from being lost in foreclosure.

20 16. In furtherance of JONQUA's plan and scheme to provide loan modification
21 services to Parra, SOUBLIS requested an advance fee of \$1,495 from Parra. In reliance on
22 SOUBLIS' representations, Parra paid JONQUA \$1,495 some time in January, 2009.

23 17. After Parra paid the fee mentioned above to JONQUA, she was informed by
24 her lender that she did not qualify for a modification of her loan. Parra spoke with various
25 agents and representatives of Tilt Financial including NAVARETT, HANSON, SOUBLIS and
26 HUNT, regarding Tilt Financial's failure to modify her loan as she had been promised and
27

1 demanding a refund from JONQUA of the \$1,495 fee she paid. Parra did not receive a refund of
2 the \$1,495 advance fee she paid to Tilt Financial for loan modification services.

3 CONCLUSIONS OF LAW

4 18. Based on the findings of fact contained in paragraphs 1 through 17,
5 JONQUA, acting by himself, or by and/or through one or more agents, associates, affiliates,
6 and/or co-conspirators, including, but not limited to PORTIER, SOUBLIS, NAVARETT,
7 HANSON, and HUNT, and using the names "Tilt Financial, Inc.", "Tilt Financial", "Fair
8 Lending Review, LLC" or other names or fictitious names unknown at this time, solicited
9 borrowers and performed services for those borrowers and/or those borrowers' lenders in
10 connection with loans secured directly or collaterally by one or more liens on real property, and
11 charged, demanded or collected advance fees for the services to be provided, which acts require
12 a real estate broker license under Sections 10131(d) and 10131.2 of the Code, during a period of
13 time when JONQUA, PORTIER, SOUBLIS, NAVARETT, HANSON, and HUNT were not
14 licensed by the Department as a real estate broker, in violation of Section 10130 of the Code.

15 DESIST AND REFRAIN ORDER

16 Based on the Findings of Fact and Conclusions of Law stated herein, you,
17 SEBASTIAN JONQUA, BRETT PORTIER, PEGGY SOUBLIS, LINDSEY NAVARETT,
18 TRICIA HANSON, and SCOTT HUNT whether doing business under your own names, or any
19 other names or fictitious names, ARE HEREBY ORDERED to

20 1. immediately desist and refrain from performing any acts within the State of
21 California for which a real estate broker license is required. In particular, you are ordered to
22 desist and refrain from:

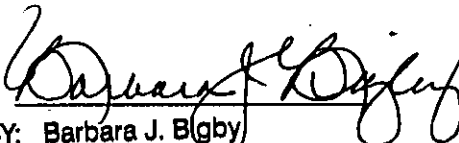
23 (i) soliciting borrowers and/or performing services for borrowers or lenders in
24 connection with loans secured directly or collaterally by one or more liens on real property, and

25 (ii) from charging, demanding, or collecting an advance fee for any of the services
26 you offer to others, unless and until you obtain a real estate broker license issued by the
27 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner

1 that you are in full compliance with all of the requirements of the Code and Regulations relating
2 to charging, collecting, and accounting for advance fees.

3 DATED: 7/20, 2009

4 JEFF DAVI
5 Real Estate Commissioner

6 
7 BY: Barbara J. Bigby
8 Chief Deputy Commissioner

9 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
10 real estate broker or real estate salesperson without a license or who advertises using words
11 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
12 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
13 imprisonment in the county jail for a term not to exceed six months, or by both fine and
14 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
15 (\$60,000)."

16
17 cc: Sebastian Jonqua/Tilt Financial, Inc./Tilt Financial/Fair Lending Review, LLC

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21 Long Beach, CA 90802

22 26034 Via Pera
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24 Brett Portier, Peggy Soublis, Lindsey Navarett, Tricia Hanson, and Scott Hunt

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