

FILED

APR 27 2010

BY:

STATE OF CALIFORNIA

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No. H- 36613 LA

ORDER TO DESIST

AND REFRAIN

(B&P Code Sec. 10086)

- 1 -

1 Fact, Conclusions of Law and Desist and Refrain Order pursuant to
2 Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. At no time herein mentioned has KEVIN HECKENMEYER
5 ("HECKENMEYER"), been licensed by the Department of Real Estate
6 of the State of California (hereinafter "Department").

7 2. On July 24, 2002, JOHN CORRY DAVIS ("DAVIS") was
8 originally licensed as a real estate salesperson. On July 23,
9 2006, the real estate salesperson license of DAVIS expired, and
10 has not been renewed.

11 3. On or about April 24, 2007, DAVIS, for compensation
12 in the form of a commission check for \$9,500, negotiated the loan
13 amount, rates, payments and fees with David and Betty Comstock,
14 the borrowers, for a mortgage loan made through Mortgage Bank of
15 California, a licensed real estate corporation.

16 4. On or about June 22, 2007, HECKENMEYER, for
17 compensation in the form of a commission check for \$27,665,
18 negotiated the loan amount, rates, payments, and fees with Lori
19 Houts, the borrower, for a mortgage loan made through Mortgage
20 Bank of California, a licensed real estate corporation.

21 CONCLUSIONS OF LAW

22 5. Based on the findings of fact contained in
23 Paragraphs 1 through 4, above, DAVIS and HECKENMEYER, acting by
24 themselves, or by and through one or more agents, associates,
25 affiliates, and or co-conspirators, including but not limited to
26 Mortgage Bank of California, performed or participated in loan
27 negotiation activities which require a real estate salesperson

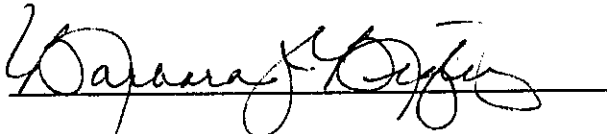
1 or real estate broker license under the provisions of Code
2 Section 10131(d) during a period of time when neither DAVIS nor
3 HECKENMEYER were licensed by the Department in any capacity in
4 violation of Code Section 10130.

5 DESIST AND REFRAIN ORDER

6 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
7 stated herein, it is hereby ordered that JOHN CORRY DAVIS and
8 KEVIN HECKENMEYER immediately desist and refrain from performing
9 any acts within the State of California for which a real estate
10 license is required, whether under their own name or any
11 fictitious name, and in particular that JOHN CORRY DAVIS and
12 KEVIN HECKENMEYER immediately desist and refrain from performing
13 any acts within the State of California for which a real estate
14 broker license is required. In particular JOHN CORY DAVIS and
15 KEVIN HECKENMEYER are ordered to desist and refrain from
16 soliciting borrowers and/or performing services for borrowers or
17 lenders in connection with loans secured directly or collaterally
18 by one or more liens on real property.

19 DATED: 4/21, 2010.

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21 JEFF DAVI
Real Estate Commissioner

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25 BY: Barbara J. Bigby
Chief Deputy Commissioner

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