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FILED
AUG 31 2011
DEPARTMENT OF REAL ESTATE

By C

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 To:)	No. H-37491 LA
)	
12 FINANCIAL FINDERS CORP.,)	<u>ORDER TO DESIST</u>
13 SAVE A HOME SOLUTIONS, INC.,)	<u>AND REFRAIN</u>
14 MICHELLE A. CARTER and)	
15 RYAN CARTER.)	(B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of FINANCIAL FINDERS
18 CORP. ("FCC"), SAVE A HOME SOLUTIONS, INC. ("SAHSI"), MICHELLE A. CARTER
19 and RYAN CARTER, aka Ryan Craig Carter. Based on that investigation the Commissioner has
20 determined that FCC, SAHSI, MICHELLE A. CARTER and RYAN CARTER have engaged in
21 or are engaging in acts or attempting to engage in the business of, acting in the capacity of,
22 and/or advertising or assuming to act as real estate brokers in the State of California within the
23 meaning of Business and Professions Code Sections 10131(a) (solicit prospective sellers or
24 purchasers of or negotiate the purchase, sale or exchange of real property) 10131(d) (solicit
25 borrowers for or negotiate loans or perform services for borrowers in connection with loans
26 secured by liens on real property), and 10131.2 (engage in the business of claiming, demanding,
27 charging, receiving, collecting or contracting for the collection of an advance fee in connection

1 with offering to obtain a loan real property).

2 In addition, based on that investigation, the Commissioner has determined that
3 FCC, SAHSI, MICHELLE A. CARTER and RYAN CARTER have engaged in or are engaging
4 in acts or are attempting to engage practices constituting violations of the California Business
5 and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations").
6 Based on the findings of that investigation, set forth below, the Commissioner hereby issues the
7 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
8 authority of Section 10086 of the Code.

9 All further references to "SAHSI" or "FCC" include MICHELLE A. CARTER
10 and RYAN CARTER, as well as the officers, agents and employees of SAHSI or FCC.
11 MICHELLE A. CARTER and RYAN CARTER engaged in the activities set forth below while
12 doing business as FINANCIAL FINDERS CORP., SAVE A HOME SOLUTIONS, INC. and
13 any other fictitious business names not known at this time.

14 FINDINGS OF FACT

15 1. From February 7, 2007, through February 6, 2011, FFC was licensed as a real
16 estate corporation. From February 7, 2007, through February 6, 2011, FFC was acting by and
17 through MICHELLE A. CARTER as its designated broker-officer pursuant to Code Section
18 10159.2 to be responsible for ensuring compliance with the Real Estate Law.

19 2. From August 12, 2009, through the present, SAHSI has been licensed as a real
20 estate corporation. From August 12, 2009, through January 20, 2010, SAHSI was acting by and
21 through MICHELLE A. CARTER as its designated broker-officer pursuant to Code Section
22 10159.2 to be responsible for ensuring compliance with the Real Estate Law.

23 3. From September 21, 2006, through the present, MICHELLE A. CARTER has
24 been licensed as a real estate broker.

25 4. At no time has RYAN CARTER ever been licensed by the Department in any
26 capacity. On or about September 5, 2006, MICHELLE A. CARTER formed FFC, a California
27 corporation. MICHELLE A. CARTER is the Chief Executive Officer and a director of FCC.

1 RYAN CARTER is the Chief Financial Officer and agent for service of process for FCC.

2 5. On or about February 5, 2008, RYAN CARTER formed SAHSI, a California
3 corporation. In 2008, MICHELLE A. CARTER served as Secretary for SAHSI. RYAN
4 CARTER served as the Secretary for SAHSI.

5 6. At all times mentioned herein, in the County of Los Angeles, FCC, SAHSI,
6 MICHELLE A. CARTER and RYAN CARTER engaged in the business of a real estate broker
7 conducting activities requiring a real estate license within the meaning of Code Sections
8 10131(a), 10131(d), and 10131.2. FCC, SAHSI, MICHELLE A. CARTER and RYAN
9 CARTER engaged in operating a residential resale, short sale, mortgage loan, advance fee and
10 loan modification service brokerage. For compensation or in expectation of compensation and
11 for fees often collected in advance, FCC, SAHSI, MICHELLE A. CARTER and RYAN
12 CARTER solicited prospective purchasers and sellers for short sales of real property and
13 solicited borrowers by offering to conduct negotiations and modifications in connection with
14 loan secured by real property.

15 7. In or around September, 2008, SAHSI solicited loan modification and
16 negotiation services in connection with a loan secured by liens on real property to Jose and Amy
17 M. On October 5 2008, Jose and Amy M. paid \$1,475 in advance fees to SAHSI for loan
18 negotiation and modification services. Jose and Amy M. did not obtain a loan modification
19 through SAHSI, FCC, MICHELLE A. CARTER or RYAN CARTER.

20 8. In or around April, 2009, SAHSI solicited loan modification and negotiation
21 services in connection with a loan secured by liens on real property to Diana Marie H. On April
22 9, 2009, Diana Marie H. paid \$1,475 in advance fees to SAHSI for loan negotiation and
23 modification services. Diana Marie H. did not obtain a loan modification through SAHSI, FCC,
24 MICHELLE A. CARTER or RYAN CARTER.

25 9. SAHSI solicited and offered to perform loan modification and negotiation
26 services in connection with a loan secured by liens on real property to other borrowers including,
27 but not limited to, Rodriguez and Alma B., Santiago U., Jose B. and Luis Alberto C. SAHSI

1 charged and collected advance fees from said borrowers prior to completing the loan negotiation
2 and modifications services promised.

3 10. SAHSI, FCC, MICHELLE A. CARTER and RYAN CARTER charged and
4 collected the advance fees described in Paragraphs 7 through 9 above, for soliciting to perform
5 loan negotiation and modification services for borrowers in connection with loans secured by
6 real property, which constitutes an advance fee within the meaning of Code Section 10026.

7 11. SAHSI, FCC and MICHELLE A. CARTER failed to submit a written
8 agreement or any written solicitation for loan negotiation or modification services described in
9 Paragraphs 7 through 9 above, to the Commissioner ten days before using it, in violation of Code
10 Section 10085 and Regulation 2970.

11 12. SAHSI, FCC and MICHELLE A. CARTER failed to furnish a verified copy
12 of accounting content which includes identification of the trust fund account into which the
13 advance fee had been deposited, description of services rendered, the amount allocated or
14 disbursed from the advance fee at the end of each calendar quarter and when the contract has
15 been completely performed by the licensee, in violation of Code Section 10146 and Regulation
16 2972.

17 CONCLUSIONS OF LAW

18 13. Based on the information contained in Paragraphs 1 through 12, above,
19 RYAN CARTER violated Code Section 10130 by engaging in activities requiring a real estate
20 license without first obtaining a broker license from the Department.

21 14. Based on the information contained in Paragraphs 1 through 12, above,
22 SAHSI, FCC and MICHELLE A. CARTER violated Code Section 10085 of the Code and
23 Regulation 2970 by failing to submit advance fee agreements and materials to the Department of
24 Real Estate prior to charging and collecting advance fees from any person.

25 15. Based on the information contained in Paragraphs 1 through 12, above,
26 SAHSI, FCC and MICHELLE A. CARTER violated Code Section 10146 and Regulation 2972
27 by failing to furnish a verified copy of accounting content which includes identification of the

1 trust fund account into which the advance fee had been deposited, description of services
2 rendered, the amount allocated or disbursed from the advance fee at the end of each calendar
3 quarter and when the contract has been completely performed by the licensee.

4 DESIST AND REFRAIN ORDER

5 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
6 herein, IT IS HEREBY ORDERED THAT RYAN CARTER, whether doing business in his own
7 name or any other fictitious business name, immediately desist and refrain from: performing any
8 acts within the State of California for which a real estate broker license is required, unless you
9 are so licensed.

10 IT IS FURTHER ORDERED THAT FINANCIAL FINDERS CORP., SAVE A
11 HOME SOLUTIONS, INC. and MICHELLE A. CARTER, whether doing business under their
12 own names or any other fictitious names, ARE HEREBY ORDERED TO:

13 1. immediately desist and refrain from charging, demanding, claiming, collecting
14 and/or receiving advance fees, as that term is defined in Code Section 10026, in any form, and
15 under any conditions, with respect to the performance of loan modification or any other form of
16 mortgage loan forbearance services in connection with loan on residential property containing
17 four or fewer dwelling units (Code Section 10085.6).

18 2. immediately desist and refrain from charging, demanding, claiming, collecting
19 and/or receiving advance fees, as that term is defined in Code Section 10026, for any of the other
20 real estate related services offered to others, unless and until FINANCIAL FINDERS CORP.,
21 SAVE A HOME SOLUTIONS, INC. and MICHELLE A. CARTER, and each of them,
22 demonstrate and provide evidence satisfactory to the Commissioner that each:

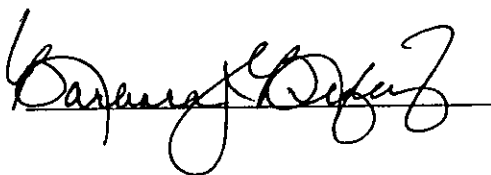
23 a. has an advance fee agreement which has been submitted to the Department and
24 which is in compliance with Code Section 10085 and Regulation 2970;

25 b. has placed all previously collected advance fees into a trust account for that
26 purpose and is in compliance with Code Section 10146; and
27

1 c. has provided an accounting to trust fund owner-beneficiaries from whom
2 advance fees have previously been collected in compliance with Code Section 10146 and
3 Regulation 2972.

4 DATED: 8/23, 2011.

5 BARBARA J. BIGBY
6 Acting Real Estate Commissioner

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11 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
12 real estate broker or real estate salesperson without a license or who advertises using words
13 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
14 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
15 imprisonment in the county jail for a term not to exceed six months, or by both fine and
16 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
17 (\$60,000)."

18
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