

FILED

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

OCT 21 2011

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Quonita Adams

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37613 LA
)	
12 IMPACT MARKETING ALLIANCE, LLC)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	
)	(B&P Code Section 10086)
15)	

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of IMPACT MARKETING
18 ALLIANCE, LLC ("IMA"). Based on that investigation the Commissioner has determined that
19 IMA has engaged in, or is engaging in, acts, or is attempting to engage in the business of, acting
20 in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of
21 California within the meaning of Business and Professions Code Sections 10131(d) (soliciting or
22 negotiating loans or collecting payments or performing services for borrowers in connection with
23 loans secured by real property) and 10131.2 (advance fee handling).

24 In addition, based on that investigation, the Commissioner has determined that
25 IMA has engaged in, or is engaging in, acts, or is attempting to engage in practices constituting
26 violations of the California Business and Professions Code ("Code"). Based on the findings of
27 that investigation, set forth below, the Commissioner hereby issues the following Findings of

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

3 FINDINGS OF FACT

4 1. IMA is not now, nor has it ever been, licensed by the Department in any
5 capacity.

6 2. At the times set forth below IMA negotiated to do one or more of the
7 following acts for another or others, for or in expectation of compensation: engaged in the
8 business of, acted in the capacity of, or advertised a loan modification and negotiation service
9 and advance fee brokerage with respect to loans which were secured by liens on real property for
10 compensation or in expectation of compensation and for fees collected in advance of the
11 transaction.

12 Kenneth L. Transaction

13 3. On or about March 10, 2009, Kenneth L. entered into an agreement with
14 IMA in which IMA agreed to perform services in connection with Kenneth L.'s home mortgage
15 loan. On or about March 10, 2009, IMA collected an advance fee of \$2,500 from Kenneth L for
16 these services.

17 Aram D. Transaction

18 4. In or about March 2009, Aram D. was solicited by IMA, regarding
19 services IMA offered in connection to home mortgage loans. In between March 19, 2009 and
20 March 26, 2009, IMA collected advance fees of \$2,895 from Aram D. for these services.

21 CONCLUSIONS OF LAW

22 5. Based on the information contained in Paragraphs 1 through 4 above, IMA
23 violated Code Section 10130 by engaging in activities requiring a broker license without first
24 obtaining a broker license from the Department.

25 DESIST AND REFRAIN ORDER

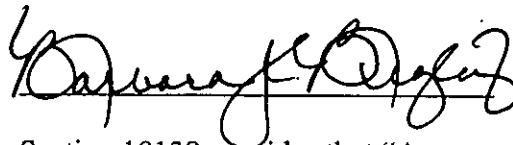
26 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
27 herein, it is hereby ordered that IMPACT MARKETING ALLIANCE, LLC, whether doing

1 business under its own name, or any other names, or any fictitious name, is hereby ordered to
2 immediately desist and refrain from performing any acts within the State of California for which
3 a real estate broker license is required. In particular, it is ORDERED TO DESIST AND
4 REFRAIN from:

- 5 1. charging, demanding, claiming, collecting and/or receiving advance fees, as
6 that term is defined in Section 10026 of the Code, in any form, and under any
7 conditions, with respect to the performance of loan modification or any other
8 form of mortgage loan forbearance services in connection with loans on
9 residential property containing four or fewer dwelling units; and
- 10 2. charging, demanding, claiming, collecting and/or receiving advance fees, as
11 that term is defined in Section 10026 of the Code, for any of the other real
12 estate related services offered to others.

13
14 DATED: 10/18, 2011.

15
16 BARBARA J. BIGBY
17 Acting Real Estate Commissioner

18 

19
20 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
21 real estate broker or real estate salesperson without a license or who advertises using words
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
24 imprisonment in the county jail for a term not to exceed six months, or by both fine and
25 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
26 (\$60,000)."

27
cc: IMPACT MARKETING ALLIANCE, LLC
1700 E. Garry Ave, Suite 222
Santa Ana, CA 92705