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**FILED**

AUG 16 2012

1 Department of Real Estate  
320 West Fourth Street, Ste. 350  
2 Los Angeles, California 90013

3 (213) 576-6982

DEPARTMENT OF REAL ESTATE  
BY: R. Sheehy

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 To:	)	No. H-38342 LA
	)	
	)	<u>ORDER TO DESIST</u>
12 IAN GREENFIELD	)	
13 dba Magnolia Park Realty,	)	<u>AND REFRAIN</u>
	)	

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

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

10 FINDINGS OF FACT

11 1. At no time herein mentioned has GREENFIELD been  
12 licensed by the Department as a real estate broker.

13 2. At the time set forth below GREENFIELD solicited  
14 borrowers and negotiated to do one or more of the following acts  
15 for another or others, for or in expectation of compensation:  
16 engaged in the business of, acted in the capacity, of, or  
17 advertised a loan modification and negotiation service and  
18 advance fee brokerage using the name "Magnolia Park Realty"  
19 soliciting, offering to negotiate or perform loan modification  
20 services with respect to loans which were secured by liens on  
21 real property for compensation or in expectation of compensation  
22 and for fees collected in advance of the transaction.

23 3. On or about April 13, 2009, GREENFIELD entered into  
24 an agreement with Mariette F. for loan modification and  
25 negotiation services on Mariette F.'s existing mortgage on her  
26 home located at 17809 Halsted St. Unit 213, Northridge,  
27 California.

1  
2 4. GREENFIELD demanded and received a total advance  
3 fee of \$2,600 from Mariette F. for the activities described  
4 above.

5 CONCLUSIONS OF LAW

6 5. Based on the information contained in Paragraphs 1  
7 through 4, above, GREENFIELD violated Section 10085 of the Code  
8 and Regulation 2970, by not having an approved advance fee  
9 agreement on file with the Department.

10 6. Based on the information contained in Paragraphs 1  
11 through 4, above, GREENFIELD violated Section 10130 of the Code  
12 by engaging in the activities without first obtaining a broker  
13 license from the Department.

14 DESIST AND REFRAIN ORDER

15 Based on the FINDINGS OF FACT and CONCLUSIONS OF LAW  
16 stated herein, it is hereby ordered that:

17 (A) IAN GREENFIELD immediately desist and refrain  
18 from: performing any acts within the State of California for  
19 which a real estate broker license is required, unless you are so  
20 licensed.

21 IT IS FURTHER ORDERED THAT IAN GREENFIELD immediately  
22 desist and refrain from:

23 1. charging, demanding, claiming, collecting  
24 and receiving advance fees, as that term is defined in Section  
25 10026 of the Code, in any form, and under any conditions, with  
26 respect to the performance of loan modifications or any other  
27 form of mortgage loan forbearance service in connection with

1 loans on residential property containing four or fewer dwelling  
2 units (Code Section 10085.6).

3 2. charging, demanding, claiming, collecting and  
4 receiving advance fees, as that term is defined in Section 10026  
5 of the Code, for any of the other real estate related services  
6 offered to others, unless and until IAN GREENFIELD demonstrates  
7 and provides evidence satisfactory to the Commissioner he:

8 (a) has an advance fee agreement which has been  
9 submitted to the Department and which is in compliance with  
10 Section 10085 of the Code and Section 2970 of the Regulations;

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

14 (c) has provided an accounting to trust fund owner-  
15 beneficiaries from who advance fees have previously been  
16 collected in compliance with Section 10146 of the Code and  
17 Section 2972 of the Regulations.

18  
19 DATED: June 15, 2012

20  
21 Real Estate Commissioner

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23 By WAYNE S. BEL.  
24 Chief Counsel

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 the 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,  
9 be punished by a fine not exceeding sixty thousand dollars  
10 (\$60,000)."

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cc: Ian Greenfield  
8811 Riverton Ave.  
North Hollywood, CA 91601

JRP:ED