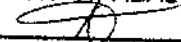


FILED

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FEB 13 2013

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DEPARTMENT OF REAL ESTATE
BY: 

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6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-38706 LA
12)
13 NOD CONSULTANTS, LLC) ORDER TO DESIST
and RICHLYN GRAF) AND REFRAIN
14)
15) (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 NOD CONSULTANTS,
18 LLC ("NOD"), and RICHLYN GRAF ("GRAF"). Based on that investigation the Commissioner
19 has determined that NOD and GRAF have engaged in, or are engaging in, acts, or are attempting
20 to engage in the business of, acting in the capacity of, and/or assuming to act as real estate
21 brokers in the State of California within the meaning of Business and Professions Code Sections
22 10131(d) (soliciting borrowers, negotiating loans, collecting payments or performing services for
23 borrowers in connection with loans secured by real property) and 10131.2 (advance fee
24 handling).

25 In addition, based on that investigation, the Commissioner has determined that
26 NOD and GRAF have engaged in, or are engaging in, acts, or are attempting to engage in
27 practices constituting violations of the California Business and Professions Code ("Code").

1 Based on the findings of that investigation, set forth below, the Commissioner hereby issues the
2 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
3 authority of Section 10086 of the Code.

4 FINDINGS OF FACT

5 1. NOD and GRAF are not now, nor have they ever been, licensed by the
6 Department in any capacity.

7 2. At the times set forth below, NOD and GRAF negotiated to do one or
8 more of the following acts for another or others, for or in expectation of compensation: acted in
9 the capacity of a loan modification and negotiation service and advance fee brokerage with
10 respect to loans which were secured by liens on real property for compensation or in expectation
11 of compensation and for fees collected in advance of the transaction (Code Sections 10131(d)
12 and 10131.2).

13 Gregory & Sara H. Transaction

14 3. On or about February 20, 2010, Gregory & Sara H. entered into an agreement
15 with NOD in which NOD agreed to negotiate new loan terms with Gregory & Sara H's lender, in
16 exchange for payment of an advance fee. Between February 25, 2010 and March 25, 2010,
17 Gregory & Sarah H. paid \$3,450 to NOD, as advance fees for loan modification services.

18 Christopher & Laura J. Transaction

19 4. On or about February 19, 2010 Christopher & Laura J. entered into an
20 agreement with NOD in which Christopher & Laura J. agreed to pay \$2,950 in advance fees to
21 NOD for loan modification services.

22 Tate & Allison B. Transaction

23 5. On or about April 20, 2010 Tate & Allison B. entered into an agreement with
24 NOD in which Tate & Allison B. agreed to pay \$2,950 in advance fees to NOD for loan
25 modification services. Between April 21, 2010 and May 24, 2010, Tate & Allison B. paid
26 \$2,950 in advance fees to NOD for loan modification services. GRAF negotiated with Tate &
27 Allison B's lender on behalf of NOD.

1 John S. Transaction

2 6. On or about March 5, 2010 John S. entered into an agreement with NOD in
3 which John S. agreed to pay \$2,950 in advance fees to NOD for loan modification services.
4 GRAF negotiated with John S's lender on behalf of NOD.

5 Donald & Lois O. Transaction

6 7. On or about May 13, 2010 Donald & Lois O. entered into an agreement with
7 NOD in which Donald & Lois O. agreed to pay \$2,950 in advance fees to NOD for loan
8 modification services. On May 22, 2010, Donald & Lois O. paid \$2,950 in advance fees to NOD
9 for loan modification services. GRAF negotiated with Donald & Lois O's lender on behalf of
10 NOD.

11 CONCLUSIONS OF LAW

12 8. Based on the information contained in Paragraphs 1 through 8 above, NOD
13 and GRAF violated Code Section 10130 by engaging in activities requiring a broker license
14 without first obtaining a broker license from the Department.

15 DESIST AND REFRAIN ORDER

16 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
17 herein, it is hereby ordered that NOD CONSULTANTS, LLC and RICHLYN GRAF, whether
18 doing business under their own names, or any other names, or any fictitious name, ARE
19 HEREBY ORDERED to immediately desist and refrain from performing any acts within the
20 State of California for which a real estate broker license is required, unless NOD
21 CONSULTANTS, LLC and RICHLYN GRAF are properly licensed. In particular, each of them
22 is ORDERED TO DESIST AND REFRAIN from:

23 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term
24 is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to
25 the performance of loan modifications or any other form of mortgage loan forbearance service in
26 connection with loans on residential property containing four or fewer dwelling units (Code
27 Section 10085.6); and

