

1 Bureau of Real Estate  
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3 Los Angeles, California 90013

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**FILED**

FEB 07 2017

BUREAU OF REAL ESTATE

By 

8 BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 To:	)	No. H-40489 LA
	)	
12 ANY KIND LOAN FUNDING INC.,	)	
13 LINDA MARIE LUKAS, designated	)	
14 officer for Any Kind Loan Funding Inc.,	)	<u>ORDER TO DESIST</u>
15 and ROBERT HOUSTON	)	<u>AND REFRAIN</u>
	)	(B&P Code Section 10086)
	)	
	)	

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18 The Commissioner ("Commissioner") of the California Bureau of Real Estate

19 ("Bureau") caused an investigation to be made of the activities of ANY KIND LOAN

20 FUNDING INC. ("ANY KIND"), LINDA MARIE LUKAS ("LUKAS"), individually, and as

21 designated officer for ANY KIND, and ROBERT HOUSTON ("HOUSTON"). Based on that

22 investigation the Commissioner has determined that ANY KIND, LUKAS and HOUSTON have

23 acted in the capacity of, or are acting in the capacity of a real estate broker in the State of

24 California within the meaning of California Business and Professions Code ("Code") Section

25 10131(d) (performing services for borrowers in connection with loans secured by real property),

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1 and, further, have engaged in or are engaging in the business of claiming, demanding, charging,  
2 receiving, collecting or contracting for the collection of an advance fee in connection with  
3 employment undertaken to obtain a loan or loans on real property, including the performance of  
4 loan solicitation and negotiation services with respect to loans which are secured by liens on real  
5 property, within the meaning of Code Section 10131.2. The Commissioner has determined that  
6 ANY KIND, LUKAS and HOUSTON have engaged in or are engaging in activities which  
7 constitute violations of the Code and Title 10, California Code of Regulations ("Regulations").  
8 Based on the investigation, the Commissioner hereby issues the following Findings of Fact,  
9 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the  
10 Code.  
11

12 FINDINGS OF FACT

13  
14 1. ANY KIND is presently licensed and/or has license rights under the Real  
15 Estate Law (Part 1 of Division 4 of the Code) as a real estate corporation. The license of ANY  
16 KIND will expire on February 12, 2018.

17 2. LUKAS is presently licensed and/or has license rights under the Real Estate  
18 Law as a real estate broker. LUKAS was at all times relevant herein the designated broker  
19 officer of ANY KIND. The license of LUKAS will expire on August 12, 2020.

20  
21 3. At no time mentioned herein has HOUSTON been licensed by the Bureau in  
22 any capacity.

23 4. Whenever acts referred to below are attributed to ANY KIND, those acts are  
24 alleged to have been done by ANY KIND, acting by itself, or by and/or through one or more  
25 agents, associates, affiliates, and/or co-conspirators, including but not limited to LUKAS and  
26 HOUSTON, and using the name ANY KIND or any fictitious name unknown at this time.  
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1                   5. HOUSTON has acted in the capacity of, or is acting in the capacity of,  
2 advertising or assuming to act as a real estate broker in the State of California within the meaning  
3 of Code Section 10131(d) (performing services for borrowers in connection with loans secured  
4 by real property) of the Code, and, further, has engaged in or is engaging in the business of  
5 claiming, demanding, charging, receiving, collecting or contracting for the collection of an  
6 advance fee in connection with employment undertaken to obtain a loan or loans on real  
7 property, including the performance of loan solicitation and negotiation services with respect to  
8 loans which are secured by liens on real property, within the meaning of Code Section 10131.2.

9                   6. At the time set forth below ANY KIND, LUKAS and HOUSTON engaged in  
10 the business of, acted in the capacity of, or advertised a real estate loan service and advance fee  
11 brokerage offering to perform solicitation and negotiation of loans secured by liens on real  
12 property for compensation or in expectation of compensation and for fees collected in advance  
13 including, but not limited to, the following instance:

14                   a. On or about April 11, 2014, Peter K. paid ANY KIND, LUKAS and  
15 HOUSTON an advance fee of \$1,200 on behalf of C. W. Insight, Inc. The advance fee was  
16 collected pursuant to the provisions of an agreement pertaining to loan solicitation and  
17 negotiation services to be provided by ANY KIND, LUKAS and/or HOUSTON with respect to a  
18 loan secured by the real property at 14278 Hesperia Road, Victorville, California 92395, a 1 acre  
19 parcel with a coin-operated car wash.

20                   7. ANY KIND, LUKAS and HOUSTON collected the advance fee described in  
21 Paragraph 6, above, pursuant to the provisions of an agreement meeting the definition of an  
22 advance fee agreement in Code Section 10026.

23                   8. ANY KIND and LUKAS failed to submit the advance fee agreement referred  
24 to in Paragraph 6, above, to the Commissioner ten days before using it.

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1 CONCLUSIONS OF LAW

2 9. Based on the information contained in Paragraphs 5 through 8, inclusive,  
3 above, ANY KIND, LUKAS and HOUSTON collected fees pursuant to an agreement which  
4 constitutes an advance fee agreement within the meaning of Code Section 10085.

5 10. Based on the information contained in Paragraphs 6, 7 and 8, above, the  
6 failure by ANY KIND and LUKAS to submit the advance fee agreement to the Commissioner  
7 ten days before using it constitutes a violation of Code Section 10085 and Section 2970 of the  
8 Regulations.

9 11. Based on the information contained in Paragraphs 1 through 7, inclusive,  
10 above, HOUSTON performed and/or participated in loan solicitation and negotiation activities  
11 and advance fee handling which require a real estate broker license under the provisions of Code  
12 Sections 10131(d) and 10131.2 during a period of time when HOUSTON was not licensed by  
13 the Bureau as a real estate broker nor employed as a real estate salesperson by the broker on  
14 whose behalf the activities were performed, all of which is in violation of Section 10130 of the  
15 Code.

16 DESIST AND REFRAIN ORDER

17 1. Based on the Findings of Fact and Conclusions of Law stated herein, it is  
18 hereby ordered that ANY KIND LOAN FUNDING INC. and LINDA MARIE LUKAS, whether  
19 doing business under their own names, or any other names, or any fictitious name, ARE  
20 HEREBY ORDERED to:

21 a. Immediately desist and refrain from charging, demanding, claiming, collecting  
22 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form,  
23 and under any conditions, with respect to the performance of loan modification or any other form  
24 of mortgage loan forbearance services in connection with loans on residential property containing  
25 four or fewer dwelling units (Code Section 10085.6).

1                   b. Immediately desist and refrain from charging, demanding, claiming, collecting  
2 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the  
3 other real estate related services offered to others, unless and until ANY KIND LOAN  
4 FUNDING INC. and LINDA MARIE LUKAS, and each of them, demonstrate and provide  
5 evidence satisfactory to the Commissioner that each:

6                   (i) has an advance fee agreement which has been submitted to the Bureau and  
7 which is in compliance with Section 10085 of the Code and Section 2970 of the Regulations;

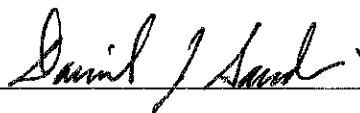
8                   (ii) has placed all previously collected advance fees into a trust account for that  
9 purpose and is in compliance with Section 10146 of the Code; and

10                  (iii) has provided an accounting to trust fund owner-beneficiaries from whom  
11 advance fees have previously been collected in compliance with Code Section 10146 and Section  
12 2972 of the Regulations.

13                  2. IT IS HEREBY ORDERED THAT ROBERT HOUSTON, whether doing  
14 business under his own name, or any other name, or any fictitious name, IS HEREBY  
15 ORDERED to immediately desist and refrain from performing any acts within the State of  
16 California for which a real estate broker license is required.

17 DATED: 2/2/17.

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19 REAL ESTATE COMMISSIONER  
WAYNE S. BELL

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23 By: DANIEL J. SANDRI  
Chief Deputy Commissioner

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25  
26 cc: Any Kind Loan Funding Inc.  
Linda Marie Lukas  
27 Robert Houston