

FILED

JUL 15 2009

DEPARTMENT OF REAL ESTATE

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DEPARTMENT OF REAL ESTATE  
P. O. Box 187007  
Sacramento, CA 95818-7007  
Telephone: (916) 227-0791

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:

ACM NORTH,  
MARK ANTHONY SAWYER, and  
ELKE STEPHENSON

No. H-10725 SF

ORDER TO DESIST AND REFRAIN  
(B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of ACM NORTH (ACM), MARK ANTHONY SAWYER (Sawyer), and ELKE STEPHENSON (Stephenson). Based on the investigation, the Commissioner has determined that ACM, Sawyer, and Stephenson engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.



1 or other names or fictitious names unknown at this time, solicited borrowers and purported to  
2 perform services for those borrowers and/or those borrowers' lenders in connection with one or  
3 more loans secured directly or collaterally by one or more liens on real property, which requires  
4 a real estate license under Section 10131(d) of the Code, during a period of time when ACM  
5 North, Sawyer and Stephenson were not licensed by the Department in any capacity.

6 DESIST AND REFRAIN ORDER

7 Based on the Findings of Fact and Conclusions of Law stated herein, you  
8 ACM NORTH, MARK ANTHONY SAWYER, and ELKE STEPHENSON, doing business  
9 under your own names, using the names ACM North, acmnorth.com, or any other names or  
10 fictitious names, ARE HEREBY ORDERED to:

11 1. Immediately desist and refrain from performing any acts within the State  
12 of California for which a real estate broker license is required. In particular, you are ordered to  
13 desist and refrain from:

14 (a) soliciting borrowers and/or performing services for borrowers or lenders in  
15 connection with loans secured directly or collaterally by one or more liens on real property, and

16 (b) from charging, demanding, or collecting an advance fee for any of the  
17 services you offer to others, unless and until you obtain a real estate broker license issued by the  
18 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner  
19 that you are in full compliance with all of the requirements of the Code and Regulations relating  
20 to charging, collecting, and accounting for advance fees.

21 2. Immediately desist and refrain from collecting advance fees, as that term  
22 in defined in Section 10026 of the Code, in any form and particularly with respect to loan  
23 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,  
24 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you  
25 have:

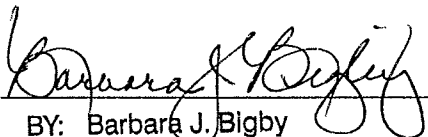
26 (a) an advance fee agreement which has been submitted to the Department  
27 and which is in compliance with Sections 2970 and 2972 of the Regulations;

1 (b) placed all previously collected advance fees into a trust account for that  
2 purpose and are in compliance with Section 10146 of the Code; and

3 (c) provided an accounting to trust fund owner-beneficiaries pursuant to  
4 Section 2972 of the Regulations.

5 DATED: 7-1-09

6 JEFF DAVI  
7 Real Estate Commissioner

8  
9 By   
10 BY: Barbara J. Bigby  
11 Chief Deputy Commissioner

12 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
13 real estate broker or real estate salesperson without a license or who advertises using words  
14 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
15 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
16 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
17 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
18 (\$60,000)."

19 cc: ACM North  
20 2051 Junction Avenue, # 230  
21 San Jose, CA 95131

22 Elke Stephenson  
23 2051 Junction Avenue, # 230  
24 San Jose, CA 95131

25 Mark Anthony Sawyer  
26 2051 Junction Avenue, # 230  
27 San Jose, CA 95131