

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

FILED

4 Telephone: (213) 576-6982

MAY 11 2009

5 DEPARTMENT OF REAL ESTATE

6 BY: *Donald*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE.

9 STATE OF CALIFORNIA

10 * * *

11 To:)	No. H- 35948 LA
)	
12 LOSS MITIGATION SERVICES INC.,)	<u>ORDER TO DESIST</u>
13 a California corporation,)	
14 DEAN SHAFER, BERNADETTE PERRY,)	<u>AND REFRAIN</u>
15 MARION ANTHONY PERRY, REBECCA)	
16 SUANNE BLAKE, LUIS MEYER,)	
LESLIE PIENIAZEK, ANGIE AGUILAR,)	
ALEX AGUILAR, KRIS KELLER, ROBERT)	
MARTINEZ and REY REYES,)	

17 The Real Estate Commissioner of the State of
18 California has caused an investigation to be made of your
19 activities requiring a real estate license and, based on the
20 findings of that investigation, as set forth below, is of the
21 opinion that you, LOSS MITIGATION SERVICES INC., a California
22 corporation, DEAN SHAFER, Chief Executive Officer of Loss
23 Mitigation Services Inc., BERNADETTE PERRY, MARION ANTHONY
24 PERRY aka Tony Perry, REBECCA SUANNE BLAKE, LUIS MEYER, LESLIE
25 PIENIAZEK, ANGIE AGUILAR, ALEX AGUILAR, KRIS KELLER, ROBERT
26 MARTINEZ and REY REYES, have violated Section 10130 of the
27 Business and Professions Code (Code).

1. 1.

2 A. You, LOSS MITIGATION SERVICES INC., DEAN SHAFER,
3 BERNADETTE PERRY, LUIS MEYER, LESLIE PIENIAZEK, ANGIE AGUILAR,
4 ALEX AGUILAR, KRIS KELLER, ROBERT MARTINEZ and REY REYES, are
5 not now and have never been licensed by the Department of Real
6 Estate of the State of California (Department) as a real estate
7 broker.

8 B. You, MARION ANTHONY PERRY and REBECCA SUANNE
9 BLAKE, are expired licensees. Your salesperson licenses
10 expired on December 17, 2008 and July 24, 2008, respectively.
11 Pursuant to Code Section 10201, you retain license rights until
12 December 16, 2010 and July 23, 2010, respectively. The
13 Department retains jurisdiction over your expired and lapsed
14 licenses pursuant to Code Section 10103.

2. 2.

16 All further references to "you" include the parties
17 identified in Paragraph 1, above, and also include the
18 officers, directors, employees, agents and real estate
19 licensees, unlicensed employees, loss mitigation agents, loan
20 modification consultants, loan modification specialists, and
21 mitigation representatives, employed by or associated with said
22 parties including LOSS MITIGATION SERVICES INC. and who at all
23 times herein mentioned were engaged in the furtherance of the
24 business or operations of said parties and who were acting
25 within the course and scope of their authority and employment.

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2 A. During a period of time from approximately
3 February 2008 and continuing to the present time, you LOSS
4 MITIGATION SERVICES INC., DEAN SHAFER, BERNADETTE PERRY, MARION
5 ANTHONY PERRY, REBECCA SUANNE BLAKE, LUIS MEYER, LESLIE
6 PIENIAZEK, ANGIE AGUILAR, ALEX AGUILAR, KRIS KELLER, ROBERT
7 MARTINEZ and REY REYES, engaged in the business of, acted in the
8 capacity of, or advertised a loan modification service and
9 advance fee brokerage using the names of LOSS MITIGATION
10 SERVICES INC. and Loss Mitigation Services.

11 B. You engaged in the business in soliciting for,
12 offering, and performing loan modification services with respect
13 to loans which were secured by liens on real property for
14 compensation or in expectation of compensation and for fees
15 often collected in advance as well as at the conclusion of the
16 transaction.

17 C. You solicited distressed homeowners by direct and
18 indirect solicitation including but not limited to mailings and
19 Internet advertising by your website www.lmslossmit.com, and
20 negotiated with lenders on behalf of said homeowners seeking
21 modification of the terms of their home loans, principal
22 reduction, loan restructuring, foreclosure abatement,
23 forbearance plans, loan refinance, deed in lieu of foreclosure,
24 and/or short sale services and advice; and

25 D. You collected advance fees within the meaning of
26 Code Section 10085 by written agreement with the homeowners
27 without first submitting these advance fee agreements and

1 related materials to the Commissioner for review before using
2 them with consumers.

3 4.

4 You, LOSS MITIGATION SERVICES INC., DEAN SHAFER,
5 BERNADETTE PERRY, MARION ANTHONY PERRY, REBECCA SUANNE BLAKE,
6 LUIS MEYER, LESLIE PIENIAZEK, ANGIE AGUILAR, ALEX AGUILAR, KRIS
7 KELLER, ROBERT MARTINEZ and REY REYES, solicited, claimed or
8 collected advance fees from homeowner/borrowers for the purpose
9 of providing loan modifications during the period of time
10 between February 2008 to date for the following transactions:
11

<u>Date Rec'd</u>	<u>Borrower</u>	<u>Amt Collected</u>	<u>Agent</u>
13 3/08/08	Rachelle Adams	\$4,995	Meyer/Perry Alex Aguilar Kris Keller
15 5/13/08	Bobby Turley	\$5,550	Meyer Pieniazek Angie Aguilar Martinez
18 7/28/08	Rosa Medina	\$3000	Reyes
20 11/4/08	Fredrick Giordano	Solicitation Letter/Blake	
23 11/08	Mohammad Meyeh	Solicitation Letter	
25 11/21/08	Truly Sughrue	Solicitation Letter	
27 1/20/09	J. Chris Graves	Solicitation Letter	

1 5.

2 The acts conducted and performed by you, LOSS
3 MITIGATION SERVICES INC., DEAN SHAFER, BERNADETTE PERRY, MARION
4 ANTHONY PERRY, REBECCA BLAKE, LUIS MEYER, LESLIE PIENIAZEK,
5 ANGIE AGUILAR, ALEX AGUILAR, KRIS KELLER, ROBERT MARTINEZ and
6 REY REYES, as described in Paragraphs 3 and 4, above, are acts
7 requiring a real estate broker license under the provisions of
8 Code Sections 10131(d) and 10131.2, for claiming, charging
9 receiving or contracting for the collection of an advance fee
10 from borrowers seeking to modify the terms of their mortgage
11 loans.

12 6.

13 You, LOSS MITIGATION SERVICES INC., DEAN SHAFER,
14 BERNADETTE PERRY, MARION ANTHONY PERRY, REBECCA BLAKE, LUIS
15 MEYER, LESLIE PIENIAZEK, ANGIE AGUILAR, ALEX AGUILAR, KRIS
16 KELLER, ROBERT MARTINEZ and REY REYES, individually and jointly
17 doing business as LOSS MITIGATION SERVICES INC. (aka Loss
18 Mitigation Services), violated Code Section 10130 by engaging in
19 the activities described in Paragraphs 3 through 5, above,
20 without first obtaining a real estate broker license from the
21 Department.
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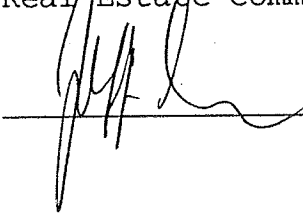
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1 NOW, THEREFORE, YOU, LOSS MITIGATION SERVICES INC.,
2 DEAN SHAFER, BERNARDETTE PERRY, MARION ANTHONY PERRY, REBECCA
3 SUANNE BLAKE, LUIS MEYER, LESLIE PIENIAZEK, ANGIE AGUILAR, ALEX
4 AGUILAR, KRIS KELLER, ROBERT MARTINEZ and REY REYES, ARE ORDERED
5 TO DESIST AND REFRAIN from performing any and all acts within
6 the State of California for which a real estate broker license
7 is required, within the meaning of Code Sections 10131 and
8 10131.2, unless and until you obtain a real estate broker
9 license from the Department.
10

11
12 DATED: 5-6-09.

13 JEFF DAVI
14 Real Estate Commissioner

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19 cc: Loss Mitigation Services Inc.
20 Dean Shafer, Chief Executive Officer
21 Bernadette Perry
22 Marion Anthony Perry
23 Rebecca Suanne Blake
24 Luis Meyer
25 Leslie Pieniazek
26 Angie Aguilar
27 Alex Aguilar
Kris Keller
Robert Martinez
Rey Reyes
1700 Carnegie St, Ste 250
Santa Ana, Ca 92705