

FILED

MAR 02 2012

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

DEPARTMENT OF REAL ESTATE
BY: *Shirley Valencia*

4 Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37936 LA
)	
12 HOME KEEPERS OF AMERICA and)	<u>ORDER TO DESIST</u>
13 BARRY JOHNSON, dba THE)	<u>AND REFRAIN</u>
14 PATTANN COMPANY)	
)	
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 HOME KEEPERS OF
18 AMERICA ("HKA") and BARRY JOHNSON, dba THE PATTANN COMPANY
19 ("PATTANN"). Based on that investigation the Commissioner has determined that HKA and
20 BARRY JOHNSON have engaged in, or are engaging in, acts, or are attempting to engage in the
21 business of, acting in the capacity of, and/or assuming to act as real estate brokers in the State of
22 California within the meaning of Business and Professions Code Sections 10131(d) (negotiating
23 loans or performing services for borrowers in connection with loans secured by real property)
24 and 10131.2 (advance fee handling).

25 In addition, based on that investigation, the Commissioner has determined that
26 HKA and JOHNSON have engaged in, or are engaging in, acts, or are attempting to engage in
27

1 practices constituting violations of the California Business and Professions Code (“Code”).
2 Based on the findings of that investigation, set forth below, the Commissioner hereby issues the
3 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
4 authority of Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. At the time of the transaction at issue, HKA was not licensed by the
7 Department in any capacity. On October 15, 2009 HKA was registered with the Department as a
8 fictitious business name for the corporate real estate broker Sherwill Groupe Inc.

9 2. BARRY JOHNSON and PATTANN are not now, nor have they ever
10 been, licensed by the Department in any capacity.

11 3. On February 26, 2009, BARRY JOHNSON registered PATTANN as a
12 fictitious business name with the Los Angeles Registrar-Recorder County Clerk. HKA was
13 listed as an additional name in the same Fictitious Business Name Statement.

14 4. At the time set forth below, HKA and JOHNSON negotiated to do one or
15 more of the following acts for another or others, for or in expectation of compensation: engaged
16 in the business of, acted in the capacity of, or advertised a loan modification and negotiation
17 service and advance fee brokerage with respect to loans which were secured by liens on real
18 property for compensation or in expectation of compensation and for fees collected in advance of
19 the transaction(Code Sections 10131(d) and 10131.2) .

20 Ronald & Tauni R. Transaction

21 5. On July 10, 2009, Ronald & Tauni R. entered into an agreement with HKA,
22 which was named as “a DBA of the PATTANN Company” in which HKA agreed to negotiate a
23 modification of Ronald & Tauni R’s loan, which was secured by real property, in exchange for
24 payment of a \$3,500 advance fee payment to HKA. On July 10, 2009, Ronald & Tauni R.
25 submitted an advance fee of \$3,500 to HKA.

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1 CONCLUSIONS OF LAW

2 6. Based on the information contained in Paragraphs 1 through 5 above, HKA,
3 and BARRY JOHNSON violated Code Section 10130 by engaging in activities requiring a
4 broker license without first obtaining a broker license from the Department.

5 DESIST AND REFRAIN ORDER

6 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
7 herein, it is hereby ordered that:

8 HOME KEEPERS OF AMERICA, and BARRY JOHNSON, dba THE
9 PATTANN COMPANY immediately desist and refrain from: performing any acts within the
10 State of California for which a real estate broker license is required, unless HOME KEEPERS
11 OF AMERICA and BARRY JOHNSON, dba THE PATTANN COMPANY are so licensed.

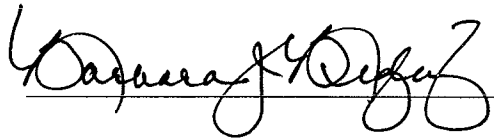
12 IT IS FURTHER ORDERED THAT HOME KEEPERS OF AMERICA, and
13 BARRY JOHNSON, dba THE PATTANN COMPANY immediately desist and refrain from:

- 14 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
15 that term is defined in Section 10026 of the Code, in any form, and under any
16 conditions, with respect to the performance of loan modification or any other
17 form of mortgage loan forbearance services in connection with loans on
18 residential property containing four or fewer dwelling units.
- 19 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
20 that term is defined in Section 10026 of the Code, for any of the other real
21 estate related services offered to others, unless and until they demonstrate and
22 provide evidence satisfactory to the Commissioner that they:
- 23 (a) have an advance fee agreement which has been submitted to the Department
24 and which is in compliance with Section 10085 of the Code and Section 2970
25 of the Regulations;
- 26 (b) have placed all previously collected advance fees into a trust account for that
27 purpose and is in compliance with Section 10146 of the Code; and

1 (c) have provided an accounting to trust fund owner-beneficiaries from whom
2 advance fees have previously been collected in compliance with Section
3 10146 of the Code and Section 2972 of the Regulations.
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7 DATED: 2/23/12

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9 BARBARA J. BIGBY
Acting Real Estate Commissioner

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13 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
14 real estate broker or real estate salesperson without a license or who advertises using words
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
19 (\$60,000)."
20
21

22 cc: HOME KEEPERS OF AMERICA
23 264 S. La Cienega Blvd, Suite 1082
24 Beverly Hills, CA 90211

25 BARRY JOHNSON, dba THE PATTANN COMPANY
26 6250 Canoga Ave, #349
27 Woodland Hills, CA 91367