

1 Department of Real Estate  
2 320 West Fourth St. #350  
3 Los Angeles, CA 90013

4 (213) 576-6982

**FILED**

MAR -7 2012

DEPARTMENT OF REAL ESTATE

BY: C.B.

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 To: ) No. H-37948 LA  
12 CHRISTOPHER J. HOWDER, )  
13 dba AffordableHomeAssistance.com. ) ORDER TO DESIST  
14 ) AND REFRAIN  
15 ) (B&P Code Section 10086)

16 The Real Estate Commissioner of the State of California ("Commissioner") has  
17 caused an investigation to be made of the activities of CHRISTOPHER J. HOWDER. Based on  
18 that investigation, the Commissioner has determined that CHRISTOPHER J. HOWDER, has  
19 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations  
20 of the California Business and Professions Code ("Code"), including acting in the capacity of,  
21 advertising and/or assuming to act as a real estate broker in the State of California within the  
22 meaning of Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to  
23 perform loan modification services for distressed homeowners) and 10131.2 (collecting advance  
24 fees in connection with those services). Based on that investigation, the Commissioner hereby  
25 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under  
26  
27

1 the authority of Section 10086 of the Code.

2 Whenever acts referred to below are attributed to CHRISTOPHER J. HOWDER,  
3 those acts are alleged to have been done by CHRISTOPHER J. HOWDER, acting by himself, or  
4 by and/or through one or more agents, associates, affiliates and/or co-conspirators, including but  
5 not limited to the individuals herein named.

6 FINDINGS OF FACT

7 1. CHRISTOPHER J. HOWDER, aka Chris Howder ("HOWDER") is not now  
8 and has never been licensed by the Department as a real estate broker or as a salesperson  
9 employed by a broker. At all times relevant herein, HOWDER was an owner and manager of  
10 Affordable Home Assistance.com ("AHA").  
11

12 2. AHA is a California corporation formed by Respondent in July of 2008. The  
13 purposes of AHA as stated in the Statement of Information filed with the Secretary of State on  
14 August 1, 2008 was "mortgage consulting." AHA was first licensed by the Department on or  
15 about August 28, 2008.  
16

17 3. Beginning at a time on or before July 1, 2008, and continuing through on or  
18 after February 20, 2009, HOWDER, through affiliated entity Affordable Home Assistance.com  
19 and its affiliated agents and employees, acted in the capacity of, advertised or assumed to act as a  
20 real estate broker in the State of California within the meaning of Code Sections 10131(d) and  
21 10131.2. HOWDER's activities included soliciting borrowers or lenders for and/or negotiating  
22 loans, collecting payments and/or performing services for borrowers or lenders in connection  
23 with loans secured by liens on real property. His activities also included claiming, demanding,  
24 charging, receiving, collecting or contracting for the collection of advance fees within the  
25 meaning of Code Sections 10026 and 10085. The loan modification services offered included  
26  
27

1 negotiating with lenders on behalf of borrowers to refinance or modify the terms of mortgage  
2 loans.

3 4. During a period of time between July 1, 2008 and February 24, 2009,  
4 HOWDER received payments from mortgage loan clients in connection with loan modification  
5 services. These funds were not placed into a trust account, and trust accounting records were not  
6 properly maintained. Rather, the funds were placed into one of three or more general accounts  
7 owned by HOWDER, and used for HOWDER's personal and business expenses.  
8

9 5. On or about February 19, 2009, the Department completed an examination of  
10 Affordable Home Assistance.com's books and records pertaining to the mortgage lending  
11 activities described in Paragraphs 3 and 4 above, covering a period from approximately June 1,  
12 2008 to January 31, 2009. The primary purpose of the examination was to determine compliance  
13 with the Real Estate Law. The examination, Audit No. LA 080156, revealed violations of the  
14 Code and Title 10, Chapter 6 of the California Code of Regulations ("Regulations"), as set forth  
15 below, and as more specifically set forth in the Audit Report and Exhibits attached thereto.  
16

17 6. The Department's audit revealed that during the examination period, AHA, did  
18 not maintain a trust account. Rather, funds, including trust funds, were deposited into and/or  
19 disbursed from one of the following three general business accounts owned, managed and  
20 controlled by HOWDER:

- 21 a. "General Account 1 (G/A 1)": This business checking account, account  
22 number XXXXX-69173, was named, "Christopher J. Howder," and was  
23 maintained at the Bank of America, South Coast Center Br., P.O. Box 37176,  
24 San Francisco, CA 94137-0001. Advance fees for loan modification services  
25 were deposited into this account. Disbursements were made for general  
26  
27

1 business and personal expenses of the account holder. HOWDER was a  
2 signatory on and controlled this account.

3 b. “General Account 2 (G/A 2)”: This account, account number XXX-XX925-9,  
4 was named “Affordable Home Assistance.com” and was maintained at  
5 Washington Mutual, P.O. Box 660022, Dallas, Texas. Advance fees for loan  
6 modification services were deposited into this account. Disbursements were  
7 made for general business and personal expenses of the account holder.  
8 HOWDER was a signatory on and controlled this account.

9  
10 c. “General Account 3 (G/A 3)”: This account, account number xxxxxxxx924-1,  
11 was named, “Affordable Home Assistance.com.,” and was maintained at  
12 Washington Mutual Bank, P.O. Box 660022, Dallas, Texas. Advance fees for  
13 loan modification services were deposited into this account. Disbursements  
14 were made for general business and personal expenses of the account holder.  
15 HOWDER was a signatory on and controlled this account.

16  
17 7. By placing advance fees into general accounts, HOWDER, at times acting as  
18 an agent of AHA, commingled trust funds with personal and general business funds, and  
19 converted funds to his own personal use.

20 8. AHA did not maintain proper control records and separate records for each  
21 beneficiary, and did not maintain the monthly reconciliation of the separate records to the control  
22 record of all trust funds received and disbursed during the audit period.

23  
24 9. HOWDER, who was unlicensed, was a signatory on the general accounts into  
25 which trust funds were placed without fidelity bond coverage. No licensed broker was a signer  
26 on the accounts.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

10. HOWDER has never been licensed by the Department in any capacity.

11. Examples of consumers from whom HOWDER received compensation for loan modification services, which money was deposited into his account ending in 69173 include, but are not limited to the following:

<u>Consumers</u>	<u>Amount Dep.</u>	<u>Date Dep</u>
Jose F.	\$ 1295.00	8/01/08
Maurice D. and	\$ 595.00	8/01/08
Charmaine A.	\$ 595.00	8/21/08
Chris S.	\$ 2495.00	8/20/08
	\$ 2495.00	9/02/08
Diane B.	\$ 1995.00	9/15/08
Grant and Joyce W.	\$ 650.00	12/02/08
Richard S.	\$ 600.00	1/02/09
Shaye F.	\$ 1000.00	1/12/09
David D.	\$ 1000.00	1/23/09

CONCLUSIONS OF LAW

The conduct, acts and/or omissions of CHRISTOPHER J. HOWDER in receiving advance fees and compensation for activities requiring a real estate license when he was not licensed by the Department was in violation of Code Section 10130.

///  
///  
///

DESIST AND REFRAIN ORDER

1  
2 1. Based on the Findings of Fact and Conclusions of Law stated herein,  
3 CHRISTOPHER J. HOWDER, whether doing business under his own name, or any other name,  
4 or fictitious name, IS HEREBY ORDERED to immediately desist and refrain from performing  
5 any acts which require a real estate license until he is properly licensed, including, but not  
6 limited to:

7 (i) charging, demanding, claiming, collecting and/or receiving advance fees, as  
8 that term is defined in Section 10026 of the Code, in any form, and under any conditions, with  
9 respect to the performance of loan modifications or any other form of mortgage loan forbearance  
10 service in connection with loans on residential property containing four or fewer dwelling units;  
11 and (ii) charging, demanding, or collecting an advance fee for any of the services you  
12 offer to others, unless and until you obtain a real estate broker license issued by the Department,  
13 and until you demonstrate and provide evidence satisfactory to the Commissioner that you are in  
14 full compliance with all of the requirements of the Code and Regulations relating to charging,  
15 collecting, and accounting for advance fees.  
16  
17

18 DATED: 3/1, 2012

19  
20 BARBARA J. BIGBY  
Acting Real Estate Commissioner

21   
22  
23

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

cc: Christopher J. Howder  
14621 Lake Meadows Dr.  
Perrysburg, OH 43551-8859

Christopher J. Howder  
24310 Moulton Parkway  
Aliso Viejo, CA 92656

Christopher J. Howder  
1000 S. Coast Dr.  
Costa Mesa, CA 92626-1767

Christopher J. Howder  
36 Titian  
Aliso Viejo, CA 92656-1499

Christopher J. Howder  
3131 Michelson Dr. #1002  
Irvine, CA 92612-5663