

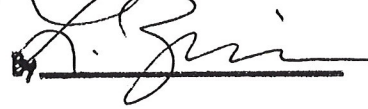
1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

JUL 29 2009

DEPARTMENT OF REAL ESTATE



8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 TO:

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12 )  
13 DIETER GABLE, )  
14 SHANNON BARD, )  
15 STEVE WALKER, )  
16 ZACK PAPIKE, )  
17 JOHN JACABSON, and )  
RANDY SABARRA, )  
dba INTELLICHOICE MORTGAGE, )  
SERVICES, LLC, and/or any other )  
names or fictitious names )

NO. H-3995 SD

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

18 The Commissioner (Commissioner) of the California Department of Real Estate  
19 (Department) caused an investigation to be made of the activities of DIETER GABLE (GABLE),  
20 SHANNON BARD (BARD), STEVE WALKER (WALKER), ZACK PAPIKE (PAPIKE),  
21 JOHN JACABSON (JACABSON) and RANDY SABARRA (SABARRA), doing business as  
22 INTELLICHOICE MORTGAGE SERVICES, LLC. (IMS). Based on that investigation, the  
23 Commissioner has determined that GABLE, BARD, WALKER, PAPIKE, JACABSON, and  
24 SABARRA have engaged in acts or practices constituting a violation of Section 10130 (engaging  
25 in the business of, advertising, or assuming to act as a real estate broker without first obtaining a  
26 real estate license), of the California Business and Professions Code (Code) and/or Section 2970  
27 (requirements for advance fee agreements) and Section 2972 of Title 10, Chapter 6, California

1 Code of Regulations (Regulations). Furthermore, based on the investigation, the Commissioner  
2 hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order  
3 under the authority of Section 10086 of the Code.

4 FINDINGS OF FACT

5 1. At no time herein mentioned has IMS been licensed by the Department in  
6 any capacity. GABLE, BARD, and WALKER are the owners, officers, and/or partners of IMS.

7 2. During the periods of time set below, IMS has solicited consumers and  
8 provided loan modification services to consumers in exchange for the payment of an advance fee  
9 without having first obtained a real estate license, in violation of Section 10130 of the Code.

10 3. At no time herein mentioned has JACABSON or SABARRA been  
11 licensed by the Department in any capacity.

12 4. PAPIKE has been licensed by the Department as a real estate salesperson  
13 affiliated with Cabrillo Mortgage and Realty. PAPIKE's license expires on February 8, 2010.

14 5. During the period of time set out below, PAPIKE, JACABSON, and/or  
15 SABARRA solicited borrowers and negotiated to do one or more of the following acts for  
16 another or others, for or in expectation of compensation: negotiate one or more loans for, or  
17 perform services for, borrowers and/or lenders in connection with loans secured directly or  
18 collaterally by one or more liens on real property; and charge, demand or collect an advance fee  
19 for any of the services offered.

20 6. For an unknown period of time beginning no later than September 15,  
21 2008, and continuing to the present time, GABLE, BARD, WALKER, PAPIKE, JACABSON,  
22 and/or SABARRA advertised and/or continue(s) to advertise services under one or more  
23 business names including, but not limited to, "Intellichoice Mortgage Services, LLC." in various  
24 print and electronic media. Those advertisements solicited, and continue to solicit, borrowers by  
25 offering loan modification services.

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1                                    GARY JOYAL'S TRANSACTION

2                    7.        On or about March 17, 2009, PAPIKE solicited Gary Joyal (Joyal) in order  
3 to provide loan modification services to reduce the interest rate on his Joyal's property.

4                    8.        PAPIKE requested an advance fee of \$3,000 from Joyal, which in reliance  
5 on PAPIKE's promises, Joyal transferred to IMS.

6                                    EDGAR ARGUETA'S TRANSACTION

7                    9.        On or about September 15, 2008, SABBARA solicited Edgar Argueta  
8 (Argueta) an offer for short sale, deed in lieu, and loan modification assistance in exchange for an  
9 advance fee of \$4,500.

10                  10.       Argueta contracted with IMS to perform a loan modification.

11                                   BILLY HUM'S TRANSACTION

12                  11.       On or about November 21, 2008, JACABSON told Billy Hum (Hum) that  
13 IMS would perform loan modifications on two of Hum's properties for \$3,000. JACABSON also  
14 offered a 100% money back guarantee.

15                  12.       On or about January 20, 2009, Hum had paid IMS \$1,000 for short sale and  
16 \$3,000 for loan modification.

17                                   CONCLUSIONS OF LAW

18                  13.       Based on the findings of fact contained in paragraphs 1 through 12,  
19 GABLE, BARD, WALKER, PAPIKE, JACABSON, and/or SABARRA have engaged in acts or  
20 practices constituting a violation of Section 10130 of the California Business and Professions  
21 Code (Code), by engaging in the business of advertising or assuming to act as a real estate broker  
22 without first obtaining a real estate license from the Department. GABLE, BARD, WALKER,  
23 PAPIKE, JACABSON, and/or SABARRA participated in charging, collecting, and accounting  
24 of advance fees, as defined in Section 10026 of the Code, in a manner that was not in compliance  
25 with Section 2970 and 2972 of the Regulations.

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

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

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- 1 (i) an advance fee agreement which has been submitted to the Department  
2 and you are in full compliance with all requirements of Sections 2970 and  
3 2972 of the Regulations relating to charging, collecting, and accounting  
4 for advance fees, and  
5 (ii) placed all previously collected advance fees into a trust account for that  
6 purpose and are in compliance with Section 10146 of the Code.

7 DATED: 7/28/09

8 JEFF DAVI  
9 Real Estate Commissioner

10 By   
11

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: Intellichoice Mortgage Services, LLC  
20 7975 Raytheon Road, Suite 350  
21 San Diego, CA 92111  
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