

1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

**FILED**  
MAY 16 2011

DEPARTMENT OF REAL ESTATE  
By R. Mas

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9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

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12 To: )  
13 ) NO. H-4195 SD  
14 ) ORDER TO DESIST AND REFRAIN  
15 ) (B&P Code Section 10086)

16 The Commissioner (hereafter "the Commissioner") of the California Department  
17 of Real Estate (hereafter "the Department") caused an investigation to be made of the activities  
18 of JEFF RIBERA, individually and doing business as "JR Direct" and "JR Direct Loan  
19 Modification" (hereafter "Respondent"). Based on that investigation, the Commissioner has  
20 determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or  
21 practices constituting violations of the California Business and Professions Code ("Code")  
22 and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in  
23 the capacity of, advertising or assuming to act as a real estate broker in the State of California  
24 within the meaning of Section 10131(d) (performing services for borrowers and/or lenders in  
25 connection with loans secured by real property), 10131.2 (collection of advance fees), 10085  
26 (advance fee agreements and materials) and 10085.5 (collecting unauthorized advance fees) of  
27 the Code. Furthermore, based on the investigation, the Commissioner hereby issues the

1 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the  
2 authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. At no time has Respondent been licensed by the Department in any capacity.

5 2. During the period of time set out below, Respondent performed services for one  
6 or more borrowers and negotiated to do one or more of the following acts for another or others,  
7 for or in expectation of compensation: negotiate one or more loans for, or perform services for,  
8 borrowers and/or lenders with respect to the collection of advance fees and loan modification,  
9 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those  
10 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens  
11 on real property; and charged, demanded or collected an advance fee for any of the services  
12 offered.

13 3. In furtherance of his plan and scheme to solicit advance fees and provide loan  
14 modification services, on or about December 21, 2009, Respondent offered loan modification  
15 services to and solicited an advance fee from Judith B. On that same date, Judith B. paid  
16 Respondent \$3,900 in advance fees for the loan modification services offered by him.  
17 Respondent failed to obtain a loan modification for Judith B. and has not repaid the money he  
18 received from her.

19 CONCLUSIONS OF LAW

20 Based on the Findings of Fact contained in Paragraphs 1 through 3, above,  
21 Respondent solicited borrowers and/or performed services for those borrowers with respect to  
22 the collection of advance fees and loan modification, loan refinance, principal reduction,  
23 foreclosure abatement or short sale services and/or those borrowers' lenders in connection with  
24 loans secured directly or collaterally by one or more liens on real property; and charged,  
25 demanded or collected advance fees for the services to be provided, which acts require a real  
26 estate broker license under Sections 10130 (real estate license requirement), 10131(d) and  
27 10131.2 of the Code.

1 Respondents used a form of advance fee agreement which had not been provided  
2 to the Department for its prior review and consideration, in violation of Sections 10085 and  
3 10085.5 of the Code, and Section 2970 (submission of advance fee materials) of the Regulations.

4 DESIST AND REFRAIN ORDER

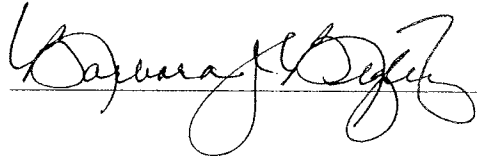
5 Based on the Findings of Fact and Conclusions of Law stated herein, JEFF  
6 RIBERA, individually and doing business as "JR Direct" and "JR Direct Loan Modification",  
7 whether doing business under your own name, or any other name or fictitious name, IS HEREBY  
8 ORDERED to immediately desist and refrain from:

- 9 1. Performing any acts within the State of California that require a real estate license  
10 unless and until you are properly licensed by the Department.
- 11 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that  
12 term is defined in Section 10026 of the Code, for any of the services you offer to  
13 others, unless and until you demonstrate and provide evidence satisfactory to the  
14 Commissioner that you are properly licensed by the Department and that JEFF  
15 RIBERA, individually and doing business as "JR Direct" and "JR Direct Loan  
16 Modification":
  - 17 (a) Has an advance fee agreement which has been submitted to the Department  
18 and which is in compliance with Sections 2970 and 2972 of the Regulations;
  - 19 (b) Has placed all previously collected advance fees into a trust account for that  
20 purpose and are in compliance with Section 10146 (deposit of advance fees  
21 into trust account) of the Code;
  - 22 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to  
23 Section 2972 of the Regulations; and
  - 24 (d) Has refunded to Judith B. any and all advance fees paid to you by her in this  
25 matter.
- 26 3. Demanding, claiming, collecting and/or receiving advance fees, as that term is  
27 defined in Section 10026 of the Code, in any form, and under any conditions, with

1 respect to the performance of loan modification or any other form of mortgage  
2 loan forbearance services in connection with loans on residential property  
3 containing four or fewer dwelling units.

4 DATED: 5/12/11

5 REAL ESTATE COMMISSIONER

6  
7 By:   
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10 **Notice:** Business and Professions Code Section 10139 provides that, "Any person acting as a  
11 real estate broker or real estate salesperson without a license or who advertises using words  
12 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
13 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
14 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
15 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
16 (\$60,000)...."

17 cc: JEFF RIBERA  
18 3627 Quimby Street  
19 San Diego, CA 92106  
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25 ATTY: JWB/km  
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