

1 DEPARTMENT OF REAL ESTATE
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FILED
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DEPARTMENT OF REAL ESTATE
By *R. Mar*

8 BEFORE THE STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

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11 To:

12 MARK WORKMAN

13 No. H-4356 SD

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

16 The Commissioner of the California Department of Real Estate (hereinafter
17 "Department") caused an investigation to be made of the activities of MARK WORKMAN
18 (hereinafter "WORKMAN"). Based on that investigation, the Commissioner has determined
19 that WORKMAN has engaged in, is engaging in, or is attempting to engage in, acts or practices
20 constituting violations of the California Business and Professions Code (hereinafter "Code"),
21 the California Civil Code (hereinafter "Civil Code"), and/or Title 10, Chapter 6, California
22 Code of Regulations (hereinafter "Regulations"), including, but not limited to the collection of
23 advance fees after October 10, 2009 in violation of Section 10085.6 of the Code and Section
24 2945.4 of the Civil Code, and engaging in the business of, acting in the capacity of, and/or
25 advertising or assuming to act as, a real estate broker in the State of California within the

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1 meaning of Sections 10131(d) (performing services for borrowers and/or lenders in connection
2 with loans secured by real property) and 10131.2 (real estate broker license required to charge
3 and collect an advance fee) of the Code.

4 Furthermore, based on the investigation, the Commissioner hereby issues the
5 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
6 authority of Section 10086 of the Code.

7 Whenever acts referred to below are attributed to WORKMAN, those acts are
8 alleged to have been done by WORKMAN, acting by himself, or by and/or through one or more
9 agents, associates, affiliates, and/or co-conspirators, and using other names or fictitious names
10 unknown at this time.

11 FINDINGS OF FACT

12 1. At no time has WORKMAN been licensed by the Department in any
13 capacity.

14 2. At all times mentioned herein, WORKMAN was employed by Axis Real
15 Estate Inc., a real estate corporation licensed by the Department.

16 3. During the period of time set forth below, WORKMAN solicited
17 borrowers and negotiated to do one or more of the following acts for another or others, for or in
18 expectation of compensation; negotiated one or more loans for, or performed services for,
19 borrowers and/or lenders in connection with loans secured directly or collaterally by one or more
20 liens on real property; and charged, demanded or collected an advance fee for any of the services
21 offered.

22 4. Beginning in or about September 2009, WORKMAN solicited Joe G.
23 (hereinafter "Joe") in order to provide loan modification and negotiation services on behalf of
24 Joe in connection with a loan secured by real property located at 8581 Lakewood Avenue, Cotati,
25 California.

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1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein,
3 WORKMAN, whether doing business under your own name, or any other name or fictitious
4 name, IS HEREBY ORDERED to:

5 1. Immediately desist and refrain from performing any acts within the State
6 of California for which a real estate broker license is required. In particular, you are ordered to
7 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
8 in connection with loans secured directly or collaterally by one or more liens on real property,
9 unless and until you obtain a real estate broker license issued by the Department.

10 2. Immediately desist and refrain from charging, demanding, claiming,
11 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
12 for any of the services you offer to others, unless and until you demonstrate and provide
13 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a
14 real estate broker, and that WORKMAN:

15 (a) Has an advance fee agreement which has been submitted to the
16 Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

17 (b) Has placed all previously collected advance fees into a trust
18 account for that purpose and are in compliance with Section 10146 of the Code;

19 (c) Has provided an accounting to trust fund owner-beneficiaries
20 pursuant to Section 2972 of the Regulations; and

21 (d) Is in compliance with California law, as amended effective as
22 of October 11, 2009, with respect to loan modification and/or forbearance services. Under
23 the amended law, you can only collect advance fees for loan modification or other mortgage
24 loan forbearance services related to commercial loans and loans for residential properties
25 containing five or more dwelling units.

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