

1 DEPARTMENT OF REAL ESTATE

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FILED

JAN 17 2013

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 TO:	)	NO. H-5945 SAC
	)	
13 TAX NOTE, and	)	<u>ORDER TO DESIST AND REFRAIN</u>
14 LISA McHENRY.	)	(B&P Code Section 10086)
	)	
	)	

15

16 The Real Estate Commissioner (Commissioner) of the California Department of

17 Real Estate (Department) caused an investigation to be made of the activities of TAX NOTE

18 and LISA McHENRY (McHENRY). Based on the investigation, the Commissioner has

19 determined that TAX NOTE and McHENRY have engaged in, are engaging in, or are

20 attempting to engage in, acts or practices constituting violations of the California Business and

21 Professions Code (Code), including the business of, acting in the capacity of, and/or advertising

22 or assuming to act as, real estate brokers in the State of California within the meaning of

23 Sections 10131(d) (performing services for borrowers in connection with loans secured by real

24 property) and 10085.5 (claiming/collecting/receiving advanced fees) of the Code. Furthermore,

25 based on the investigation, the Commissioner hereby issues the following Findings of Fact,

26 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the

27 Code.



1 time, solicited borrowers and/or performed services for those borrowers and/or those  
2 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens  
3 on real property, which requires a real estate license under Section 10130 of the Code, during a  
4 period of time when TAX NOTE and McHENRY were not licensed by the Department in any  
5 capacity.

6 7. Based on the Findings of Fact contained in Paragraphs 1 through 5, TAX  
7 NOTE and McHENRY, acting by themselves, or by and/or through one or more agents,  
8 associates, affiliates, and/or co-conspirators or other names or fictitious names unknown at this  
9 time, charged, received and/or collected, or contracted for advanced fees, in violation of  
10 Section 10085.5 of the Code.

11 DESIST AND REFRAIN ORDER


12  
13 BASED UPON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW  
14 STATED HEREIN, IT IS HEREBY ORDERED THAT, TAX NOTE and LISA McHENRY,  
15 whether doing business under their own names, or any other names, or any fictitious name, are  
16 HEREBY ORDERED to immediately desist and refrain from performing any acts within the  
17 State of California for which a real estate broker license is required, and in particular is  
18 ORDERED TO DESIST AND REFRAIN from:

- 19 1. soliciting borrowers and/or performing services for borrowers or  
20 lenders in connection with loans secured directly or collaterally by one  
21 or more liens on real property;
- 22 2. charging, demanding, claiming, collecting and/or receiving advance  
23 fees, as that term is defined in Section 10026 of the Code, in any form,  
24 and under any condition, with respect to the performance of loan  
25 modifications or any other form of mortgage loan forbearance service  
26 in connection with loans on residential property containing four or  
27 fewer dwelling units (Section 10085.5 of the Code); and,

1 3. charging, demanding, claiming, collecting and/or receiving advance  
2 fees, as that term is defined in Section 10026 of the Code, for any other  
3 real estate related services offered by them to others.

4  
5 DATED: 12/11/2012

6  
7 Real Estate Commissioner

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10 By WAYNE S. BELL  
Chief Counsel

11 -NOTICE-

12 **Notice:** Business and Professions Code Section 10139 (Penalties for Unlicensed  
13 Person) provides that: "Any person acting as a real estate broker, real estate salesperson, or  
14 mortgage loan originator without a license or license endorsement, or who advertises using words  
15 indicating that he or she is a real estate broker, real estate salesperson, or mortgage loan originator  
16 without being so licensed or without having obtained a license endorsement, shall be guilty of a  
17 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). ..."

18  
19 cc: **TAX NOTE**  
**LISA McHENRY**  
20 P.O. Box 148  
Manteca, CA 95336  
21 and  
767 Cherry Hill Ct.  
22 Lathrop, CA 95330  
and  
23 **LISA McHENRY**  
24 1039 Mission Ridge Dr.  
Manteca, CA 95337  
25 and  
17993 Hidden Wells Ln.  
26 Lathrop, CA 95330

27 ATTY MFC/kc