

FILED

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

FEB 17 2012

DEPARTMENT OF REAL ESTATE
BY: Sherry A. Winters

4 (213) 576-6982
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7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * * *

10 To:) No. H-37891 LA
11)
12 LANCE CUTSFORTH.) ORDER TO DESIST
13) AND REFRAIN
14) (B&P Code Section 10086)

15 The Real Estate Commissioner of the State of California ("Commissioner") has
16 caused an investigation to be made of the activities of LANCE CUTSFORTH, doing business as
17 Cutsforth and Associates. Based on that investigation, the Commissioner has determined that
18 LANCE CUTSFORTH has engaged in, is engaging in, or is attempting to engage in, acts or
19 practices constituting violations of the California Business and Professions Code ("Code"),
20 including acting in the capacity of, advertising and/or assuming to act as a real estate broker in
21 the State of California within the meaning of Code Sections 10131(d) (advertising, soliciting
22 borrowers for, and offering to perform loan modification services for distressed homeowners)
23 and 10131.2 (collecting advance fees in connection with those services). Based on that
24 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
25 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.
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FINDINGS OF FACT

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2 1. LANCE CUTSFORTH, doing business as Cutsforth and Associates
3 (“CUTSFORTH”), is not presently and has never been licensed by the Department of Real Estate
4 (“Department”) in any capacity.

5 2. During a period of time beginning on or before March 27, 2009,
6 CUTSFORTH engaged in the business of, acted in the capacity of, advertised or assumed to act
7 as a real estate broker in the State of California within the meaning of Code Sections 10131(d)
8 and 10131.2. His activities included soliciting borrowers or lenders for and/or negotiating loans,
9 collecting payments and/or performing services for borrowers or lenders in connection with
10 loans secured by liens on real property. His activities also included claiming, demanding,
11 charging, receiving, collecting or contracting for the collection of an advance fee within the
12 meaning of Code Sections 10026 and 10085.
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14 3. On or about March 27, 2009, CUTSFORTH entered into an agreement with
15 Christopher E. pursuant to which CUTSFORTH agreed to perform loan modification services in
16 exchange for an up front fee of \$4,000.00. CUTSFORTH failed to perform services as promised
17 and refused to refund or account for the advance fee paid.
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19 4. On or about July 7, 2009, CUTSFORTH collected \$3,000.00 from Louise M.
20 as an advance fee for loan modification services. CUTSFORTH failed to provide loan
21 modification services and refused to refund or account for the advance fees paid.
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23 5. As set forth above, CUTSFORTH solicited and entered into loan modification
24 agreements, and collected advance fees from Borrowers when he was not licensed by the
25 Department as a broker or as a salesperson employed by a broker. CUTSFORTH unlawfully
26 engaged in activities requiring a real estate license.
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CONCLUSIONS OF LAW

The conduct, acts and/or omissions of LANCE CUTSFORTH, as set forth in the Findings of Fact above, when not licensed by the Department as a real estate broker or as a salesperson employed by real estate brokers licensed by the Department, were in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, LANCE CUTSFORTH, whether doing business under his own name, or any other names, or fictitious names, IS HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, including:

- (i) soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, and
- (ii) charging, demanding, or collecting a fee for any of the services offered to others, unless and until he obtains a real estate broker license issued by the Department, and until he demonstrates and provide evidence satisfactory to the Commissioner that you are in full compliance with all of the requirements of the Code and Commissioner's Regulations relating to charging, collecting, and accounting for fees.

DATED: 2/9, 2012

BARBARA J. BIGBY
Acting Real Estate Commissioner



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