

1 DEPARTMENT OF REAL ESTATE
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3 Sacramento, CA 95818-7007
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FILED

MAR 03 2011

DEPARTMENT OF REAL ESTATE
By *K. Frost*

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 * * *

11 TO:)
12) NO. H-4171 SD
13 NATIONAL MODIFICATION SERVICES, LLC,)
14 a California limited liability company, and) ORDER TO DESIST AND
15 JOHN MABIE) REFRAIN
) (B&P Code Section 10086)
)

16 The Commissioner (hereinafter "Commissioner") of the California Department
17 of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
18 NATIONAL MODIFICATION SERVICES, LLC, a California limited liability company, and
19 JOHN MABIE. Based on that investigation, the Commissioner has determined that
20 NATIONAL MODIFICATION SERVICES, LLC, and JOHN MABIE have engaged in, are
21 engaging in, or are attempting to engage in, acts or practices constituting violations of the
22 California Business and Professions Code (hereinafter "Code") and/or Title 10, California Code
23 of Regulations (hereinafter "Regulations"), including engaging in the business of, acting in the
24 capacity of, advertising, or assuming to act as, a real estate broker in the State of California
25 within the meaning of Section 10131(d) (performing services for borrowers and lenders in
26 connection with loans secured by real property) of the Code. Based on the findings of that
27 investigation, as set forth below, the Commissioner hereby issues the following Findings of

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

3 FINDINGS OF FACT

4 1. At no time herein mentioned have NATIONAL MODIFICATION
5 SERVICES, LLC, and JOHN MABIE been licensed by the Department in any capacity.

6 2. Whenever reference is made in this Desist and Refrain Order to an act or
7 omission of NATIONAL MODIFICATION SERVICES, LLC, such reference shall be deemed to
8 mean that the owners, officers, directors, employees, agents, and real estate licensees employed
9 by or associated with said entities committed such act or omission while engaged in the
10 furtherance of the business or operations of said entities and while acting within the course and
11 scope of their corporate authority and employment.

12 3. For an unknown period beginning on or about March 2009 until and
13 including May 2010, and at all times herein mentioned, NATIONAL MODIFICATION
14 SERVICES, LLC, and JOHN MABIE solicited borrowers and lenders and negotiated to do one
15 or more of the following acts for another or others, for or in expectation of compensation, within
16 the meaning of Section 10131(d) of the Code: negotiate one or more loans for borrowers and
17 lenders in connection with loans secured or to be secured directly or collaterally by one or more
18 liens on real property, or perform services for borrowers and/or lenders in connection with loans
19 secured or to be secured directly or collaterally by one or more liens on real property.

20 4. For an unknown period of time beginning on or about December 3, 2009,
21 NATIONAL MODIFICATION SERVICES, LLC, and JOHN MABIE, for or in expectation of
22 compensation, solicited Andrew M. as borrower to negotiate the modification of, to obtain an
23 extension of the maturity date of, to change the interest rate of, and/or to lower the monthly
24 payments of a loan secured by the borrower's real property commonly known as 1301 E. Mabel
25 Street, Tucson, Arizona, within the meaning of Section 10131(d) of the Code.

26 5. On or about December 3, 2009, NATIONAL MODIFICATION
27 SERVICES, LLC, and JOHN MABIE for or in expectation of compensation, within the

1 meaning of Section 10131(d) of the Code, solicited Andrew M. as borrower for the purpose of
2 negotiating the modification of, obtaining an extension of the maturity date of, changing the
3 interest rate of, and/or of lowering the monthly payments of a loan secured by the borrower's
4 real property commonly known as 1301 E. Mabel Street, Tucson, Arizona, negotiated for,
5 demanded and collected from said borrower an advance fee of \$1,700.00, and again on or about
6 January 4, 2010, collected another advance fee of \$1,700.00, and submitting to said borrower a
7 written agreement for said advance fee without first obtaining approval of an advance fee
8 agreement from the Commissioner in accordance with Sections 10085 and 10085.5 of the Code.

9 CONCLUSIONS OF LAW

10 6. Based on the information contained in paragraphs 1 through 5, above,
11 NATIONAL MODIFICATION SERVICES, LLC, and JOHN MABIE solicited borrowers and
12 lenders, negotiated loans, and performed services for those borrowers and/or those borrowers'
13 lenders in connection with loans secured or to be secured directly or collaterally by one or more
14 liens on real property, which requires a real estate license under Section 10131(d) of the Code,
15 during a period of time when NATIONAL MODIFICATION SERVICES, LLC, and JOHN
16 MABIE were not licensed by the Department in any capacity and demanded and collected
17 advance fees without first obtaining approval of an advance fee agreement from the
18 Commissioner in accordance with Sections 10085 and 10085.5 of the Code.

19 7. Based on the information contained in paragraphs 1 through 5, above,
20 NATIONAL MODIFICATION SERVICES, LLC, and JOHN MABIE violated Section 10130
21 of the Code without first obtaining a real estate broker license from the Department.

22 8. Based on the information contained in paragraphs 1 through 5, above,
23 NATIONAL MODIFICATION SERVICES, LLC, and JOHN MABIE violated Section 10085.5
24 of the Code.

25 9. Based on the information contained in paragraphs 1 through 5, NATIONAL
26 MODIFICATION SERVICES, LLC, and JOHN MABIE violated Section 10139 of the Code,
27 which violation is a public offense punishable by a fine not exceeding twenty thousand dollars

1 (\$20,000.00), or by imprisonment in the county jail for a term not to exceed six months, or by
2 both fine and imprisonment or, when violated by a corporation, punishable by a fine not
3 exceeding sixty thousand dollars (\$60,000.00).

4 * * *

5 DESIST AND REFRAIN ORDER

6 Based on the Findings of Fact and Conclusions of Law stated herein:

7 NATIONAL MODIFICATION SERVICES, LLC, and JOHN MABIE, doing
8 business under your own names, or any other names, YOU ARE HEREBY ORDERED to:

9 1. Immediately desist and refrain from performing any acts within the State of
10 California for which a real estate broker license is required unless and until you obtain a real
11 estate broker license issued by the Department.

12 2. In particular you are ordered to immediately desist and refrain from:

13 (i) Soliciting borrowers or lenders and/or performing services for borrowers or
14 lenders in connection with loans secured or to be secured directly or collaterally by one or more
15 liens on real property, and,

16 (ii) From charging, demanding, or collecting advance fees unless and until you
17 obtain a real estate broker license issued by the Department, and until you demonstrate and
18 provide evidence satisfactory to the Commissioner that you are in full compliance with all of the
19 requirements of the Code and Chapter 6, Title 10, California Code of Regulations (hereinafter
20 "Regulations") relating to charging, collecting, and accounting for advance fees.

21 3. Immediately desist and refrain from demanding or collecting advance fees,
22 as that term is defined in Section 10026 of the Code, in any form, unless and until you
23 demonstrate and provide evidence satisfactory to the Commissioner that you have :

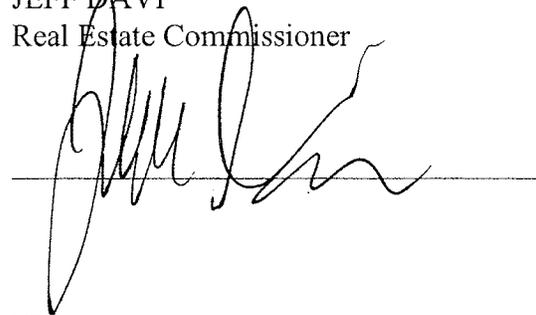
24 (i) An advance fee agreement which has been submitted to the Department and
25 which is in compliance with Sections 2970 and 2972 of the Regulations:

26 (ii) Placed all previously collected advance fees into a trust account for that
27 purpose and are in compliance with Section 10146 of the Code; and,

1 (iii) Provided an accounting to trust fund owner-beneficiaries pursuant to
2 Section 2972 of the Regulations.

3 DATED: 2.1.204

4 JEFF DAVI
5 Real Estate Commissioner

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9 -NOTICE-

10 Business and Professions Code Section 10139 provides that "Any person acting
11 as a 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
18 cc: THE WATKINS FIRM, PC
19 Agent for Service of Process for
20 NATIONAL MODIFICATION SERVICES, LLC
21 4275 Executive Square, Suite 1020
La Jolla, CA 92037

JOHN MABIE
8352 Clairemont Mesa Blvd.
San Diego, CA 92111

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