

FILED

SEP 13 2011

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

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Olson

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37504 LA
)	
12 DESIREE A. CREVECOEUR, and)	
13 GIOVANNI WOLFGANG MC PHAIL, dba)	<u>ORDER TO DESIST</u>
14 LOAN MODIFICATION PROS.)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
)	

15

16 The Real Estate Commissioner of the State of California ("Commissioner") has

17 caused an investigation to be made of the activities of DESIREE A. CREVECOEUR and

18 GIOVANNI WOLFGANG MC PHAIL, dba LOAN MODIFICATION PROS. Based on that

19 investigation, the Commissioner has determined that DESIREE A. CREVECOEUR and

20 GIOVANNI WOLFGANG MC PHAIL, dba LOAN MODIFICATION PROS have engaged in,

21 are engaging in, or are attempting to engage in, acts or practices constituting violations of the

22 California Business and Professions Code ("Code"), including acting in the capacity of,

23 advertising or assuming to act as a real estate broker in the State of California within the

24 meaning of Code Section 10131(d) (advertising, soliciting borrowers for, and offering to perform

25 services for borrowers on loans secured by real property) when not properly licensed. Based on

26 that investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions

27

of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. DESIREE A. CREVECOEUR (“CREVECOEUR”) is not now and has never been licensed by the Department of Real Estate of the State of California (“Department”) as a real estate broker or as a salesperson employed by a real estate broker.

2. GIOVANNI WOLFGANG MC PHAIL, dba LOSS MITIGATION PROS (“MC PHAIL”) is not now and has never been licensed by the Department as a real estate broker or as a salesperson employed by a real estate broker.

3. On or about January 7, 2009, CREVECOEUR filed a Fictitious Business Name Statement with the Los Angeles County Recorder’s Office declaring that she was doing business as LOSS MITIGATION PROS, with a principal place of business located at 11870 Santa Monica Blvd., Ste 105-456, Los Angeles, CA 90025.

4. The parties and entities listed above also have advertised and engaged in activities requiring a real estate license in California under the following unlicensed business names: www.lossmitigationpros.info, and www.fixmyloan.info.

5. Beginning at a time on or before December 23, 2008, MC PHAIL and/or CREVECOEUR operated a website on the internet, www.lossmitigationpros.com, through which they advertised, solicited and offered loan services to consumers, including services to assist them in negotiating with lenders and avoid foreclosure and adjust the terms of their mortgage loans.

6. Beginning on or before December 23, 2008, and continuing through on or after October 12, 2009, MC PHAIL and CREVECOEUR, doing business as LOSS MITIGATION PROS, represented borrower Vincent B. in attempting to negotiate a loan modification with his lender. Vincent B. paid advance fees for these loan mitigation services.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CONCLUSIONS OF LAW

The conduct, acts and/or omissions of DESIREE A. CREVECOEUR and GIOVANNI WOLFGANG MC PHAIL, dba LOSS MITIGATION PROS, as set forth in the Findings of Fact above, when not licensed by the Department as real estate brokers or as salespersons employed by a real estate broker licensed by the Department, was in violation of Code Section 10130.

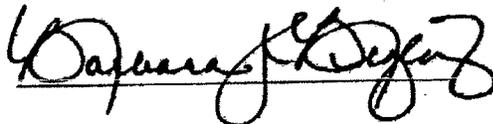
DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, DESIREE A. CEVECOEUR and GIOVANNI WOLFGANG MC PHAIL, whether doing business under your own names, or any other names, or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from conducting activities requiring a real estate license, including from:

- (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 you offer to others, unless and until you obtain a real estate broker license issued by the Department, and until you demonstrate 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: 9/1, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Notice: Business and Professions Code Section 10139 provides that “Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a 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).”

cc:

Desiree A. Crevecoeur
Giovanni Wolfgang McPhail
Db a Loan Modification Pros
11870 Santa Monica Blvd. #105-456
Los Angeles, CA 90025

Desiree A. Crevecoeur
Giovanni Wolfgang McPhail
43833 Beech Ave.
Lancaster, CA 93534