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Dept. of Real Estate

DEC 19 2011

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1 Department of Real Estate
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3 Los Angeles, California 90013

FILED Department of Real Estate
ADMINISTRATION - SACRAMENTO

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DEC 16 2011

DEPARTMENT OF REAL ESTATE

BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 To:)	No. H-37744 LA
)	
12 CAL-PRO EQUITIES, INC., doing)	<u>ORDER TO DESIST</u>
13 business as Keep Your Home)	<u>AND REFRAIN</u>
14 Today; STEVEN CARL WALDROFF;)	(B&P Code Section 10086)
15 and JAIME DAN BARKER,)	
)	
)	

16

17 The Commissioner ("Commissioner") of the California

18 Department of Real Estate ("Department") caused an investigation

19 to be made of the activities of CAL-PRO EQUITIES, INC., doing

20 business as Keep Your Home Today; STEVEN CARL WALDROFF

21 ("WALDROFF"); and JAIME DAN BARKER ("BARKER"), and has determined

22 that each of them engaged in or is engaging in acts or practices

23 constituting violations of the California Business and

24 Professions Code ("Code") and/or Title 10, California Code of

25 Regulations ("Regulations"). Said parties are engaging in the

26 business of, acting in the capacity of, advertising, or assuming

27 to act, as a real estate broker in the State of California within

1 the meaning of Code Section 10131(d) (soliciting borrowers or
2 lenders or negotiating loans) and/or Code Section 10131.2
3 (advance fee handling). Based on the findings of that
4 investigation, as set forth below, the Commissioner hereby issues
5 the following Findings of Fact and Desist and Refrain Order
6 pursuant to Section 10086 of the Code.

7 FINDINGS OF FACT

8 1. WALDROFF is presently licensed and/or has license
9 rights under the Real Estate Law (Part 1 of Division 4 of the
10 Code) as a real estate broker.

11 2. Since on or about June 22, 2009, BARKER has been
12 licensed and/or has license rights under the Real Estate Law as
13 a real estate salesperson. Prior to June 22, 2009, BARKER was
14 not licensed by the Department in any capacity.

15 3. At no time herein mentioned herein has CAL-PRO
16 EQUITIES, INC., doing business as Keep Your Home Today ("KEEP
17 YOUR HOME"), been licensed by the Department in any capacity.

18 4. KEEP YOUR HOME, WALDROFF and BARKER engaged in the
19 business of claiming, demanding, charging, receiving, collecting
20 or contracting for the collection of an advance fee, as defined
21 by Code Section 10026, including but not limited to the
22 activities described in Paragraph 6, below.

23 5. WALDROFF failed to submit the advance fee
24 agreement referred to in Paragraph 6, below, to the Commissioner
25 ten days before using it.

26 6. At the times set forth below KEEP YOUR HOME,
27

1 WALDROFF and BARKER engaged in the business of, acted in the
2 capacity of, or advertised a real estate loan service and advance
3 fee brokerage offering to perform and performing solicitation,
4 negotiation and modification of loans secured by liens on real
5 property for compensation or in expectation of compensation and
6 for fees collected in advance including, but not limited to, the
7 following:

8 a. On or about November 27, 2008, Linda C. paid KEEP
9 YOUR HOME an advance fee of \$2995. The advance fee was collected
10 by WALDROFF pursuant to the provisions of an agreement
11 pertaining to loan solicitation, negotiation, and modification
12 services to be provided by KEEP YOUR HOME with respect to a loan
13 secured by the real property at 28387 Crosby Street, Murrieta,
14 California 92563.

15 CONCLUSIONS OF LAW

16 7. The activities described in Paragraph 6, above,
17 require a real estate license under Section 10131(d) and Section
18 10131.2 of the Code.

19 8. Based on the information contained in Paragraphs
20 2, 3, 4 and 6 above, BARKER and KEEP YOUR HOME performed and/or
21 participated in loan solicitation, negotiation and modification
22 activities which require a real estate broker license under the
23 provisions of Code Sections 10131(d) and 10131.2 during a period
24 of time when neither of them was licensed by the Department as a
25 real estate broker nor employed as a real estate salesperson by
26 the broker on whose behalf the activities were performed in
27

1 violation of Section 10130 of the Code.

2 9. Based on the information contained in Paragraphs
3 4, 5 and 6, above, KEEP YOUR HOME, WALDROFF and BARKER collected
4 fees pursuant to an agreement which constitutes an advance fee
5 agreement within the meaning of Code Section 10085 and Section
6 2970 of the Regulations.

7 DESIST AND REFRAIN ORDER

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

10 1. IT IS HEREBY ORDERED that STEVEN CARL WALDROFF,
11 whether doing business under the name KEEP YOUR HOME, or any
12 other names, or any fictitious name:

13 A. Immediately desist and refrain from charging,
14 demanding, claiming, collecting and/or receiving advance fees, as
15 that term is defined in Section 10026 of the Code, in any form,
16 and under any conditions, with respect to the performance of loan
17 modification or any other form of mortgage loan forbearance
18 services in connection with loans on residential property
19 containing four or fewer dwelling units (Code Section 10085.6).

20 B. Immediately desist and refrain from charging,
21 demanding, claiming, collecting and/or receiving advance fees, as
22 that term is defined in Section 10026 of the Code, for any of the
23 other real estate related services offered to others, unless and
24 until STEVEN CARL WALDROFF demonstrates and provides evidence
25 satisfactory to the Commissioner that he:
26
27

1 (i) has an advance fee agreement which has been
2 submitted to the Department and which is in compliance with
3 Section 10085 of the Code and Section 2970 of the Regulations;

4 (ii) has placed all previously collected advance fees
5 into a trust account for that purpose and is in compliance with
6 Section 10146 of the Code; and

7 (iii) has provided an accounting to trust fund owner-
8 beneficiaries from whom advance fees have previously been
9 collected in compliance with Code Section 10146 and Section 2972
10 of the Regulations.

11 2. IT IS HEREBY ORDERED that CAL-PRO EQUITIES, INC.,
12 and JAIME DAN BARKER, whether doing business under their own
13 names, or any other names, or any fictitious name, including
14 Keep Your Home Today, ARE HEREBY ORDERED to immediately DESIST
15 AND REFRAIN from performing any acts within the State of
16 California for which a real estate broker license is required.
17 In particular each of them is ORDERED TO DESIST AND REFRAIN
18 from:
19

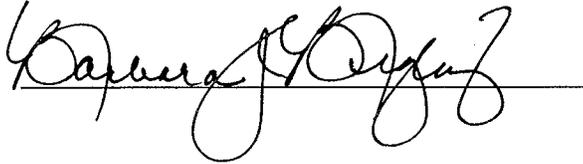
20 A. charging, demanding, claiming, collecting and/or
21 receiving advance fees, as that term is defined in Section 10026
22 of the Code, in any form, and under any conditions, with respect
23 to the performance of loan modifications or any other form of
24 mortgage loan forbearance service in connection with loans on
25 residential property containing four or fewer dwelling units
26 (Code Section 10085.6); and

27 B. charging, demanding, claiming, collecting and/or

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

4 DATED: 12/13, 2011.

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6 BARBARA J. BIGBY
Acting Real Estate Commissioner

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14 **Notice:** Business and Professions Code Section 10139 provides
15 that "Any person acting as a real estate broker or real estate
16 salesperson without a license or who advertises using words
17 indicating that he or she is a real estate broker without being
18 so licensed shall be guilty of a public offense punishable by a
19 fine not exceeding twenty thousand dollars (\$20,000), or by
20 imprisonment in the county jail for a term not to exceed six
21 months, or by both fine and imprisonment; or if a corporation, be
22 punished by a fine not exceeding sixty thousand dollars
23 (\$60,000)."

24 cc: Cal-Pro Equities, Inc.
25 Keep Your Home Today
26 35686 Rosedown Lane
27 Wildomar, California 92595

Steven Carl Waldroff
22801 San Joaquin Drive
Canyon Lake, California 92587

Jaime Dan Barker
35686 Rosedown Lane
Wildomar, California 92595