

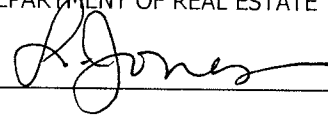
FILED

August 16, 2011

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3 Sacramento, CA 95818-7000

DEPARTMENT OF REAL ESTATE

4 Telephone: (916) 227-0789

By 

5
6
7 STATE OF CALIFORNIA

8 DEPARTMENT OF REAL ESTATE

9
10 To:)
11 BRENT MEDEARIS)
12 _____)

NO. H-2658 FR

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

13 The Commissioner (hereinafter "Commissioner") of the California Department
14 of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
15 BRENT MEDEARIS (hereinafter "MEDEARIS"). Based on that investigation, the
16 Commissioner has determined that MEDEARIS has engaged in, is engaging in, or is attempting
17 to engage in, acts or practices constituting violations of the California Business and Professions
18 Code (hereinafter "the Code") and/or Title 10, Chapter 6, California Code of Regulations
19 (hereinafter "the Regulations"), including the business of, acting in the capacity of, and/or
20 advertising or assuming to act as, a real estate broker in the State of California within the
21 meaning of Sections 10131(d) (performing services for borrowers and/or lenders in connection
22 with loans secured by real property) and 10131.2 (real estate broker license required to charge
23 and collect an advance fee) of the Code. Furthermore, based on the investigation, the
24 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
25 and Refrain Order under the authority of Section 10086 of the Code.

26 Whenever acts referred to below are attributed to MEDEARIS, those acts are
27 alleged to have been done by MEDEARIS, acting by himself, or by and/or through one or more

1 agents, associates, affiliates, and/or co-conspirators, and using the name "VIP Financial
2 Services", "Property Relief", or other names or fictitious names unknown at this time.

3 FINDINGS OF FACT

4 1. At no time mentioned was MEDEARIS licensed by the Department in
5 any capacity.

6 2. During the period of time set forth below, MEDEARIS solicited borrowers
7 and negotiated to do one or more of the following acts for another or others, for or in expectation
8 of compensation; negotiate one or more loans for, or perform services for, borrowers and/or
9 lenders in connection with loans secured directly or collaterally by one or more liens on real
10 property; and charge, demand or collect an advance fee for any of the services offered.

11 3. Beginning on or about December 2008, MEDEARIS solicited Randy L.
12 (hereinafter "Randy") in order to provide loan modification and negotiation services on behalf of
13 Randy in connection with a loan secured by real property located at 3513 Anniston Court,
14 Modesto, California.

15 4. Between, on, or about January 1, 2009, and June 23, 2009, MEDEARIS
16 demanded and received an advance fee totaling \$7,750 from Randy for the activities described in
17 Paragraph 3.

18 5. Beginning on or about March 2009, MEDEARIS solicited Raymond C.
19 (hereinafter "Raymond") in order to provide loan modification and negotiation services on behalf
20 of Raymond in connection with a loan secured by real property located at 24333 East Highway
21 26, Linden, California.

22 6. Between, on, or about March 6, 2009, and May 6, 2009, MEDEARIS
23 demanded and received an advance fee totaling \$1,750 from Raymond for the activities described
24 in Paragraph 5.

25 7. Beginning on or about October 2008, MEDEARIS solicited Kelly P.
26 (hereinafter "Kelly") in order to provide loan modification and negotiation services on behalf of
27 Kelly in connection with a loan secured by real property located at 2724 Prosperity Way,

1 Modesto, California.

2 8. Between, on, or about May 8, 2009 and August 8, 2009, MEDEARIS
3 demanded and received an advance fee totaling \$4,200 from Kelly for the activities described in
4 Paragraph 7.

5 9. MEDEARIS solicits homeowners for mortgage loan services on his
6 website, www.viploanz.com. As described on the website, MEDEARIS makes the following
7 services and general claims:

- 8 • “We treat all our clients like they are VIP’s. Let us take care of all your home financing
9 needs.”
- 10 • “We have a wide range of financing products to serve you. We have Conventional, FHA,
11 USDA, CALHFA, VA, Hard Money Loans, Commercials, etc.””
- 12 • “Are you thinking about buying? Let us prequalify you!”

13 CONCLUSIONS OF LAW

14 10. Based on the findings of fact contained in paragraphs 1 through 9,
15 MEDEARIS, solicited one or more borrowers to perform services for those borrowers and/or
16 those borrowers' lenders in connection with loans secured directly or collaterally by one or more
17 liens on real property located within the State of California, and charged, demanded or collected
18 advance fees for the services to be provided, which acts require a real estate broker license under
19 Sections 10131(d) (real estate license required for enumerated acts) and 10131.2 (real estate
20 broker license required to charge or collect an advance fee) of the Code, in violation of Section
21 10130 of the Code.

22 11. MEDEARIS used a form of advance fee agreement which had not been
23 provided to the Department for its prior review and consideration, in violation of Section 10085
24 of the Code (prior submission of advance fee materials required) and Section 2970 (details for
25 prior submission of advance fee materials) of the Regulations.

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1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein,
3 MEDEARIS, whether doing business under your own name, or any other name or fictitious
4 name, ARE HEREBY ORDERED to:

5 1. Immediately desist and refrain from performing any acts within the State
6 of California for which a real estate broker license is required. In particular, you are ordered to
7 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
8 in connection with loans secured directly or collaterally by one or more liens on real property,
9 unless and until you obtain a real estate broker license issued by the Department.

10 2. Immediately desist and refrain from charging, demanding, claiming,
11 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
12 for any of the services you offer to others, unless and until you demonstrate and provide
13 evidence satisfactory to the Commissioner that you are properly licensed by the Department as a
14 real estate broker, and that MEDEARIS:

15 (A) Has an advance fee agreement which has been submitted to the
16 Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

17 (B) Has placed all previously collected advance fees into a trust account
18 for that purpose and are in compliance with Section 10146 of the Code;

19 (C) Has provided an accounting to trust fund owner-beneficiaries pursuant
20 to Section 2972 of the Regulations; and

21 (D) Is in compliance with California law, as amended effective as of
22 October 11, 2009, with respect to loan modification and/or forbearance services. Under the
23 amended law, you can only collect advance fees for loan modification or other mortgage loan
24 forbearance services related to commercial loans and loans for residential properties
25 containing five or more dwelling units.

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