

1 Department of Real Estate  
2 320 West Fourth Street, Ste. 350  
3 Los Angeles, California 90013

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**FILED**  
FEB 16 2010  
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 To:	)	No. H-36464 LA
	)	
12 NATIONAL IMPROVEMENT CENTER, INC.	)	<u>ORDER TO DESIST</u>
13 and JOHN BOATMAN.	)	
	)	<u>AND REFRAIN</u>
	)	

15 The Commissioner (Commissioner) of the California  
16 Department of Real Estate (Department) caused an investigation to  
17 be made of the activities of NATIONAL IMPROVEMENT CENTER, INC.  
18 ("NATIONAL") and JOHN BOATMAN ("BOATMAN"). Based on that  
19 investigation, the Commissioner has determined that NATIONAL and  
20 BOATMAN have engaged in, are engaging in, or are attempting to  
21 engage in, acts or practices constituting violations of the  
22 California Business and Professions Code (Code), including  
23 violating Code Section 10130 by engaging in the business of,  
24 acting in the capacity of, and/or advertising or assuming to act  
25 as, a real estate broker in the State of California within the  
26 meaning of Code Section 10131(d) (soliciting borrowers and  
27 lenders and negotiating loans on real property). Furthermore,

1 based on the investigation, the Commissioner hereby issues the  
2 following Findings of Fact, Conclusions of Law, and Desist and  
3 Refrain Order under the authority of Section 10086 of the Code.

4 Whenever acts referred to below are attributed to  
5 "NATIONAL" or "BOATMAN" those acts are alleged to have been done  
6 by NATIONAL or BOATMAN, or by and/or through one or more agents,  
7 associates, affiliates, and/or co-conspirators.

8 FINDINGS OF FACT

9 1. At no time herein mentioned has NATIONAL or BOATMAN  
10 been licensed by the Department of Real Estate of the State of  
11 California (hereinafter "Department") as a real estate broker.

12 2. During 2009, NATIONAL and BOATMAN engaged in the  
13 business of, for or in expectation of compensation, soliciting  
14 borrowers and negotiating to do one or more of the following acts  
15 for another or others: offered to provide loan modifications or  
16 negotiation, re-finance, or short-sale negotiations, or other  
17 services for borrowers or owners of real property, or other  
18 services for borrowers or owners of real property to modify the  
19 terms of the loans on the real property.

20 3. During 2009, NATIONAL advertised and continues to  
21 advertise, its services on a website located at  
22 [http://www.National Improvement Center.Com](http://www.NationalImprovementCenter.Com). Those advertisements  
23 solicited, and continue to solicit, borrowers, offering "loan  
24 loss mitigation" services, including, but not limited to,  
25 negotiating a "short pay off" with the borrower's lender.

26 4. NATIONAL and BOATMAN entered into an agreement with  
27 Ramon Valencia Leyva and Maria Guadalupe Leyva ("Leyvas") and

1 thereafter demanded and received an advance fee in the amount of  
2 \$3,000 from the Leyvas for loan modification and negotiation  
3 services of their loan on the subject property located at 1839 La  
4 Jolla Dr., Stockton, California. The Leyvas did not receive a  
5 loan modification.

6 CONCLUSIONS OF LAW

7 5. Based on the findings of fact set forth in  
8 paragraphs 1 through 4, NATIONAL and BOATMAN's acts, acting by  
9 itself, or by and/or through one or more agents, associates,  
10 affiliates, and/or co-conspirators, solicited borrowers and  
11 performed services for those borrowers and or borrowers' lenders  
12 in connection with loans secured directly or collaterally by one  
13 or more liens on real property are acts requiring a real estate  
14 broker license under Section 10131(d) of the Code during a period  
15 of time when NATIONAL and BOATMAN were not licensed by the  
16 Department as a real estate broker, in violation of Code Section  
17 10130.

18 DESIST AND REFRAIN ORDER

19 Based on the Findings of Fact and Conclusions of Law  
20 stated herein, you, NATIONAL and BOATMAN, whether doing business  
21 under its own name, or any other name or fictitious name, ARE  
22 ORDERED to:

23 1. immediately desist and refrain from charging, demanding,  
24 claiming, collecting and/or receiving advance fees, as that term  
25 is defined in Section 10026 of the Code, in any form, and under  
26 any conditions, with respect to the performance of loan  
27 modification or any other form of mortgage loan forbearance

1 services in connection with loans on residential property  
2 containing four or fewer dwelling units (Code Section 10085.6).

3 2. immediately desist and refrain from charging, demanding,  
4 claiming, collecting and/or receiving advance fees, as that term  
5 is defined in Section 10026 of the Code, for any of the other  
6 real estate related services you offer to others, unless and  
7 until you demonstrate and provide evidence satisfactory to the  
8 Commissioner that you are properly licensed by the Department as  
9 a real estate broker, and that:

- 10 (1) you have an advance fee agreement which has been  
11 submitted to the Department and which is in  
12 compliance with Section 10085 of the Code and  
13 Section 2970 of the Regulations;
- 14 (2) you have placed all previously collected advance  
15 fees into a trust account for that purpose and are  
16 in compliance with Section 10146 of the Code; and
- 17 (3) you have provided an accounting to trust fund  
18 owner-beneficiaries pursuant to Section 2972 of  
19 the Regulations.

20  
21 DATED: 12/18/09.

22 JEFF DAVI  
23 Real Estate Commissioner  
24  
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1 **Notice:** Business and Professions Code Section 10139 provides  
2 that "Any person acting as a real estate broker or real estate  
3 salesperson without a license or who advertises using the words  
4 indicating that he or she is a real estate broker without being  
5 so licensed shall be guilty of a public offense punishable by a  
6 fine not exceeding twenty thousand dollars (\$20,000), or by  
7 imprisonment in the county jail for a term not to exceed six  
8 months, or by both fine and imprisonment; or if a corporation,  
9 be punished by a fine not exceeding sixty thousand dollars  
10 (\$60,000)."

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12  
13 cc: National Improvement Center, Inc.  
14 13700 Alton Parkway, Suite 154-260  
15 Irvine, CA 92618

16  
17 John Boatman  
18 20 Fairbanks, Suite 193  
19 Irvine, CA 92618

20 JRP:ED  
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