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FILED

1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013
3 (213) 576-6982
4 (213) 576-6910
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AUG 17 2011

DEPARTMENT OF REAL ESTATE
BY: *Shirley A. Valenzuela*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-36851 LA
13) L-2010110210
14) STIPULATION AND AGREEMENT
JEFFERY ALLEN CONVERSE,)
Respondent.)

15 It is hereby stipulated by and between JEFFERY ALLEN
16 CONVERSE (sometimes referred to as "Respondent") and the
17 Complainant, acting by and through James A. Demus, Counsel for
18 the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on October 5,
20 2010, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and
23 Respondents at a formal hearing on the Accusation, which hearing
24 was to be held in accordance with the provisions of the
25 Administrative Procedure Act ("APA"), shall instead and in place
26 thereof be submitted solely on the basis of the provisions of
27

1 this Stipulation and Agreement ("Stipulation").

2 2. Respondent has received, read and understands the
3 Statement to Respondent, the Discovery Provisions of the APA and
4 the Accusation, filed by the Department of Real Estate in this
5 proceeding.

6 3. On October 18, 2010, Respondent filed a Notice of
7 Defense pursuant to Section 11506 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that he
11 understands that by withdrawing said Notice of Defense, he will
12 thereby waive his right to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA and that he will waive
15 other rights afforded to him in connection with the hearing such
16 as the right to present evidence in defense of the allegations
17 in the Accusation and the right to cross-examine witnesses.

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation filed in this
20 proceeding. In the interest of expedience and economy,
21 Respondent chooses not to contest these factual allegations, but
22 to remain silent and understands that, as a result thereof,
23 these factual statements will serve as a prima facie basis for
24 the disciplinary action stipulated to herein. The Real Estate
25 Commissioner shall not be required to provide further evidence
26 to prove such allegations.

27 5. This Stipulation and Respondent's decision not to

1 contest the Accusation are made for the purpose of reaching an
2 agreed disposition of this proceeding and are expressly limited
3 to this proceeding and any other proceeding or case in which the
4 Department of Real Estate ("Department"), or another licensing
5 agency of this state, another state or if the federal government
6 is involved and otherwise shall not be admissible in any other
7 criminal or civil proceedings.

8 6. It is understood by the parties that the Real
9 Estate Commissioner may adopt the Stipulation as her decision in
10 this matter thereby imposing the penalty and sanctions on
11 Respondent's real estate license and license rights as set forth
12 in the below "Order". In the event that the Commissioner in her
13 discretion does not adopt the Stipulation, the Stipulation shall
14 be void and of no effect, and Respondent shall retain the right
15 to a hearing on the Accusation under all the provisions of the
16 APA and shall not be bound by any stipulation or waiver made
17 herein.

18 7. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation shall not
20 constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Department of Real
22 Estate with respect to any conduct which was not specifically
23 alleged to be causes for accusation in this proceeding.

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations and waivers and
26 solely for the purpose of settlement of the pending Accusation
27 without a hearing, it is stipulated and agreed that the following

1 determination of issues shall be made:

2 The conduct, acts and/or omissions of Respondent
3 JEFFERY ALLEN CONVERSE as described in Paragraph 4, constitute
4 cause for the suspension or revocation of all the real estate
5 licenses and license rights of Respondent JEFFERY ALLEN CONVERSE
6 under the provisions of Section 10177(g) of the Business and
7 Professions Code ("Code").

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 I

11 A. All licenses and license rights of Respondent
12 JEFFERY ALLEN CONVERSE under the Real Estate Law are suspended
13 for a period of sixty (60) days from the effective date of this
14 Decision; provided, however, that the initial thirty (30) days
15 of said suspension shall be stayed upon the following terms and
16 conditions:

17 1. Respondent pays a monetary penalty pursuant to
18 Section 10175.2 of the Business and Professions Code at the rate
19 of \$50 for each day of the suspension for a total monetary
20 penalty of \$1,500.

21 2. Said payment shall be in the form of a cashier's
22 check or certified check made payable to the Recovery Account of
23 the Real Estate Fund. Said check must be received by the
24 Department prior to the effective date of the Decision in this
25 matter.

1 3. No further cause for disciplinary action against
2 the real estate license of Respondent occurs within two years
3 from the effective date of the Decision in this matter.

4 4. If Respondent fails to pay the monetary penalty
5 in accordance with the terms and conditions of the Decision, the
6 Commissioner may, without a hearing, order the immediate
7 execution of all or any part of the stayed suspension in which
8 event the Respondent shall not be entitled to any repayment nor
9 credit, prorated or otherwise, for money paid to the Department
10 under the terms of this Decision.

11 5. If Respondent pays the monetary penalty and if no
12 further cause for disciplinary action against the real estate
13 license of Respondent occurs within two years from the effective
14 date of the Decision, the stay hereby granted shall become
15 permanent.


16 B. The remaining thirty (30) days of the sixty (60)
17 day suspension shall be stayed for two (2) years upon the
18 following terms and conditions:

19 (1) Respondent JEFFERY ALLEN CONVERSE shall obey all
20 laws, rules and regulations governing the rights, duties and
21 responsibilities of a real estate licensee in the State of
22 California; and

23 (2) That no final subsequent determination be made
24 after hearing or upon stipulation, that cause for disciplinary
25 action occurred within two (2) years from the effective date of
26 this Decision. Should such a determination be made, the
27 Commissioner may, in his discretion, vacate and set aside the

1 stay order and reimpose all or a portion of the stayed
2 suspension. Should no such determination be made, the stay
3 imposed herein shall become permanent.

4
5 DATED: 7/25/11


6 JAMES A. DEMUS, Counsel for the
7 Department of Real Estate

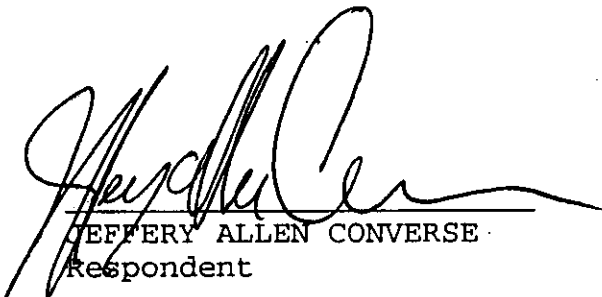
8 * * *

9 I have read the Stipulation. Its terms are understood
10 by me and are agreeable and acceptable to me. I understand that
11 I am waiving rights given to me by the California Administrative
12 Procedure Act (including but not limited to Sections 11506,
13 11508, 11509 and 11513 of the Government Code), and I willingly,
14 intelligently and voluntarily waive those rights, including the
15 right of requiring the Commissioner to prove the allegations in
16 the Accusation at a hearing at which I would have the right to
17 cross-examine witnesses against me and to present evidence in
18 defense and mitigation of the charges.

19 Respondent can signify acceptance and approval of the
20 terms and conditions of this Stipulation by faxing a copy of its
21 signature page, as actually signed by Respondent, to the
22 Department at the following fax number: James A. Demus at (213)
23 576-6917. Respondent agrees, acknowledges and understands that
24 by electronically sending to the Department a fax copy of
25 Respondent's actual signature as it appears on the Stipulation,
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1 that receipt of the faxed copy by the Department shall be as
2 binding on Respondent as if the Department had received the
3 original signed Stipulation.

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6 DATED: 7-15-2011

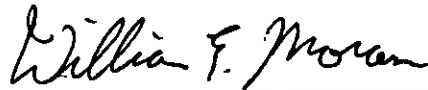

JEFFERY ALLEN CONVERSE
Respondent

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9 * * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and Order in this matter, and shall
12 become effective at 12 o'clock noon on **SEP 06 2011**

13
14 IT IS SO ORDERED August 11, 2011.

15
16 BARBARA J. BIGBY
Acting Real Estate Commissioner

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19 By WILLIAM E. MORAN
Assistant Commissioner, Enforcement
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FILED

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

OCT - 5 2010

4 (213) 576-6982
5 (213) 576-6910 (direct)

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olson

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12	In the Matter of the Accusation of)	No. H-36851 LA
13	JEFFERY ALLEN CONVERSE,)	<u>A C C U S A T I O N</u>
14)	
15	Respondent.)	

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of
18 Accusation against JEFFERY ALLEN CONVERSE, is informed and
19 alleges as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

24 2.

25 JEFFERY ALLEN CONVERSE (hereinafter "Respondent") is
26 presently licensed and/or has license rights under the Real
27 Estate Law (Part 1 of Division 4 of the Business and

1 Professions Code, hereinafter "Code"), as a real estate a
2 salesperson.

3 3.

4 On or about July 23, 2009, Respondent registered the
5 fictitious business name "Loan Modification Action Network"
6 (hereinafter "LMAN") with the Assessor-County Clerk-Recorder
7 for the County of Riverside, California. LMAN is not, and has
8 never been, licensed by the California Department of Real
9 Estate in any capacity.

10 FIRST CAUSE OF ACCUSATION

11 (MISLEADING ADVERTISING)

12 4.

13 In or about August of 2009, Thomas Bell received a
14 solicitation by mail at his home address located at 1126 San
15 Ysidro Drive, Beverly Hills, CA, 90210. This solicitation
16 states that Mr. Bell is eligible to modify the terms of his
17 \$500,000 loan with Washington Mutual Bank. The advertisement
18 lists the name of "Washington Mutual Bank" in four different
19 locations, with no indication that the issuer of the
20 solicitation was not sponsored by or affiliated with Washington
21 Mutual Bank. The advertisement does not indicate the license
22 under which the loan modification would be arranged or the
23 state regulatory agency supervising the loan modification. An
24 investigation revealed that Respondent had issued this
25 solicitation.

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1 5.

2 The conduct, acts and/or omissions of Respondent, as
3 set forth in paragraph 4 above are in violation of Code
4 Sections 10235, 10235.5, 14701, 14702 and 17539.4, as well as
5 Section 2848(3) of Chapter 6, Title 10, California Code of
6 Regulations. It also provides cause for the suspension or
7 revocation of the licenses and license rights of Respondent
8 pursuant to Code Sections 10177(d), 10177(g) and/or 10177(j).

9
10 SECOND CAUSE OF ACCUSATION

11 (UNLICENSED BROKER ACTIVITY)

12 6.

13 From at least November 12, 2009 to the present,
14 Respondent, under the name of LMAN, operated a website at
15 <http://loanmodaction.com>. This website stated "we are a loan
16 modification marketing company that uses the Internet and
17 technology to reduce costs and improve efficiency." By
18 marketing loan modification services, Respondent solicited
19 borrowers to negotiate loans or perform services on loans
20 secured by real property. Therefore, Respondent engaged in
21 business requiring a real estate broker license in the State of
22 California within the meaning of Code Section 10131(d), in
23 violation of Code Section 10130.

24 7.

25 The conduct, acts and/or omissions of Respondent, as
26 set forth in paragraph 6 above provides cause for the
27

1 suspension or revocation of the licenses and license rights of
2 Respondent pursuant to Code Sections 10177(d) and/or 10177(g).

3 WHEREFORE, Complainant prays that a hearing be
4 conducted on the allegations of this Accusation and that upon
5 proof thereof, a decision be rendered imposing disciplinary
6 action against all the licenses and license rights of
7 Respondent JEFFERY ALLEN CONVERSE under the Real Estate Law,
8 and for such other and further relief as may be proper under
9 other applicable provisions of law.

10 Dated at Los Angeles, California
11 this 4 day of May, 2010.

12
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14 _____
15 Robin Trujillo
16 Deputy Real Estate Commissioner
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25 c: JEFFERY ALLEN CONVERSE
26 Robin Trujillo
27 Sacto.