

FILED

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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37046 LA
)	
EQ GROUP, INC., JACOB ZAKARIA,)	<u>ORDER TO DESIST</u>
GADI BEN-LAVI, JENNIFER)	<u>AND REFRAIN</u>
NAUDIN and JORDAN MARTIN.)	
)	(B&P Code Section 10086)
)	

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of EQ GROUP, INC.
18 ("EQ"), JACOB ZAKARIA ("ZAKARIA"), GADI BEN-LAVI ("LAVI") JENNIFER NAUDIN
19 ("NAUDIN") and JORDAN MARTIN ("MARTIN"). Based on that investigation the
20 Commissioner has determined that EQ, ZAKARIA, LAVI, NAUDIN and MARTIN have
21 engaged in or are engaging in acts or are attempting to engage in the business of, acting in the
22 capacity of, and/or advertising or assuming to act as real estate brokers in the State of California
23 within the meaning of Business and Professions Code Sections 10131(d) (soliciting, negotiating
24 and performing services for borrowers in connection with loans secured by real property) and
25 10131.2 (advance fee handling).

26 In addition, based on that investigation, the Commissioner has determined that
27 EQ, ZAKARIA, LAVI, NAUDIN and MARTIN have engaged in or are engaging in acts or are

1 attempting to engage in practices constituting violations of the California Business and
2 Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations").
3 Based on the findings of that investigation, set forth below, the Commissioner hereby issues the
4 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
5 authority of Section 10086 of the Code.

6 FINDINGS OF FACT

7 1. EQ, ZAKARIA, LAVI, NAUDIN and MARTIN are not now, and have never
8 been, licensed by the Department in any capacity. EQ's corporation license with the California
9 Secretary of State is currently suspended.

10 2. At the times set forth below EQ, ZAKARIA, LAVI, NAUDIN and MARTIN
11 negotiated to do one or more of the following acts for another or others, for or in expectation of
12 compensation: engaged in the business of, acted in the capacity of, or advertised a loan
13 modification and negotiation service and advance fee brokerage with respect to loans which were
14 secured by liens on real property for compensation or in expectation of compensation and for
15 fees collected in advance of the transaction.

16 Behzad D. Transaction

17 3. In or about September 2009, Behzad D. spoke to LAVI, who offered to
18 provide loan modification services on four of Behzad D's properties. On September 17, 2008,
19 at LAVI's request, Behzad D. submitted four checks to EQ, for a total of \$18,500. Behzad D.
20 paid these advance fees to obtain loan modifications for his properties. Three months after
21 paying the advance fees, Behzad D. had not received any loan modifications. He contacted EQ
22 to request a refund. ZAKARIA claimed that EQ only received \$8,000 of Behzad D.'s advance
23 fees and that LAVI's company had the \$10,500 balance. ZAKARIA further stated that EQ
24 would only refund Behzad D. for \$8,000 of his advance fees.

25 Sylvia M. Transaction

26 4. On August 5, 2009, Sylvia M. discussed receiving loan modifications on two
27 of her properties with NAUDIN through EQ. On August 11, 2009, NAUDIN collected advance

1 fees from Sylvia M. for the purpose of obtaining a loan modification through EQ.

2 Bryan C. Transaction

3 5. On or about October 15, 2008, Bryan C. submitted advance fees of \$21,250 to
4 EQ and entered into a contract with EQ for the purpose of obtaining loan modifications on ten
5 of his properties.

6 Mylah B. Transaction

7 6. On or about August 18, 2008, Mylah B. paid advance fees to EQ and entered
8 into a contract with EQ to obtain a loan modification. Among the provisions of the contract
9 was an authorization for NAUDIN to negotiate on behalf of Mylah B. regarding Mylah B.'s
10 loan.

11 Vincent V. Transaction

12 7. On or about November 4, 2008, in response to a solicitation he received in the
13 mail, Vincent V. issued a \$3,500 check to EQ as advance fees for a loan modification.

14 Charlie C. Transaction

15 8. In or about August 2008, EQ solicited loan modification services to Charlie
16 C. via telephone. Charlie C. discussed loan modifications with ZAKARIA. On or about August
17 4, 2008, Charlie C. submitted advance fees of \$3,000 to EQ for a loan modification.

18 Joshua L. Transaction

19 9. On or about October 28, 2008, Joshua L. paid advance fees to EQ and entered
20 into a contract with EQ to obtain a loan modification. Among the provisions of the contract
21 was an authorization for MARTIN to negotiate on behalf of Joshua L. regarding Joshua L.'s
22 loan.

23 Patricia M. Transaction

24 10. On or about 9/29/10 Patricia M. paid advance fees of \$2,000 to LAVI for the
25 purpose of obtaining a loan modification. On October 18, 2008, LAVI received an additional
26 advance fee of \$1,000 from Patricia M., which LAVI transferred to EQ.

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1 EQ Website

2 11. From an unknown time, continuing to at least November 7, 2008, EQ
3 operating a website located at <http://www.whatsyoureq.com> . In this website, EQ solicited
4 borrowers to negotiate loans or perform services for borrowers in connection with loans secured
5 directly or collaterally by real property.

6 CONCLUSIONS OF LAW

7 12. Based on the information contained in Paragraphs 1 through 11 above, EQ,
8 ZAKARIA, LAVI, NAUDIN and MARTIN violated Code Section 10130 by engaging in
9 activities requiring broker licenses without first obtaining broker licenses from the Department.

10 DESIST AND REFRAIN ORDER

11 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
12 herein, it is hereby ordered that:

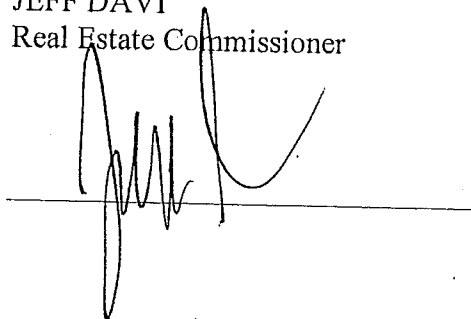
- 13 (A) EQ GROUP, INC., immediately desist and refrain from: performing any
14 acts within the State of California for which a real estate broker license is
15 required, unless you are so licensed.
- 16 (B) JACOB ZAKARIA immediately desist and refrain from: performing any
17 acts within the State of California for which a real estate broker license is
18 required, unless you are so licensed.
- 19 (C) GADI BEN-LAVI immediately desist and refrain from: performing any
20 acts within the State of California for which a real estate broker license is
21 required, unless you are so licensed.
- 22 (D) JENNIFER NAUDIN immediately desist and refrain from: performing
23 any acts within the State of California for which a real estate broker
24 license is required, unless you are so licensed.
- 25 (E) JORDAN MARTIN immediately desist and refrain from: performing any
26 acts within the State of California for which a real estate broker license is
27 required, unless you are so licensed.

1 IT IS FURTHER ORDERED THAT EQ GROUP, INC., JACOB ZAKARIA,
2 GADI BEN-LAVI, JENNIFER NAUDIN and JORDAN MARTIN immediately desist and
3 refrain from:

- 4 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as
5 that term is defined in Section 10026 of the Code, in any form, and under any
6 conditions, with respect to the performance of loan modification or any other
7 form of mortgage loan forbearance services in connection with loans on
8 residential property containing four or fewer dwelling units.
- 9 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as
10 that term is defined in Section 10026 of the Code, for any of the other real
11 estate related services offered to others, unless and until they demonstrate and
12 provide evidence satisfactory to the Commissioner that they:
- 13 (a) have an advance fee agreement which has been submitted to the Department
14 and which is in compliance with Section 10085 of the Code and Section 2970
15 of the Regulations;
- 16 (b) have placed all previously collected advance fees into a trust account for that
17 purpose and is in compliance with Section 10146 of the Code; and
- 18 (c) have provided an accounting to trust fund owner-beneficiaries from whom
19 advance fees have previously been collected in compliance with Section
20 10146 of the Code and Section 2972 of the Regulations.

21 DATED: 1-11, 2011.

22
23 JEFF DAVI
24 Real Estate Commissioner

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1 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
5 imprisonment in the county jail for a term not to exceed six months, or by both fine and
6 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
7 (\$60,000)."
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17 cc: EQ GROUP, INC.
18 JACOB ZAKARIA
19 JENNIFER NAUDIN
20 JORDAN MARTIN

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23 605 W. Olympic Avenue, Suite 960
24 Los Angeles, CA 90015

25 GADI BEN-LAVI

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