

1 Department of Real Estate
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3 Los Angeles, California 90013

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FILED

MAY 02 2013

5 DEPARTMENT OF REAL ESTATE
6 BY: 

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8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 TO:) No. H-38849 LA
12)
13 CREATIVE GROUP RESOURCE,)
14 LLC; and SANGJIN JOO)
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ORDER TO DESIST
AND REFRAIN
(B&P Code Section 10086)

17 The Commissioner ("Commissioner") of the California
18 Department of Real Estate ("Department") caused an investigation
19 to be made of the activities of CREATIVE GROUP RESOURCE, LLC.
20 ("CREATIVE") and SANGJIN JOO ("JOO"). Based on that investigation
21 the Commissioner has determined that CREATIVE and JOO have
22 engaged in or are engaging in activities which constitute
23 violations of the Business and Professions Code ("Code"). Based
24 on that investigation, the Commissioner hereby issues the
25 following Findings of Fact, Conclusions of Law, and Desist and
26 Refrain Order under the authority of Section 10086 of the Code.
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FINDINGS OF FACT

1. At no time herein mentioned has CREATIVE been licensed by the Department in any capacity.
2. At all times relevant herein JOO was licensed and/or had license rights under the Real Estate Law (Part 1 of Division 4 of the Code), as a real estate broker.
3. At the time set forth below CREATIVE and JOO engaged in the business of, acted in the capacity of, or advertised a loan modification service and/or foreclosure rescue service offering to perform and performing loan modification or negotiation services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction, including but not limited to the activities described below.
- a. On or about October 13, 2008, JOO collected an advance fee in the amount of \$2,000 from Richard H.K. ("Richard") in payment for JOO's services in obtaining a loan modification of the loan on the property at 4738 New York Avenue, La Crescenta, California 91204 on Richard's behalf.
- b. In or around October, 2008, JOO advised Richard that as an additional cost for the loan modification Richard would need to pay CREATIVE a monthly sum of \$1,200 for its services.

1 4. CREATIVE and JOO collected the advance fees
2 described in Paragraph 3, above, pursuant to the provisions of an
3 advance fee agreement.

4 5. JOO failed to submit the advance fee agreement
5 referred to in Paragraph 3, above, to the Commissioner ten days
6 before using it.

7 CONCLUSIONS OF LAW

8 6. The activities described in Paragraph 3, above,
9 require a real estate license under Section 10131(d) and Section
10 10131.2 of the Code.

11 7. Based on the information contained in Paragraphs
12 3 and 4, above, CREATIVE performed and/or participated in loan
13 solicitation, negotiation and modification activities which
14 require a real estate broker license under the provisions of
15 Code Sections 10131(d) and 10131.2 during a period of time when
16 it was not licensed by the Department as a real estate broker
17 nor employed as a real estate salesperson by the broker on whose
18 behalf the activities were performed in violation of Section
19 10130 of the Code.

20 8. Based on the information contained in Paragraphs
21 3, 4, and 5, above, JOO collected fees pursuant to an agreement
22 which constitutes an advance fee agreement within the meaning of
23 Code Section 10085.

24 9. Based on the information contained in Paragraphs 3,
25 4 and 5, above, the failure by JOO to submit the advance fee
26 agreement to the Commissioner ten days before using it
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1 constitutes a violation of Code Section 10085 and Section 2970
2 of Title, California Code of Regulations ("Regulations").

3 DESIST AND REFRAIN ORDER

4 Based on the Findings of Fact and Conclusions of Law
5 stated herein:

6 1. IT IS HEREBY ORDERED that SANGJIN JOO, whether
7 doing business using his own name, or any fictitious name:
8 (i) Immediately desist and refrain from charging,
9 demanding, claiming, collecting and/or receiving advance fees, as
10 that term is defined in Section 10026 of the Code, in any form,
11 and under any conditions, with respect to the performance of loan
12 modification or any other form of mortgage loan forbearance
13 services in connection with loans on residential property
14 containing four or fewer dwelling units (Code Section 10085.6).

15 3. IT IS HEREBY ORDERED that CREATIVE GROUP
16 RESOURCE, LLC immediately desist and refrain from performing any
17 acts within the State of California for which a real estate
18 broker license is required. In particular CREATIVE GROUP
19 RESOURCE, LLC is ORDERED TO DESIST AND REFRAIN from:

20 (i) 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

1 (ii) charging, demanding, claiming, collecting and/or
2 receiving advance fees, as that term is defined in Section 10026
3 of the Code, for any other real estate related services offered
4 by them to others.

5 DATED: April 25, 2013

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7 REAL ESTATE COMMISSIONER

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10 By: Jeffrey Mason
11 Chief Deputy Commissioner

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

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23 cc: Sangjin Joo
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