

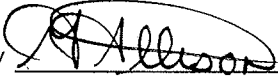
**FILED**

**September 13, 2011**

DEPARTMENT OF REAL ESTATE  
P. O. Box 187007  
Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

Telephone: (916) 227-0789

By 

STATE OF CALIFORNIA  
DEPARTMENT OF REAL ESTATE

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To:	)	NO. H-11212 SF
	)	
	)	<u>ORDER TO DESIST AND REFRAIN</u>
UNITED EMPLOYEE BENEFITS, LLC,	)	
RICK STONE, TIM GIBBONS,	)	(B & P Code Section 10086)
BARRY JOHNSON and JENNIFER YOFFE.	)	
	)	
	)	

The Real Estate Commissioner of the State of California (Commissioner) has caused an investigation to be made of the activities of UNITED EMPLOYEE BENEFITS, LLC (UEB), RICK STONE (STONE), TIM GIBBONS (GIBBONS), BARRY JOHNSON (JOHNSON) and JENNIFER YOFFE (YOFFE), including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the California Business and Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that UEB, STONE, GIBBONS, JOHNSON and YOFFE, have violated Section 10130 of the Code by engaging in the business of or acting as a real estate salesperson or broker, within the meaning of Sections 10130 (Act as a Real Estate Broker or Salesman Without a License) and 10131(d) (Mortgage Loan Activity) without first having obtained a real estate license from the California Department of Real Estate (Department).

1 FINDINGS OF FACT

2 1. At no time mentioned herein was UEB licensed by the Department as a  
3 corporate real estate broker.

4 2. At no time mentioned herein was STONE licensed by the Department  
5 as a real estate broker or salesperson, as appropriate.

6 3. At no time mentioned herein was GIBBONS licensed by the Department  
7 as a real estate broker or salesperson, as appropriate.

8 4. At no time mentioned herein was JOHNSON licensed by the Department  
9 as a real estate broker or salesperson, as appropriate.

10 5. At no time mentioned herein was YOFFE licensed by the Department as  
11 a real estate broker or salesperson, as appropriate.

12 6. At all times mentioned herein between on or about March 10, 2011, and  
13 continuing up to at least July 15, 2011, UEB, STONE, GIBBONS, JOHNSON and YOFFE  
14 engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker  
15 within the State of California within the meaning of Section 10131(d) of the Code, including  
16 solicitation of borrowers for or negotiation of loans or performance of services for borrowers or  
17 lender or note owners in connection with loans secured directly or collaterally by liens on real  
18 property, for or in expectation of compensation.

19 7. On or about April 25, 2011, the Oakland District Office of the  
20 Department received a fax advertisement from National Employee Benefits Groups, which now  
21 operates under the name UEB, listing relief programs including resolving foreclosure  
22 proceedings, mortgage loan modification, restructuring programs and renegotiating home loan  
23 balances.

24 8. On or about May 3, 2011, a Department Deputy Commissioner (Deputy)  
25 placed a shopper call to UEB in order to determine if acts requiring a license were being  
26 performed. The Deputy represented that he sought a loan modification for a property commonly  
27 known as 1012 Fedora Avenue, Clovis, California. During the phone call, JOHNSON

1 represented that he and UEB, can help her (Deputy) modify her mortgage. The Deputy was told  
2 to send in documentation and a check equal to a month's mortgage payment. JOHNSON  
3 emailed the Deputy additional information about the loan modification.

4 9. On or about May 13, 2011, the Deputy received a modification agreement  
5 signed by GIBBONS. The agreement required an initial payment of \$1,966.74 and three (3)  
6 installments of \$300.00 with a fourth payment of \$250.00 for "home loan modification  
7 submission and mitigation services".

8 10. On or before May 13, 2011, YOFFE emailed the Deputy requesting  
9 additional documentation, to which she, the deputy, responded on or about May 13, 2011.

10 11. On or about May 16, 2011, the Deputy received a phone call from  
11 STONE, who explained that he would be working on the loan modification and wanted to  
12 answer some of the Deputy's questions. STONE advised the Deputy that the fee was not  
13 refundable, and to not worry, because they "always get the loans modified".

14 CONCLUSIONS OF LAW

15 Based on the findings of fact contained in paragraphs 1 through 11, UEB,  
16 STONE, GIBBONS, JOHNSON and YOFFE, among other things, solicited and/or performed  
17 services for borrowers, in connection with loans secured directly or collaterally by liens on real  
18 property or on a business opportunity, for or in expectation of compensation. Thus, UEB,  
19 STONE, GIBBONS, JOHNSON and YOFFE, violated Sections 10130 and 10131(d) of the  
20 Code.

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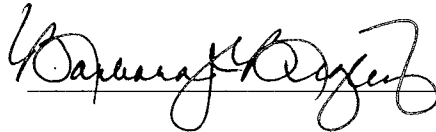
1 DESIST AND REFRAIN ORDER

2 Now, therefore, UNITED EMPLOYEE BENEFITS, LLC, RICK STONE, TIM  
3 GIBBONS, BARRY JOHNSON and JENNIFER YOYFFE ARE HEREBY ORDERED to  
4 immediately Desist and Refrain from:

5 (1) Performing any and all acts within the State of California for which a real  
6 estate salesperson or broker license is required, unless and until he or she obtains a real estate  
7 salesperson or broker license.

8 DATED: 9/12/11

9 BARBARA J. BIGBY  
10 Acting Real Estate Commissioner

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12 \_\_\_\_\_

13 NOTICE

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

22 Silver Shield Services, Inc.  
23 As Agent For Service of Process For:  
24 UNITED EMPLOYEE BENEFITS, LLC  
25 2840 Highway 95, Alt. S #7  
26 Silver Springs, NV 89427

27 RICK STONE  
8871 W. Flamingo Road, Suite 202  
Las Vegas, NV 89147

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TIM GIBBONS  
395 Callesita Mariola  
Chula Vista, CA 91914-4411

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8871 W. Flamingo Road, Suite 202  
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JENNIFER YOFFE  
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Upland, CA 91786-2365

ATTY RKU/km

From Article at [GetOutOfDebt.org](http://GetOutOfDebt.org)