

1 DEPARTMENT OF REAL ESTATE
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FILED

AUG 25 2009

DEPARTMENT OF REAL ESTATE

By *K. Frost*

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 * * *

11 TO:)
12) NO. H-5265 SAC
13 PINNACLE HOLDINGS INVESTMENT)
14 GROUP, INC., a California corporation,) ORDER TO DESIST AND REFRAIN
15 GREENLEAF LEGAL SERVICES, LLC, a) (B&P Code Section 10086)
California limited liability corporation,)
KEVIN RUSSELL GIBBS, and TANYA GIBBS)

16 The Commissioner (hereinafter "Commissioner") of the California Department
17 of Real Estate (hereinafter "Department") caused an investigation to be made of the activities of
18 PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation,
19 GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN
20 RUSSELL GIBBS, and TANYA GIBBS. Based on that investigation, the Commissioner has
21 determined that PINNACLE HOLDINGS INVESTMENT GROUP, INC., GREENLEAF
22 LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS, and TANYA GIBBS have engaged in,
23 are engaging in, or are attempting to engage in, acts or practices constituting violations of the
24 California Business and Professions Code (hereinafter "Code") and/or Title 10, California Code
25 of Regulations (hereinafter "Regulations"), including engaging in the business of, acting in the
26 capacity of, advertising, or assuming to act as, a real estate broker in the State of California
27 within the meaning of Section 10131(d) (performing services for borrowers and lenders in

1 connection with loans secured by real property) of the Code. Based on the findings of that
2 investigation, as set forth below, the Commissioner hereby issues the following Findings of
3 Fact, Conclusions of Law, and Desist and Refrain Order under authority of Section 10086 of the
4 Code.

5 FINDINGS OF FACT

6 1. At no time herein mentioned have GREENLEAF LEGAL SERVICES,
7 LLC, KEVIN RUSSELL GIBBS, and TANYA GIBBS been licensed by the Department in any
8 capacity.

9 2. From June 19, 2007, until July 27, 2007, PINNACLE HOLDINGS
10 INVESTMENT GROUP, INC. was licensed by the Department as a corporate real estate broker
11 under the broker officer license of Jason Anthony Youngs, through whom it was licensed to act
12 as a real estate broker pursuant to Sections 10159 and 10211 of the Code. At no time since July
13 27, 2007, has PINNACLE HOLDINGS INVESTMENT GROUP, INC. been licensed under a
14 broker officer licensee pursuant to Sections 10159 and 10211 of the Code.

15 3. Whenever reference is made in this Desist and Refrain Order to an act or
16 omission of PINNACLE HOLDINGS INVESTMENT GROUP, INC., or GREENLEAF LEGAL
17 SERVICES, LLC, such reference shall be deemed to mean that the owners, officers, directors,
18 employees, agents, and real estate licensees employed by or associated with said entities
19 committed such act or omission while engaged in the furtherance of the business or operations of
20 said entities and while acting within the course and scope of their corporate authority and
21 employment.

22 4. For an unknown period of time prior to June 1, 2008, until and including
23 June 1, 2009, and at all times herein mentioned, PINNACLE HOLDINGS INVESTMENT
24 GROUP, INC., GREENLEAF LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS, and
25 TANYA GIBBS solicited borrowers and lenders and negotiated to do one or more of the
26 following acts for another or others, for or in expectation of compensation, within the meaning
27 of Section 10131(d) of the Code: negotiate one or more loans for borrowers and lenders in

1 connection with loans secured or to be secured directly or collaterally by one or more liens on
2 real property, or perform services for borrowers and/or lenders in connection with loans secured
3 or to be secured directly or collaterally by one or more liens on real property.

4 5. GREENLEAF LEGAL SERVICES, LLC, KEVIN RUSSELL GIBBS,
5 and TANYA GIBBS violated Section 10130 of the Code by engaging in the activities described
6 in Paragraph 4, above, without first obtaining a real estate broker license from the Department.

7 6. PINNACLE HOLDINGS INVESTMENT GROUP, INC. violated
8 Section 10130 of the Code by engaging in the activities described in Paragraph 4, above,
9 without having a broker officer licensee pursuant to Sections 10159 and 10211 of the Code.

10 7. For an unknown period of time prior to June 1, 2008, until and including
11 June 1, 2009, PINNACLE HOLDINGS INVESTMENT GROUP, INC., KEVIN RUSSELL
12 GIBBS, and TANYA GIBBS, for or in expectation of compensation, solicited Rose and Walter
13 De La Garza as borrowers to negotiate the modification of, to obtain an extension of the
14 maturity date of, to change the interest rate of, and/or to lower the monthly payments of a loan
15 secured by the borrowers' real property commonly known as 8154 Tecopa Way in Sacramento,
16 Sacramento County, California, within the meaning of Section 10131(d) of the Code.

17 8. On or about July 24, 2008, PINNACLE HOLDINGS INVESTMENT
18 GROUP, INC., KEVIN RUSSELL GIBBS, and TANYA GIBBS, for or in expectation of
19 compensation, within the meaning of Section 10131(d) of the Code, solicited Rose and Walter
20 De La Garza as borrowers for the purpose of negotiating the modification of, obtaining an
21 extension of the maturity date of, changing the interest rate of, and/or of lowering the monthly
22 payments of a loan secured by the borrowers' real property commonly known as 8154 Tecopa
23 Way in Sacramento, Sacramento County, California, negotiated for, demanded and collected
24 from said borrowers an advance fee of \$2,500.00 pursuant to a written agreement with said
25 borrowers without first obtaining approval of an advance fee agreement from the Commissioner
26 in accordance with Sections 10085 and 10085.5 of the Code.

27 ///

1 9. KEVIN RUSSELL GIBBS and TANYA GIBBS violated Sections 10130
2 of the Code by engaging in the activities described in Paragraphs 7 and 8, above, without first
3 obtaining a real estate broker license from the Department, and violated Section 10085.5 of the
4 Code by engaging in the activities described in Paragraph 8, above.

5 10. PINNACLE HOLDINGS INVESTMENT GROUP, INC. violated
6 Section 10130 of the Code by engaging in the activities described in Paragraphs 7 and 8, above,
7 without having a broker officer licensee pursuant to Sections 10159 and 10211 of the Code, and
8 violated Section 10085.5 of the Code by engaging in the activities described in Paragraph 8,
9 above.

10 11. For an unknown period of time prior to June 1, 2008, until and including
11 June 1, 2009, and at all times herein mentioned, PINNACLE HOLDINGS INVESTMENT
12 GROUP, INC., employed, for or in expectation of compensation, within the meaning of Section
13 10131(d) of the Code, KEVIN RUSSELL GIBBS and TANYA GIBBS to perform the acts and
14 conduct the activities described in Paragraphs 7 and 8, above.

15 12. PINNACLE HOLDINGS INVESTMENT GROUP, INC. violated
16 Section 10138 of the Code by engaging in the activities described in Paragraph 11, above.

17 13. For an unknown period of time prior to June 1, 2008, until and including
18 June 1, 2009, and at all times herein mentioned, GREENLEAF LEGAL SERVICES, LLC,
19 employed, for or in expectation of compensation, within the meaning of Section 10131(d) of the
20 Code, PINNACLE HOLDINGS INVESTMENT GROUP, INC., KEVIN RUSSELL GIBBS,
21 and TANYA GIBBS to perform the acts and conduct the activities described in Paragraphs 4, 6,
22 and 7, above.

23 14. GREENLEAF LEGAL SERVICES, LLC violated Section 10138 of the
24 Code by engaging in the activities described in Paragraph 13, above.

25 15. For an unknown period of time prior to June 1, 2008, until and including
26 June 1, 2009, GREENLEAF LEGAL SERVICES, LLC, for or in expectation of compensation,
27 negotiated with a lender, identified as Ocwen Financial Corporation, on behalf of Rose and

1 Walter De La Garza as borrowers to obtain the modification of, to obtain an extension of the
2 maturity date of, to change the interest rate of, and/or to lower the monthly payments of a loan
3 secured by the borrowers' real property commonly known as 8154 Tecopa Way in Sacramento,
4 Sacramento County, California, within the meaning of Section 10131(d) of the Code.

5 16. GREENLEAF LEGAL SERVICES, LLC violated Section 10130 of the
6 Code by engaging in the activities described in Paragraph 15, above, without first obtaining a
7 real estate broker license from the Department.

8 CONCLUSIONS OF LAW

9 17. Based on the information contained in paragraphs 1 through 16,
10 PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation,
11 GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN
12 RUSSELL GIBBS, and TANYA GIBBS solicited borrowers and lenders, negotiated loans, and
13 performed services for those borrowers and/or those borrowers' lenders in connection with loans
14 secured or to be secured directly or collaterally by one or more liens on real property, which
15 requires a real estate license under Section 10131(d) of the Code, during a period of time when
16 PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation, did not have
17 a broker officer licensee pursuant to Sections 10159 and 10211 of the Code, and when
18 GREENLEAF LEGAL SERVICES, LLC, California limited liability corporation, KEVIN
19 RUSSELL GIBBS, and TANYA GIBBS were not licensed by the Department in any capacity
20 and demanded and collected advance fees without first obtaining approval of an advance fee
21 agreement from the Commissioner in accordance with Sections 10085 and 10085.5 of the Code.

22 18. Based on the information contained in paragraphs 1 through 16,
23 PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California corporation,
24 GREENLEAF LEGAL SERVICES, LLC, a California limited liability corporation, KEVIN
25 RUSSELL GIBBS, and TANYA GIBBS also violated Section 10139 of the Code, which
26 violation is a public offense punishable by a fine not exceeding twenty thousand dollars
27 (\$20,000.00), or by imprisonment in the county jail for a term not to exceed six months, or by

1 both fine and imprisonment or, when violated by a corporation, punishable by a fine not
2 exceeding sixty thousand dollars (\$60,000.00).

3 DESIST AND REFRAIN ORDER

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

5 I

6 GREENLEAF LEGAL SERVICES, LLC, a California limited liability
7 corporation, KEVIN RUSSELL GIBBS, and TANYA GIBBS, doing business under your own
8 name, or any other names, ARE HEREBY ORDERED to:

9 1. Immediately desist and refrain from performing any acts within the State
10 of California for which a real estate broker license is required. In particular you are ordered to
11 desist and refrain from:

12 (i) Soliciting borrowers or lenders and/or performing services for borrowers
13 or lenders in connection with loans secured or to be secured directly or collaterally by one or
14 more liens on real property; and,

15 (ii) From charging, demanding, or collecting advance fees unless and until
16 you obtain a real estate broker license issued by the Department, and until you demonstrate and
17 provide evidence satisfactory to the Commissioner that you are in full compliance with all of the
18 requirements of the Regulations relating to charging, collecting, and accounting for advance
19 fees.

20 2. Immediately desist and refrain from employing individuals to perform
21 any acts within the State of California for which a real estate broker license is required, unless
22 and until such individuals obtain a real estate broker license issued by the Department.

23 3. Immediately desist and refrain from demanding or collecting advance
24 fees, as that term is defined in Section 10026 of the Code, in any form and particularly with
25 respect to loan modification, loan refinance, principal reduction, foreclosure abatement or short
26 sale services, unless and until you demonstrate and provide evidence satisfactory to the
27 Commissioner that you have:

1 (i) An advance fee agreement which has been submitted to the Department
2 and which is in compliance with Sections 2970 and 2972 of the Regulations;

3 (ii) Placed all previously collected advance fees into a trust account for that
4 purpose and are in compliance with Section 10146 of the Code; and,

5 (iii) Provided an accounting to trust fund owner-beneficiaries pursuant to
6 Section 2972 of the Regulations.

7 II

8 PINNACLE HOLDINGS INVESTMENT GROUP, INC., a California
9 corporation, doing business under your own name, or any other names, ARE HEREBY
10 ORDERED to:

11 1. Immediately desist and refrain from performing any acts within the State
12 of California for which a real estate broker license is required unless and until you obtain a
13 broker officer licensee pursuant to Sections 10159 and 10211 of the Code. In particular you are
14 ordered to desist and refrain from:

15 (i) Soliciting borrowers or lenders and/or performing services for borrowers
16 or lenders in connection with loans secured or to be secured directly or collaterally by one or
17 more liens on real property; and,

18 (ii) From charging, demanding, or collecting advance fees unless and until
19 you obtain a real estate broker license issued by the Department, and until you demonstrate and
20 provide evidence satisfactory to the Commissioner that you are in full compliance with all of the
21 requirements of the Regulations relating to charging, collecting, and accounting for advance
22 fees.

23 2. Immediately desist and refrain from employing individuals to perform
24 any acts within the State of California for which a real estate broker license is required, unless
25 and until such individuals obtain a real estate broker license issued by the Department.

26 3. Immediately desist and refrain from demanding or collecting advance
27 fees, as that term is defined in Section 10026 of the Code, in any form and particularly with

1 respect to loan modification, loan refinance, principal reduction, foreclosure abatement or short
2 sale services, unless and until you demonstrate and provide evidence satisfactory to the
3 Commissioner that you have:

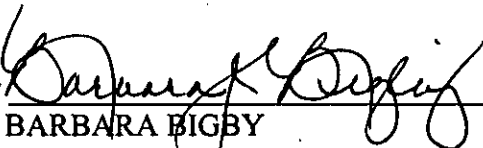
4 (i) An advance fee agreement which has been submitted to the Department
5 and which is in compliance with Sections 2970 and 2972 of the Regulations;

6 (ii) Placed all previously collected advance fees into a trust account for that
7 purpose and are in compliance with Section 10146 of the Code; and,

8 (iii) Provided an accounting to trust fund owner-beneficiaries pursuant to
9 Section 2972 of the Regulations.

10
11 DATED: 7-1-09

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13
14 JEFF DAVI
15 Real Estate Commissioner

16 By 
17 BARBARA BIGBY
18 Chief Deputy Commissioner

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20 -NOTICE-

21 Business and Professions Code Section 10139 provides that "Any person acting
22 as a real estate broker or real estate salesperson without a license or who advertises using words
23 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
24 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
25 imprisonment in the county jail for a term not to exceed six months, or by both fine and
26 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
27 (\$60,000). . . ."

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cc: GREENLEAF LEGAL SERVICES, LLC
Agent for Service of Process
DAY & ASSOCIATES, INCORPORATED
740 Lomas Santa Fe Drive, Suite 207
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GREENLEAF LEGAL SERVICES, LLC
33 Journey Drive, Suite 250
Aliso Viejo, CA 92656

GREENLEAF LEGAL SERVICES, LLC
27271 Las Rumbas, Suite 301
Mission Viejo, CA 92691

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Agent for Service of Process
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