DEPARTMENT OF REAL ESTATE
320 West Fourth Street, Ste. 350
Los Angeles, California 90013

(213) 576-6982

FILED
DEC 16 2011
DEPARTMENT OF REAL ESTATE
BY: _____

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To:	
THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.;	NO. H- 37745 LA
JOHN VALLADOLID, individually and as designated officer of The Montclair Investment Group T M I Group Inc.; doing business as Real Estate Investment & Finance and Valladolid Realty;	ORDER TO DESIST AND REFRAIN
ROBERTO MANUEL NOBOA; and	
SOFIA VALLADOLID	(B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. (hereinafter "TMIGI"), JOHN VALLADOLID (hereinafter " J. VALLADOLID"), ROBERTO MANUEL NOBOA (hereinafter "NOBOA"), and SOFIA VALLADOLID (hereinafter "S. VALLADOLID"). Based on that investigation, the Commissioner has determined that TMIGI, J. VALLADOLID, NOBOA and S.

VALLADOLID have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"), including the business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State of California within the meaning of Code Section 10131(d) (performing services for borrowers in connection with loans secured by real property) and 10131.2 (advance fee handling) of the Code. Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to TMIGI, J. VALLADOLID, NOBOA, or S. VALLADOLID, those acts are alleged to have been done by TMIGI, acting by itself or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to TMIGI and using the names "THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.," or other names or fictitious names unknown at this time.

Whenever acts referred to below are attributed to TMIGI or J. VALLADOLID, those acts are alleged to have been done by J. VALLADOLID, acting by himself or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to TMIGI and using the names "THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.," or other names or fictitious names unknown at this time.

Whenever acts referred to below are attributed to TMIGI or NOBOA, those acts are alleged to have been done by NOBOA, acting by himself or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to TMIGI and

using the names "THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.," or other names or fictitious names unknown at this time.

Whenever acts referred to below are attributed to TMIGI or S. VALLDOLID, those acts are alleged to have been done by S. VALLADOLID, acting by herself or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to TMIGI and using the names "THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.," or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. TMIGI is presently licensed by the Department as a real estate corporation. J. VALLADOLID is presently the designated officer of TMIGI. TMIGI was first licensed by the Department as a corporate real estate broker on or about July 23, 2004 and operates under the dbas Real Estate Investment & Finance (since August 30, 2004) and Valladolid Realty (August 30, 2004). J. VALLADOLID is the designated broker for TMIGI responsible for TMIGI's compliance with the Real Estate Law. TMIGI was a registered corporation incorporated under the laws of the State of Nevada until its revocation on or about May 10, 2007. TMIGI filed a Statement and Designation by Foreign Corporation with the California Secretary of State listing its address as 10292 Central Avenue, Montclair, California 91763 and "J. Valladolid" as its agent for service of process. TMIGI filed a Statement of Information with the California Secretary of State on or about May 16, 2005 listing "John Valladolid" as the Chief Executive Officer, "Sofia Valladolid" as the Secretary, and "Mark Valladolid" as the Chief Financial Officer.

2. J. VALLADOLID is presently licensed by the Department as a real estate broker. J. VALLADOLID was first licensed by the Department as a real estate salesperson on or about January 9, 1996 and as a real estate broker on or about January 9, 2003, and operates under the

dbas Real Estate Investment & Finance (since August 12, 2003) and Valladolid Realty (since August 12, 2003). J. VALLADOLID is the designated officer of TMIGI.

3. NOBOA is not presently licensed by the Department in any capacity. NOBOA was first licensed by the Department as a real estate salesperson on or about April 16, 1990 and was revoked on or about November 18, 1997 in Case No. H-26521 LA.

4. S. VALLDOLID is not now and has never been licensed by the Department in any capacity.

5. At all times herein mentioned, TMIGI, J. VALLADOLID, NOBOA, and S. VALLADOLID acted as real estate brokers and conducted licensed activities, including conducting loan modification services for homeowner-borrowers. TMIGI, J. VALLADOLID, NOBOA, and S. VALLADOLID, on behalf of homeowner-borrowers, for and in expectation of compensation and for fees often collected in advance, engaged in the business, acted in the capacity of, advertised or assumed to act, as real estate brokers in the State of California within the meaning of Code Sections 10131(d) and 10131.2, by providing loan solicitation, negotiation, and modification services to distressed homeowners.

6. Enrique A.'s Transaction: On or about May 15, 2008, Enrique A. met J. VALLADOLID and S. VALLADOLID to negotiate a short sale of Enrique A.'s real property located at 10273 Monte Vista Ave., Montclair, California 91763. Upon S. VALLADOLID's acceptance of Enrique A.'s $1,000.00 advance fee payment, Enrique A. was introduced to NOBOA, who represented that he was a licensed real estate salesperson and who would work on the short sale. On or about November 10, 2008, NOBOA informed Enrique A. that an additional amount of $1,710.52 was needed to be paid to Countrywide Bank. Enrique A. wired the $1,710.52 to Countrywide and lost contact with NOBOA, J. VALLADOLID, and S.

VALLADOLID until February 20, 2009 when J. VALLADOLID sent correspondence apologizing that the bank had not resolved anything. On or about October 7, 2009, J. VALLADOLID refused Enrique A.'s request for a refund of fees.

7. Ramon C.'s Transaction: On or about August 8, 2008, September 15, 2008, and October 29, 2008, Ramon C. made three payments totaling $2,000.00 to Valladolid Realty as an advance fee to negotiate a loan solicitation, negotiation, and modification services to be provided by Valladolid Realty with respect to a loan secured by real property located at 1284 N. Pampas Avenue, Rialto, California 92376. Ramon C. made one final payment to NOBOA and Valladolid Realty on or about July 13, 2009 in the amount $535.00. When Ramon C.'s lender informed that his home would be sold, he asked NOBOA for a refund, which NOBOA refused.

8. On November 24, 2010, the Department of Real Estate (hereinafter "Department") completed an audit examination of the books and records of J. VALLADOLID, dbas Real Estate Investment & Finance and Valladolid Realty, pertaining to the loan modification service activities described in Paragraphs 6 and 7, which require a real estate license. The audit examination covered a period of time beginning on May 1, 2008 to September 30, 2010. The audit examination revealed that in the course of its mortgage and loan brokerage activities and loan modification services, J. VALLADOLID acted in violation of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 100051 and LA100102 and the exhibits and work papers attached to said audit report, including but not limited to the following violations:

9. J. VALLADOLID did not maintain a trust account during the audit period, in violation of Code Section 10145 and Regulation 2835.

10. J. VALLADOLID collected advance fees from homeowner-borrowers seeking loan modification services without having obtained a pre-approved advance fee agreement approved by the Commissioner, in violation of Code Section 10085 and Regulation 2970.

CONCLUSIONS OF LAW

11. Based on the findings of fact contained in paragraphs 1 through 11, TMIGI, acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to J. VALLADOLID, NOBOA, and/or S. VALLADOLID, and using the name "THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.," "Real Estate Investment & Finance," "Valladolid Realty," or other names or fictitious names unknown at this time, solicited borrowers to negotiate loans or perform services for those borrowers and/or those borrowers' lenders, in connection with loans secured directly or collaterally by one or more liens on real property, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of the Code, during a period of time when neither NOBOA nor S. VALLADOLID were licensed by the Department as real estate brokers, in violation of Section 10130 of the Code.

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DESIST AND REFRAIN ORDER:

SOFIA VALLADOLID, ROBERTO MANUEL NOBOA

Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered that SOFIA VALLADOLID and ROBERTO MANUEL NOBOA, whether doing business under your own name or any other name(s) or fictitious name(s), ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless or until you are so licensed. In particular, you are ORDERED TO DESIST AND REFRAIN from:

1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form and under any conditions, with respect to the performance of loan modifications, loan refinance, principal reduction, foreclosure abatement or short sale services, or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units;
2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others.

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DESIST AND REFRAIN ORDER:

THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.,

JOHN VALLADOLID

Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered that THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. and JOHN VALLADOLID, whether doing business under their own name or any other name(s) or fictitious name(s), ARE HEREBY ORDERED TO DESIST AND REFRAIN FROM:

1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6);
2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others, unless and until THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. and JOHN VALLADOLID demonstrate and provide evidence satisfactory to the Commissioner that they:
   (a) Have an advance fee agreement which has been submitted to the Commissioner in compliance with Code Section 10085 and Section 2970 of the Regulations;
   (b) Have placed all previously collected advance fees into a trust account for that purpose in compliance with the provisions of Code Section 10146;

(c) have complied with the provisions of Code Section 10145 and Sections 2831, 2831.1, 2831.2, and 2835 of the Regulations with respect to any trust account into which advance fees are deposited; and

(d) have provided an accounting to trust fund owner-beneficiaries from whom advance fees have previously been collected in compliance with Code Section 10146 and Section 2972 of the Regulations.

DATED: 12/7 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

By

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

cc: THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.
10292 Central Avenue
Montclair, CA 91763

JOHN VALLADOLID
10292 Central Avenue
Montclair, CA 91763

JOHN VALLADOLID
9582 Sunflower Street
Rancho Cucamonga, CA 91737

ROBERTO MANUEL NOBOA
10292 Central Avenue
Montclair, CA 91763

ROBERTO MANUEL NOBOA
784 N. Colusa Drive
Walnut, CA 91789

SOFIA VALLADOLID
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SOFIA VALLADOLID
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