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Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013

(213) 576-6982

FILED

AUG 17 2012

DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:

No. H-38346 LA

IMMACULIT CONCEPTS, LLC dba HOME START SERVICES and CONSOLIDATED FINANCIAL SOLUTIONS; and IAN PLYMESSER

ORDER TO DESIST AND REFRAIN

(B&P Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of IMMACULIT CONCEPTS, LLC ("IMMACULIT CONCEPTS"), doing business as HOME START SERVICES ("HOME START") and as CONSOLIDATED FINANCIAL SOLUTIONS ("CONSOLIDATED"), and IAN PLYMESSER ("PLYMESSER") and has determined that each has engaged in or are engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") including engaging in the business of, acting in the capacity of, advertising, or assuming to act, as real estate brokers in the State of California within the meaning

of Section 10131(d) (soliciting borrowers or lenders or negotiating loans) and Section 10131.2 (claiming advance fees in connection with a loan) of the Code. Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

1. At no time herein mentioned has IMMACULIT CONCEPTS; HOME START; CONSOLIDATED or PLYMESSER been licensed by the Department in any capacity.

2. Including but not limited to the time set forth below, IMMACULIT CONCEPTS, doing business as HOME START and as CONSOLIDATED, and PLYMESSER engaged in the business of, acted in the capacity of, or advertised a loan solicitation, negotiation and modification service and advance fee brokerage offering to perform and performing loan solicitation, negotiation and modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction:

a. On or about March 12, 2009, Thomas D. paid an advance fee of $1,419.30 by a check made payable to HOME START on behalf of IMMACULIT CONCEPTS and PLYMESSER. The advance fee was collected pursuant to an agreement pertaining to loan solicitation, negotiation, and modification services to be provided with respect to a loan secured by the real property at

138 Morton Avenue, South Plainfield, New Jersey 07080.

b. On or about January 2, 2010, Sandra Marie M. paid an initial advance fee of $595, and then subsequently made payments of $585 and $1,200 by checks made payable to HOME START on behalf of IMMACULIT CONCEPTS and PLYMESSER. The advance fees were collected pursuant to an agreement pertaining to loan solicitation, negotiation, and modification services to be provided with respect to a loan secured by the real property at 50 Forest Avenue, Shirley, New York 11967.

c. On or about July 21, 2010, Susan T-D paid two advance fees of $4,703.10 each by a check made payable to CONSOLIDATED and another check made payable to HOME START. Both advance fees were paid for the benefit of IMMACULIT CONCEPTS and PLYMESSER. The advance fees were collected pursuant to an agreement pertaining to loan solicitation, negotiation, and modification services to be provided with respect to a loan secured by the real property at 90 Old York Road, Ringoes, New Jersey 08889.

CONCLUSIONS OF LAW

3. Based on the information contained in Paragraph 2, above, IMMACULIT CONCEPTS and PLYMESSER have performed and/or participated in advance fee handling and loan solicitation, negotiation and modification activities which require a license under the provision of Code Sections 10131(d) and 10131.2 during a period of time when neither of them were licensed by the Department in any capacity, in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that IMMACULIT CONCEPTS and IAN PLYMESSER, whether doing business as HOME START SERVICES or as CONSOLIDATED FINANCIAL SOLUTIONS or under their own names, or any other names, or any other fictitious name, 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. In particular each of them is 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 or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6); and

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

DATED: August 10, 2012.

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

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)."

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