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FILED

MAY 29 2014

BUREAU OF REAL ESTATE

By 

BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 To:)	No. H-39474 LA
)	
12 MOD HELP USA; and MACIE BAIN)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
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18 The Commissioner ("Commissioner") of the California

19 Bureau of Real Estate ("Bureau") caused an investigation to be

20 made of the activities of MOD HELP USA and MACIE BAIN, also known

21 as Macie Majeco Manns and Macie Majeco Bain, individually, and

22 doing business as MOD HELP USA, ("BAIN") and has determined that

23 they have each engaged in or are engaging in acts or practices

24 constituting violations of the California Business and

25 Professions Code ("Code") including engaging in the business of,

26 acting in the capacity of, engaging in the business of, acting in

27 the capacity of, advertising, or assuming to act, as real estate

1 broker in the State of California within the meaning of Section
2 10131(d) (soliciting borrowers or lenders or negotiating loans)
3 and Section 10131.2 (advance fee handling). Based on the findings
4 of that investigation, as set forth below, the Commissioner
5 hereby issues the following Findings of Fact and Desist and
6 Refrain Order pursuant to Code Section 10086.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has MOD HELP USA or
9 BAIN been licensed by the Bureau in any capacity.

10 2. Whenever acts referred to below are attributed to
11 MOD HELP USA, those acts are alleged to have been done by MOD
12 HELP USA, acting alone, or by and/or through one or more agents,
13 associates, affiliates, and/or co-conspirators, including but
14 not limited to each of those named herein, and using any
15 fictitious name unknown at this time.

16 3. At the time set forth below MOD HELP USA and BAIN
17 engaged in the business of, acted in the capacity of, or
18 advertised a loan modification/refinancing service and/or
19 foreclosure rescue service offering to perform and performing
20 loan modification or negotiation services with respect to loans
21 which were secured by liens on real property for compensation or
22 in expectation of compensation and for fees collected in advance
23 of the transaction, including but not limited to the activities
24 described below.
25

26 a. On or about August 6, 2010, Vailesami A. paid an
27 advance fee of \$995 to MOD HELP USA. The advance fee was

1 collected pursuant to the provisions of an agreement pertaining
2 to loan solicitation, negotiation, and modification services to
3 be provided by BAIN and MOD HELP USA with respect to a loan
4 secured by the real property located at 3446 Briarvale Street,
5 Corona, Ca 92879.

6 CONCLUSIONS OF LAW

7 4. Based on the information contained in Paragraph
8 3, above, MOD HELP USA and BAIN performed and/or participated in
9 loan solicitation, negotiation and modification activities as
10 well as advance fee handling which require a real estate broker
11 license under the provisions of Code Sections 10131(d) and
12 10131.2 during a period of time when neither of them was
13 licensed by the Bureau as a real estate broker nor employed as a
14 real estate salesperson by the broker on whose behalf the
15 activities were performed, in violation of Section 10130 of the
16 Code.
17

18 DESIST AND REFRAIN ORDER

19 IT IS HEREBY ORDERED that MOD HELP USA and MACIE BAIN,
20 whether doing business under the name Mod Help USA, or their own
21 name(s), or any other name, or any fictitious name, ARE HEREBY
22 ORDERED to immediately desist and refrain from performing any
23 acts within the State of California for which a real estate
24 broker license is required. In particular each of them is
25 ORDERED TO DESIST AND REFRAIN from:

26 (i) charging, demanding, claiming, collecting and/or
27 receiving advance fees, as that term is defined in Section 10026

1 of the Code, in any form, and under any conditions, with respect
2 to the performance of loan modifications or any other form of
3 mortgage loan forbearance service in connection with loans on
4 residential property containing four or fewer dwelling units
5 (Code Section 10085.6); and

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

10
11
12 DATED: MAY 14 2014

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14 Real Estate Commissioner

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17 **JEFFREY MASON**
18 **Chief Deputy Commissioner**

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