

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.;

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;

ROBERTO MANUEL NOBOA; and

SOFIA VALLADOLID

NO. H- 37745 LA

ORDER TO DESIST AND  
REFRAIN

(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.

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

11 Whenever acts referred to below are attributed to TMIGI, J. VALLADOLID, NOBOA,  
12 or S. VALLADOLID, those acts are alleged to have been done by TMIGI, acting by itself or by  
13 and/or through one or more agents, associates, affiliates, and/or co-conspirators, including, but  
14 not limited to TMIGI and using the names "THE MONTCLAIR INVESTMENT GROUP INC.  
15 T M I GROUP INC.," or other names or fictitious names unknown at this time.  
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17 Whenever acts referred to below are attributed to TMIGI or J. VALLADOLID, those  
18 acts are alleged to have been done by J. VALLADOLID, acting by himself or by and/or through  
19 one or more agents, associates, affiliates, and/or co-conspirators, including, but not limited to  
20 TMIGI and using the names "THE MONTCLAIR INVESTMENT GROUP INC. T M I  
21 GROUP INC.," or other names or fictitious names unknown at this time.  
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23 Whenever acts referred to below are attributed to TMIGI or NOBOA, those acts are  
24 alleged to have been done by NOBOA, acting by himself or by and/or through one or more  
25 agents, associates, affiliates, and/or co-conspirators, including, but not limited to TMIGI and  
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1 using the names "THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.," or  
2 other names or fictitious names unknown at this time.

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

### 8 FINDINGS OF FACT

9  
10 1. TMIGI is presently licensed by the Department as a real estate corporation. J.  
11 VALLADOLID is presently the designated officer of TMIGI. TMIGI was first licensed by the  
12 Department as a corporate real estate broker on or about July 23, 2004 and operates under the  
13 dbas Real Estate Investment & Finance (since August 30, 2004) and Valladolid Realty (August  
14 30, 2004). J. VALLADOLID is the designated broker for TMIGI responsible for TMIGI's  
15 compliance with the Real Estate Law. TMIGI was a registered corporation incorporated under  
16 the laws of the State of Nevada until its revocation on or about May 10, 2007. TMIGI filed a  
17 Statement and Designation by Foreign Corporation with the California Secretary of State listing  
18 its address as 10292 Central Avenue, Montclair, California 91763 and "J. Valladolid" as its agent  
19 for service of process. TMIGI filed a Statement of Information with the California Secretary of  
20 State on or about May 16, 2005 listing "John Valladolid" as the Chief Executive Officer, "Sofia  
21 Valladolid" as the Secretary, and "Mark Valladolid" as the Chief Financial Officer.  
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23  
24 2. J. VALLADOLID is presently licensed by the Department as a real estate broker. J.  
25 VALLADOLID was first licensed by the Department as a real estate salesperson on or about  
26 January 9, 1996 and as a real estate broker on or about January 9, 2003, and operates under the  
27

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.

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

4 7. Ramon C.'s Transaction: On or about August 8, 2008, September 15, 2008, and  
5 October 29, 2008, Ramon C. made three payments totaling \$2,000.00 to Valladolid Realty as an  
6 advance fee to negotiate a loan solicitation, negotiation, and modification services to be provided  
7 by Valladolid Realty with respect to a loan secured by real property located at 1284 N. Pampas  
8 Avenue, Rialto, California 92376. Ramon C. made one final payment to NOBOA and  
9 Valladolid Realty on or about July 13, 2009 in the amount \$535.00. When Ramon C.'s lender  
10 informed that his home would be sold, he asked NOBOA for a refund, which NOBOA refused.  
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12 8. On November 24, 2010, the Department of Real Estate (hereinafter "Department")  
13 completed an audit examination of the books and records of J. VALLADOLID, dbas Real Estate  
14 Investment & Finance and Valladolid Realty, pertaining to the loan modification service  
15 activities described in Paragraphs 6 and 7, which require a real estate license. The audit  
16 examination covered a period of time beginning on May 1, 2008 to September 30, 2010. The  
17 audit examination revealed that in the course of its mortgage and loan brokerage activities and  
18 loan modification services, J. VALLADOLID acted in violation of the Code and the Regulations  
19 as set forth in the following paragraphs, and more fully discussed in Audit Report LA 100051  
20 and LA100102 and the exhibits and work papers attached to said audit report, including but not  
21 limited to the following violations:  
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23 9. J. VALLADOLID did not maintain a trust account during the audit period, in violation  
24 of Code Section 10145 and Regulation 2835.  
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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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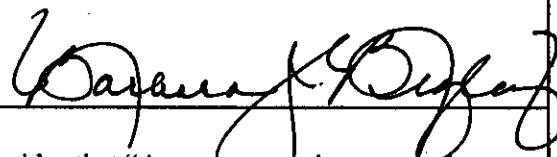


(c) have complied with the provisions of Code Section 10145 and Sections 2831, 2831.1, 2831.2, and 2835 of the Regulations with respect to any trust account into which advance fees are deposited; and

(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

1 SOFIA VALLADOLID  
10292 Central Avenue  
2 Montclair, CA 91763

3 SOFIA VALLADOLID  
9582 Sunflower Street  
4 Rancho Cucamonga, CA 91737

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