Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0789

FILED

JAN - 8 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: HOME LOAN CONSULTANTS, INC. and JOHN J. BUTCHERINE	No. H- 3887 SD ORDER TO DESIST AND REFRAIN

The Real Estate Commissioner of the State of California (hereinafter "Commissioner") has caused an investigation to be made of your activities and based upon the findings herein below set forth, is of the opinion that you, HOME LOAN CONSULTANTS, INC., and you, JOHN J. BUTCHERINE, have violated Sections 10159.5, 10162 and 10163 of the California Business and Professions Code (hereinafter "Code") and Section 2731 of Title 10, California Code of Regulations (hereinafter the "Regulations") and is of the opinion that you, HOME LOAN CONSULTANTS, INC., and you, JOHN J. BUTCHERINE have violated Sections 10235, 10235.5, 10236.4, 10137, 14701, 14702, 17533.6 and 17539.4 of the Code and Section 2847.3 of the Regulations.

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Beginning approximately December 18, 2002, and continuing thereafter, HOME LOAN CONSULTANTS, INC., was and is licensed by the Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

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At all times herein mentioned, JOHN J. BUTCHERINE, was and is licensed by the Department as a real estate broker. Beginning approximately December 18, 2002 and continuing thereafter you have been licensed by the Department as the designated officer for HOME LOAN CONSULTANTS, INC.

3

At all times herein mentioned, you, HOME LOAN CONSULTANTS, INC., and you, JOHN J. BUTCHERINE, engaged in the business of, acted in the capacity of, advertised and assumed to act as real estate brokers in the State of California within the meaning of Section 10131(d) of the Code, including the business of soliciting borrowers and lenders or negotiating loans in connection with loans secured directly or collaterally by liens on real property, wherein such loans were brokered, arranged, processed, and/or consummated on behalf of others.

4

In the course of the activities described in Paragraph 3, above, you, HOME LOAN CONSULTANTS, INC. and you, JOHN J. BUTCHERINE:

(a) Used the fictitious business name "Home Loan Consultants" without first obtaining a license issued by the Department bearing such fictitious name; and

(b) Maintained a place of business at 2801 Camino Del Rio, Suite 200B, San Diego, California, in addition to the place of business maintained by HOME LOAN CONSULTANTS, INC., without first applying for and obtaining an additional license for such branch office so maintained by HOME LOAN CONSULTANTS, INC.

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In performing the acts described in Paragraphs 3 and 4 above, you, HOME LOAN CONSULTANTS, INC. dba Home Loan Consultants, and you, JOHN J. BUTCHERINE, used the fictitious business name " Home Loan Consultants " without first obtaining a license issued by the Department bearing such fictitious name, in violation of Section 10159.5 of the Code in conjunction with Section 2731 of the Regulations and maintained a place of business in violation of Section 10162 of the Code, without first applying for and obtaining an additional license for such branch office in violation of Section 10163 of the Code.

6

In 2007, you, HOME LOAN CONSULTANTS, INC. dba Home Loan Consultants, and you, JOHN J. BUTCHERINE, caused to be advertised and distributed advertisements which included statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are false, misleading or deceptive in that:

(a) The advertisements failed to include the broker license under which the loan will be made or arranged;

(b) The advertisements failed to include the required disclosure of the license number under which the loan would be made or arranged;

(c) The advertisements failed to disclose the license and issuing department under which the loan would be made or arranged;

(d) The advertisements included a lender's name or logo without including a specific disclosure which indicates the solicitation is not sponsored by, affiliated with or authorized by the lender;

(e) The advertisements included the consumer's loan number or loan amount without including a specific disclosure that indicates the solicitation is not sponsored by, affiliated with or authorized by the lender and that the information was not provided by the lender;

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(f) The advertisements failed to include the required notice that the advertisements are not a government document or approved or endorsed by any government agency; and

(g) The advertisements included a name of an unlicensed individual who appears to be performing acts for which a real estate license is required.

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In performing the acts described in Paragraph 6 above, you, HOME LOAN CONSULTANTS, INC. dba Home Loan Consultants, and you, JOHN J. BUTCHERINE, knowingly advertised or caused or permitted to be advertised and distributed statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are false, misleading or deceptive in violation of Sections 10235, 10235.5, 10236.4, 10137, 14701, 14702, 17533.6 and 17539.4 of the Code and Section 2847.3 of the Regulations.

NOW THEREFORE, YOU, HOME LOAN CONSULTANTS, INC. AND YOU JOHN J. BUTCHERINE, AND YOUR AGENTS AND EMPLOYEES, ARE HEREBY ORDERED TO DESIST AND REFRAIN from using the fictitious business name "Home Loan Consultants" without first obtaining a license issued by the Department and maintaining a place of business at 2801 Camino Del Rio, Suite 200B, San Diego, California, in addition to the place of business maintained pursuant to section 10162 of the Code without first applying for and obtaining an additional license for such branch offices from the Department.

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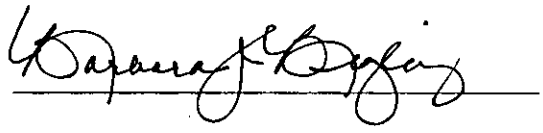
NOW THEREFORE, YOU, HOME LOAN CONSULTANTS, INC. AND YOU JOHN J. BUTCHERINE, AND YOUR AGENTS AND EMPLOYEES, ARE HEREBY ORDERED TO DESIST AND REFRAIN from causing to be published and distributed advertisements which include statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are false, misleading or deceptive, and from employing and/or compensating any person for performing any acts which require a real estate license within the State of California unless and until that person has obtained from the Department a real estate broker or real estate salesperson license.

DATED: 12·30·08

JEFF DAVI
Real Estate Commissioner



cc: JOHN J. BUTCHERINE
HOME LOAN CONSULTANTS INC.
6815 FLANDERS DRIVE #150
SAN DIEGO, CA 92121

BY: Barbara J. Bigby
Chief Deputy Commissioner