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FILED

AUG 24 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-36773 LA
HOME RESOLUTION COMPANY, BANK MODIFICATION EXPERTS, PREMIER LEGAL ADVOCATES, and BRIAN PASCAL.	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 HOME RESOLUTION COMPANY ("HRC"), BANK MODIFICATION EXPERTS ("BME"), PREMIER LEGAL ADVOCATES ("PLA") and BRIAN PASCAL ("PASCAL"). Based on that investigation the Commissioner has determined that HRC, BME, PLA and PASCAL have engaged in or are engaging in acts or are attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California within the meaning of Business and Professions Code Sections 10131(d) (soliciting, negotiating and performing services for borrowers in connection with loans secured by real property) and 10131.2 (advance fee handling).

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In addition, based on that investigation, the Commissioner has determined that HRC, BME, PLA and PASCAL have engaged in or are engaging in acts or are attempting to engage in practices constituting violations of the California Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner ("Regulations"). 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.

FINDINGS OF FACT

1. HRC is not now, and has never been, licensed by the Department in any capacity. HRC is registered as a corporation with the California Secretary of State, with PASCAL listed as the agent for service of process for HRC.

2. BME is not now, and has never been, licensed by the Department in any capacity. On December 15, 2009, PASCAL filed a fictitious business name statement with the Los Angeles County Clerk, naming BME as a fictitious business name for BWP & Associates Inc. BWP & Associates Inc. is registered as a corporation with the California Secretary of State, with PASCAL listed as its agent for service of process.

3. PLA is not now, and has never been, licensed by the Department in any capacity. PLA is listed with the Better Business Bureau as a loan modification company, with PASCAL as its Chief Operating Officer.

4. PASCAL presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate salesperson. On September 12, 2009, PASCAL's license was suspended for failure to satisfy his education requirements under Code Section 10153.4.

5. At the times set forth below HRC, BME, PLA and PASCAL solicited borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: engaged in the business of, acted in the capacity of, or advertised a loan modification and negotiation service and advance fee brokerage with respect to loans which

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were secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction.

David P. Transaction

6. In or about June 2009, David P. received a solicitation in the mail from BME which offered loan modification services. David P. contacted BME and was asked to pay advance fees of $3,496 to HRC in order to receive loan modification services. David P. made four payments to HRC between June 22, 2009 and September 22, 2009, for a total of $3,496. Neither BME nor HRC ever obtained a loan modification for David P. On March 2, 2010, David P. requested a Refund and Cancellation Agreement from PASCAL. The Agreement was sent on a PLA letterhead.

Ray and Elaine W. Transaction

7. On July 14, 2009, Ray and Elaine W. received a Refund and Cancellation Agreement from PASCAL and HRC. This agreement was for the refund of advance fees paid to BME by Ray and Elaine W. for a loan modification on their home. Ray and Elaine W. signed the Refund and Cancellation Agreement on July 15, 2009. As of April 6, 2010, Ray and Elaine W. had not received any refund from PASCAL, HRC or BME.

CONCLUSIONS OF LAW

8. Based on the information contained in Paragraphs 1 through 5, above, HRC BME, PLA and PASCAL violated Section 10130 of the Code by engaging in the activities described and set forth above without first obtaining a broker license from the Department.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that:

(A) HOME RESOLUTION COMPANY immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless HRC is so licensed.

(B) BANK MODIFICATION EXPERTS immediately desist and refrain from

performing any acts within the State of California for which a real estate broker license is required, unless BME is so licensed.

(C) PREMIER LEGAL ADVOCATES immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless PLA so licensed.

(D) BRIAN PASCAL immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, unless PASCAL is so licensed.

IT IS FURTHER ORDERED THAT HOME RESOLUTION COMPANY, BANK MODIFICATION EXPERTS, PREMIER LEGAL ADVOCATES and BRIAN PASCAL immediately 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 other real estate related services offered by them to others, unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you are properly licensed by the Department as a real estate broker and that you have
(a) an advance fee agreement which has been submitted to the Department and which is in compliance with Section 10085 of the Code and Sections 2970 (submission of advance fee materials) and 2972 (content of verified account) of the Regulations;
(b) placed all previously collected advance fees into a trust account for that

purpose and are in compliance with Section 10146 (deposit of advance fees into trust account) of the Code;

(c) provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and

(d) refunded to David P. and Ray and Elaine W. any and all advance fees paid by them in this matter.

DATED: August 24, 2010.

JEFF DAVI
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)."

cc: HOME RESOLUTION COMPANY
BRIAN PASCAL
BANK MODIFICATION EXPERTS
PREMIER LEGAL ADVOCATES

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