Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

(213) 576-6982

FILED

AUG 30 2011

DEPARTMENT OF REAL ESTATE
BY: Dorothea Valeau

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-37492 LA
SFV FINANCIAL INC., and MARK SHLOMO HELLER.	ORDER TO DESIST AND REFRAIN
	(B&P Code Section 10086)

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be made of the activities of SFV FINANCIAL INC. and MARK SHLOMO HELLER. Based on that investigation, the Commissioner has determined that SFV FINANCIAL INC. and MARK SHLOMO HELLER have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code"), including acting in the capacity of, advertising or assuming to act as real estate brokers in the State of California within the meaning of Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to perform loan modification services for distressed homeowners) and 10131.2 (collecting advance fees in connection with those services). Based on that investigation, 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.

Whenever acts referred to below are attributed to SFV FINANCIAL INC. and/or to MARK SHLOMO HELLER, those acts are alleged to have been done by SFV FINANCIAL INC. and/or MARK SHLOMO HELLER, acting by themselves, or by and /or through one or more agents, associates, affiliates and/or co-conspirators, including but not limited to the individuals herein named.

FINDINGS OF FACT

Parties and Entities

1. SFV FINANCIAL INC., ("SFV") is a California Corporation with offices located at 17929 Ventura Blvd., #4, Encino, CA 91316. SFV has never been licensed in any capacity by the Department of Real Estate of the State of California ("Department").

2. MARK SHLOMO HELLER ("HELLER") is licensed by the Department as a restricted real estate salesperson and/or has license rights with respect to that license. HELLER was first licensed by the Department as a restricted salesperson on or about April 14, 2006. Between April 14, 2006 and July 22, 2008, HELLER was licensed to perform real estate activities under the supervision of J&R Lending Inc. as his employing broker. Between July 23, 2008 and April 5, 2009, HELLER was not affiliated with a supervising broker and was therefore not authorized to perform activities requiring a real estate license. Between April 6, 2009 and April 13, 2010, HELLER was licensed to perform real estate activities under the supervision of Nationwide Lending Partners Inc. HELLER's license expired on April 13, 2010. He retains renewal rights pursuant to Code Section 10201 and the Department retains jurisdiction pursuant to Code Section 10103.

3. HELLER is, and at all times relevant herein was, the President and owner of SFV.

Loan Modification activities

4. During a period of time beginning on or before December 9, 2008, and continuing to the present time, SFV and HELLER engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Business and Professions Code ("Code") Sections 10131(d) and 10131.2, for or in expectation of compensation. SFV and HELLER represented borrowers in negotiating and modifying terms of loans and in obtaining mortgage loans. They also collected advance fees within the meaning of Code Sections l0026 and l0l31.2, pursuant to written agreements which constituted advance fee agreements within the meaning of Code Section 10085.

5. On or about December 9, 2008, borrower Ector P. ("Borrower") paid SFV and HELLER $2,100.00 as an advance fee for loan modification services. Between December 9, 2008 and on or after November 27, 2009, SFV purported to assist borrower in negotiating with his lender to modify the terms of his mortgage loan.

6. At the time SFV and/or HELLER collected advance fees from borrowers, including the advance fee collected from the borrower listed in Paragraph 5 above, neither SFV nor HELLER were licensed as real estate brokers. At the time that SFV and HELLER engaged in loan modification services, HELLER was licensed by the Department as a salesperson, but was either not broker affiliated or was authorized to conduct real estate activities only under the supervision of Nationwide Lending Partners Inc. as his employing broker. His employing broker was not aware of HELLERS's loan modification activities conducted as SFV. HELLER

was not authorized to conduct licensed activities as an agent of SFV, an unlicensed entity, nor was he authorized to receive compensation for acting as their agent or owner.

CONCLUSIONS OF LAW

The conduct, acts and/or omissions of SFV FINANCIAL INC. and MARK SHLOMO HELLER, acting in the capacity of real estate brokers within the meaning of Code Sections 10131(d) and 10131.2, when not licensed by the Department as real estate brokers or as salespersons employed by real estate brokers, was in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

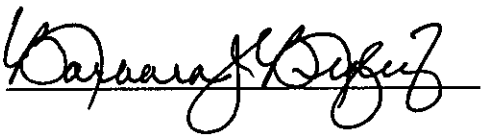
Based on the Findings of Fact and Conclusions of Law stated herein, SFV FINANCIAL INC. and MARK SHLOMO HELLER, whether doing business under your own names, or any other names, or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, including:

(i) 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; and

(ii) 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 8/26, 2011.

Barbara J. Bigby
Acting Real Estate Commissioner



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: SFV FINANCIAL INC.
Mark Shlomo Heller
17929 Ventura Blvd. #4
Encino, CA 91316

Mark Shlomo Heller
15746 Morrison St.
Encino, CA 91436