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FILED

FEB 23 2012

DEPARTMENT OF REAL ESTATE
BY: Suzanne Denis

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	
	)	No. H-37494 LA
MARK SHLOMO HELLER,	)	
	)	
Respondent	)	

DEFAULT DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on February 8, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On or about August 25, 2011, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

a) On August 31, 2011, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent MARK SHLOMO HELLER ("Respondent") at his last known mailing addresses on file with the Department of Real Estate ("Department") at 15746 Morrison St., Encino, CA 91436. The Department never received a signed receipt, and the package was never returned to the Department.

b) On October 18, 2011, the Accusation, Statement to Respondent, and Notice of Defense were mailed, certified mail, return receipt requested, to Respondent the same address. This mailing was returned by the Post Office marked, "Unclaimed, and Unable to forward."

c) No Notice of Defense has been received from Respondent. Respondent's Default was entered on February 8, 2012.

2.

MARK SHLOMO HELLER, has license rights as a restricted real estate salesperson.

a) Respondent was first licensed by the Department as a restricted real estate salesperson on April 14, 2006.

b) Between April 14, 2006 and July 22, 2008, Respondent was licensed to perform real estate activities under the supervision of J&R Lending Inc. as his employing broker.

c) Between July 23, 2008 and April 5, 2009, Respondent was not employed by a supervising broker and was therefore not authorized to perform activities requiring a real estate license.

d) Between April 6, 2009 and April 13, 2010, Respondent was licensed to perform real estate activities under the supervision of Nationwide Lending Partners Inc.

e) Respondent's license expired on April 14, 2010. He retains renewal rights pursuant to Business and Professions Code 9"Code") Section 10201 and the Department retains jurisdiction pursuant to Code Section 10102.

3.

SFV Financial Inc. ("SFVFI") is a California corporation, with offices located at 17929 Ventura Blvd., #4 in Encino, CA 91316. Respondent is, and at all times relevant herein was, the President and owner of SFVFI.

4.

SFVFI is not currently and has never been licensed by the Department in any capacity.

5.

During a period of time beginning on or before December 9, 2008, and continuing through on or after January 24, 2010, Respondent, doing business as SFVFI, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Code Sections 10131(d) and 10131.2, for or in expectation of compensation. Respondent represented borrowers in negotiating and modifying terms of loans and in obtaining mortgage loans. Respondent also collected advance fees within the meaning of Code Section 10026 ad 10131.2, pursuant to written agreements which constituted advance fee agreement within the meaning of Code Section 10085.

6.

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

7.

At the time he collected advance fees from borrowers, including the advance fee collected from the borrower listed in Finding of Fact 6 above, Respondent was not employed by a supervising broker. At the time that Respondent engaged in loan modification services, Respondent was licensed by the Department as a salesperson authorized to conduct real estate activities under the supervision of Nationwide Lending Partners Inc. as his employing broker. However, his employing broker was not aware of Respondent's loan modification activities conducted as SFVFI. Respondent was not authorized to conduct activities requiring a real estate broker license independently, or as an employee or agent of any other broker or company licensed or unlicensed. Respondent was not authorized to conduct licensed activities as an agent of SFVFI, an unlicensed entity, nor was he authorized to receive compensation for acting as their agent.

DETERMINATION OF ISSUES

1.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

2.

The conduct, acts and/or omissions of Respondent MARK SHLOMO HELLER in soliciting borrowers and collecting advance fees from borrowers to perform acts requiring a real estate license constitutes grounds to discipline the license and license rights of Respondent MARK SHLOMO HELLER pursuant to Code Sections 10130, 10137, 10177(d) and 10177(j).

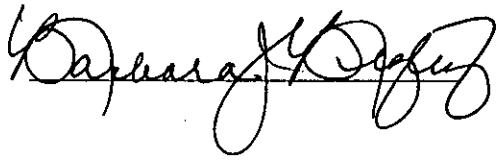
ORDER

All licenses and license rights of Respondent MARK SHLOMO HELLER under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on MAR 14 2012.

DATED: 2/17/12.

BARBARA J. BIGBY
Acting Real Estate Commissioner



Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

(213) 576-6982

FILED

FEB - 8 2012

DEPARTMENT OF REAL ESTATE
BY: Jane B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of MARK SHLOMO HELLER, Respondent.	NO. H-37494 LA DEFAULT ORDER

Respondent MARK SHLOMO HELLER, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED February 8, 2012

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: Phillip Ihde
PHILLIP IHDE
Regional Manager

SPCTO Flag

FILED

AUG 31 2011

DEPARTMENT OF REAL ESTATE
BY: [illegible]

MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

(213) 576-6982
(213) 620-6430

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of MARK SHLOMO HELLER, Respondent.	No. H-37494 LA ACCUSATION

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner, for cause of Accusation against MARK SHLOMO HELLER, is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

MARK SHLOMO HELLER ("Respondent") is licensed by the Department of Real Estate ("Department") as a restricted real estate salesperson and/or has license rights with respect to that license.

2.

Respondent was first licensed by the Department as a restricted salesperson on or about April 14, 2006. Between April 14, 2006 and July 22, 2008, Respondent 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, Respondent was not employed by a supervising broker and was therefore not authorized to perform activities requiring a real estate license. Between April 6, 2009 and April 13, 2010, Respondent was licensed to perform real estate activities under the supervision of Nationwide Lending Partners Inc. Respondent's license expired on April 14, 2010. He retains renewal rights pursuant to Business and Professions Code ("Code") Section 10201 and the Department retains jurisdiction pursuant to Code Section 10102.

3.

SFV Financial Inc. ("SFVFI") is a California corporation with offices located at 17929 Ventura Blvd., #4, in Encino, CA 91316. Respondent is, and at all times relevant herein was, the President and owner of SFVFI.

4.

SFVFI is not currently and has never been licensed by the Department in any capacity.

5.

During a period of time beginning on or before December 9, 2008, and continuing through on or after January 24, 2010, Respondent, doing business as SFVFI, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Code Sections 10131(d) and 10131.2, for or in expectation of compensation. Respondent represented borrowers in negotiating and modifying terms of loans and in obtaining mortgage loans. Respondent also collected advance fees within the meaning of Code Sections 10026 and 10131.2, pursuant to written agreements which constituted advance fee agreements within the meaning of Code Section 10085.

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6.

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

7.

At the time he collected advance fees from borrowers, including the advance fee collected from the borrower listed in Paragraph 6 above, Respondent was not employed by a supervising broker. At the time that Respondent engaged in loan modification services, Respondent was licensed by the Department as a salesperson authorized to conduct real estate activities under the supervision of Nationwide Lending Partners Inc. as his employing broker. However, his employing broker was not aware of Respondent's loan modification activities conducted as SFVFI. Respondent was not authorized to conduct activities requiring a real estate broker license independently, or as an employee or agent of any other broker or company, licensed or unlicensed. Respondent was not authorized to conduct licensed activities as an agent of SFVFI an unlicensed entity, nor was he authorized to receive compensation for acting as their agent.

8.

The conduct, acts and/or omissions of Respondent MARK SHLOMO HELLER in soliciting borrowers and collecting advance fees from borrowers to perform acts requiring a real estate license constitutes grounds to discipline Respondent's license and license rights pursuant to Code Sections 10130, 10137, 10176(i) and/or 10177(j).

///

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent MARK SHLOMO HELLER under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 25 day of August, 2011.

Robin Trujillo
Deputy Real Estate Commissioner

cc: Mark Shlomo Heller
Robin Trujillo
Sacto.