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**FILED**

NOV - 5 2013

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
JOHN VALLADOLID )	NO. H-37670 LA
Respondent )	

ORDER SUSPENDING REAL ESTATE LICENSE

TO: JOHN VALLADOLID, Respondent  
9582 Sunflower Street  
Rancho Cucamonga, CA 91737

On February 1, 2013, Respondent's license and licensing rights were suspended for a period of ninety (90) days, subject to the terms, conditions and restrictions set forth in the Stipulation and Agreement filed January 3, 2013, in Case No. H-37670 LA. This Stipulation became effective at 12 o'clock noon on February 1, 2013 and provided that sixty (60) days of the ninety (90) day suspension would be stayed for a period of two (2) years upon certain terms and conditions.

1           Among those terms, conditions and restrictions, the  
2 failure of which the Real Estate Commissioner may by appropriate  
3 order suspend the right to exercise any privileges granted under  
4 the restricted license is the requirement that:

5           V. Respondent JOHN VALLADOLID, shall within six (6)  
6 months from the effective date of the Decision herein, take  
7 and pass the Professional Responsibility Examination  
8 administered by the Department including the payment of the  
9 appropriate examination fee. If Respondent fails to satisfy  
10 this condition, the Commissioner may order the suspension of  
11 Respondent's license until Respondent passes the  
12 examination. The Commissioner shall afford Respondent the  
13 opportunity for a hearing pursuant to the Administrative  
14 Procedure Act to present such evidence.

15  
16           The Commissioner has determined that as of August 1,  
17 2013, Respondent has failed to satisfy this condition, and as  
18 such, is in violation of the Commissioner's Order of November 5,  
19 2012.

20           NOW, THEREFORE, IT IS ORDERED under authority of the  
21 Order issued in this matter that the real estate broker license  
22 heretofore issued to Respondent and the exercise of any  
23 privileges thereunder is hereby suspended until such time as  
24 Respondent provides proof satisfactory to the Bureau of  
25 compliance with the condition referred to above, or pending final  
26 determination made after hearing (see "Hearing Rights" set forth  
27

1 IT IS FURTHER ORDERED that all license certificates and  
2 identification cards issued by Bureau which are in the possession  
3 of Respondent be immediately surrendered by personal delivery or  
4 by mailing in the enclosed, self-addressed envelope

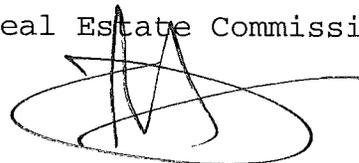
5 to: Bureau of Real Estate  
6 Attn: Flag Section  
7 P. O. Box 137013  
8 Sacramento, CA 95813-7013

9 HEARING RIGHTS: Pursuant to the provisions of Section 10156.7 of  
10 the Business and Professions Code, you have the right to a  
11 hearing to contest the Commissioner's determination that you are  
12 in violation of the Order in Case No. H-37670 LA. If you desire  
13 a hearing, you must submit a written request. The request may be  
14 in any form, as long as it is in writing and indicates that you  
15 want a hearing. Unless a written request for a hearing, signed  
16 by or on behalf of you, is delivered or mailed to the Bureau  
17 at 320 W. 4<sup>th</sup> Street, Suite 350, Los Angeles, California, 90013,  
18 within 20 days after the date that this Order was mailed to or  
19 served on you, the Bureau will not be obligated or required  
20 to provide you with a hearing.

21 This Order shall be effective immediately.

22 DATED: OCT 30 2013

23 Real Estate Commissioner

24 

25 **By: JEFFREY MASON**  
26 **Chief Deputy Commissioner**

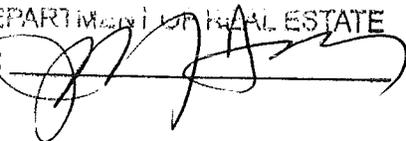
1 Department of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 60013-1105

4 Telephone: (213) 576-6982

**FILED**

JAN 03 2013

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

\* \* \*

10 )  
11 In the Matter of the Accusation of )

No. H-37670 LA  
L-2011120954

12 )  
13 THE MONTCLAIR INVESTMENT GROUP )  
14 INC. T M I GROUP INC. and )

STIPULATION  
AND  
AGREEMENT

15 )  
16 JOHN VALLADOLID, individually )  
17 and as designated officer of The )  
18 Montclair Investment Group, Inc. )  
and doing business as Real Estate )  
Investment & Finance and )  
Valladolid Realty )

Respondents. )

19 It is hereby stipulated by and between Respondent  
20 JOHN VALLADOLID ("VALLADOLID"), individually and as designated  
21 officer of The Montclair Investment Group, Inc. and the  
22 Complainant, acting by and through Julie L. To, Counsel for the  
23 Department of Real Estate, as follows for the purpose of settling  
24 and disposing of the Accusation ("Accusation") filed on November  
25 14, 2011, in this matter:

26 1. All issues which were to be contested and all  
27

1 evidence which was to be presented by Complainant and Respondent  
2 at a formal hearing on the Accusation, which hearing was to be  
3 held in accordance with the provisions of the Administrative  
4 Procedure Act ("APA"), shall instead and in place thereof be  
5 submitted solely on the basis of the provisions of this  
6 Stipulation and Agreement ("Stipulation").

7           2. Respondent has received, read and understands the  
8 Statement to Respondent, the Discovery Provisions of the APA and  
9 the Accusation filed by the Department of Real Estate in this  
10 proceeding.

11           3. Respondent filed a Notice of Defense pursuant to  
12 Section 11506 of the Government Code for the purpose of  
13 requesting a hearing on the allegations in the Accusation.  
14 Respondent hereby freely and voluntarily withdraws said Notice of  
15 Defense. Respondent acknowledges that he understands that by  
16 withdrawing said Notice of Defense he thereby waives his right to  
17 require the Commissioner to prove the allegations in the  
18 Accusation at a contested hearing held in accordance with the  
19 provisions of the APA and that he will waive other rights  
20 afforded to him in connection with the hearing such as the right  
21 to present evidence in his defense and the right to cross-examine  
22 witnesses.  
23

24           4. This Stipulation is based on the factual  
25 allegations contained in the Accusation. In the interest of  
26 expedience and economy, Respondent chooses not to contest these  
27

1 allegations, but to remain silent and understand that, as a  
2 result thereof, these factual allegations, without being admitted  
3 or denied, will serve as a prima facie basis for the disciplinary  
4 action stipulated to herein. The Real Estate Commissioner shall  
5 not be required to provide further evidence to prove said factual  
6 allegations.

7           5. This Stipulation is made for the purpose of  
8 reaching an agreed disposition of this proceeding and is  
9 expressly limited to this proceeding and any other proceeding or  
10 case in which the Department of Real Estate ("Department"), or  
11 another licensing agency of this state, another state or if the  
12 federal government is involved, and otherwise shall not be  
13 admissible in any other criminal or civil proceeding.

14           6. It is understood by the parties that the Real  
15 Estate Commissioner may adopt this Stipulation as the  
16 Commissioner's Decision in this matter thereby imposing the  
17 penalty and sanctions on Respondents' real estate licenses and  
18 license rights as set forth in the below "Order". In the event  
19 that the Commissioner in the Commissioner's discretion does not  
20 adopt the Stipulation, the Stipulation shall be void and of no  
21 effect and Respondents shall retain the right to a hearing and  
22 proceeding on the Accusation under the provisions of the APA and  
23 shall not be bound by any stipulation or waiver made herein.

24           7. The Order or any subsequent Order of the Real  
25 Estate Commissioner made pursuant to this Stipulation shall not  
26  
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1 constitute an estoppel, merger or bar to any further  
2 administrative or civil proceedings by the Department of Real  
3 Estate with respect to any matters which were not specifically  
4 alleged to be causes for accusation in this proceeding.

5 8. Respondent understands that by agreeing to this  
6 Stipulation, Respondent agrees to pay, pursuant to Business and  
7 Professions Code Section 10148, the cost of the original audit  
8 which led to this disciplinary action. The amount of said cost is  
9 \$5,610.00.

10 9. Respondent has received, read, and understands the  
11 "Notice Concerning Costs of Subsequent Audit." Respondent  
12 further understands that by agreeing to this Stipulation, the  
13 findings set forth below in the Determination of Issues become  
14 final, and the Commissioner may charge Respondent for the cost of  
15 any subsequent audit conducted pursuant to Business and  
16 Professions Code Section 10148 to determine if the violations  
17 have been corrected. The maximum cost of the subsequent audit  
18 will not exceed \$5,610.00.  
19

20 DETERMINATION OF ISSUES

21 By reason of the foregoing, it is stipulated and agreed  
22 that the following determination of issues shall be made:

23 I.

24 The conduct of Respondent JOHN VALLADOLI, as described  
25 in Paragraph 4, herein above, is in violation of Sections 10145,  
26 10146, 10161.8, 10236.4, and 10240 of the Business and  
27

1 Professions Code ("Code") and Sections 2752, 2831.1, 2832, 2840,  
2 2840.1, and 2972 of Title 10, Chapter 6 of the California Code of  
3 Regulations ("Regulations") and is a basis for discipline of  
4 Respondent's license and license rights as a violation of the  
5 Real Estate Law pursuant to Code Sections 10177(d) and 10177(g)

6 II.

7  
8 The conduct of JOHN VALLADOLID, as described in  
9 Paragraph 4, above, is in violation of Code Section 10159.2 and  
10 Regulation 2725 and is a basis for discipline of Respondent's  
11 licenses and license rights as a violation of the Real Estate Law  
12 pursuant to Code Section 10177(d), 10177(g), and 10177(h).

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1  
2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 I.

5 The license and licensing rights of Respondent JOHN  
6 VALLADOLID, under the Real Estate Law, are suspended for a period  
7 of ninety (90) days from the effective date of this Decision:

8 A. Provided, however, that if Respondent requests, the  
9 initial thirty (30) days of said suspension (or a portion  
10 thereof) shall be stayed for two (2) years upon condition that:

11 1. Respondent pays a monetary penalty pursuant to  
12 Section 10175.2 of the Business and Professions Code at the rate  
13 of \$100.00 per day for each day of the suspension for a monetary  
14 penalty of \$3,000.00.

15 2. Said payment shall be in the form of a cashier's  
16 check or certified check made payable to "Recovery Account of the  
17 Real Estate Fund." Said check must be received by the Department  
18 prior to the effective date of the Decision in this matter.

19 3. No further cause for disciplinary action against  
20 the real estate license of Respondent occur within two (2) years  
21 from the effective date of the Decision in this matter.

22 4. If Respondent fails to pay the monetary penalty in  
23 accordance with the terms of the Decision, the Commissioner may,  
24 without a hearing, order the immediate execution of all or any  
25 part of the stayed suspension, in which event the Respondent  
26  
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1 shall not be entitled to any repayment nor credit, prorated or  
2 otherwise, for money paid to the Department under the terms of  
3 this Decision.

4 5. If Respondent pays the monetary penalty and if no  
5 further cause for disciplinary action against the real estate  
6 licenses of Respondents occurs within two (2) years from the  
7 effective date of the Decision, the stay hereby granted shall  
8 become permanent.

9 B. The remaining sixty (60) days of the ninety (90) day  
10 suspension shall be stayed for two (2) years upon the following  
11 terms and conditions:

12 1. Respondent shall obey all laws, rules and  
13 regulations governing the rights, duties and responsibilities of  
14 a real estate licensee in the State of California; and

15 2. That no final subsequent determination be made  
16 after hearing or upon stipulation, that cause for disciplinary  
17 action occurred within two (2) years from the effective date of  
18 this Decision. Should such a determination be made, the  
19 Commissioner may, in the Commissioner's discretion, vacate and  
20 set aside the stay order and reimpose all or a portion of the  
21 stayed suspension. Should no such determination be made, the  
22 stay imposed herein shall become permanent.

24 II.

25 Pursuant to Section 10148 of the Business and  
26 Professions Code, Respondent JOHN VALLADOLID shall pay the  
27

1 Commissioner's reasonable cost for (a) the audit which led to  
2 this disciplinary action and (b) a subsequent audit to determine  
3 if Respondents are now in compliance with the Real Estate Law.  
4 The cost of the audit which led to this disciplinary action is  
5 \$5,610.00. In calculating the amount of the Commissioner's  
6 reasonable cost, the Commissioner may use the estimated average  
7 hourly salary for all persons performing audits of real estate  
8 brokers, and shall include an allocation for travel time to and  
9 from the auditor's place of work. Said amount for the prior and  
10 subsequent audits shall not exceed \$11,220.00.

11 Respondent JOHN VALLADOLID shall pay such cost within  
12 60 days of receiving an invoice from the Commissioner detailing  
13 the activities performed during the audit and the amount of time  
14 spent performing those activities.

15 The Commissioner may suspend the licenses of Respondent  
16 pending a hearing held in accordance with Section 11500, et seq.,  
17 of the Government Code, if payment is not timely made as provided  
18 for herein, or as provided for in a subsequent agreement between  
19 said Respondents and the Commissioner. The suspension shall  
20 remain in effect until payment is made in full or until said  
21 Respondents enter into an agreement satisfactory to the  
22 Commissioner to provide for payment, or until a decision  
23 providing otherwise is adopted following a hearing held pursuant  
24 to this condition.

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III.

All licenses and licensing rights of Respondent JOHN

VALLADOLID are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

IV.

Respondent JOHN VALLADOLID shall, within nine (9)

months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of Respondent's license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.



MAILING AND FACSIMILE

1  
2 Respondent (1) shall mail the original signed signature  
3 page of the stipulation herein to Julie L. To: Attention: Legal  
4 Section, Department of Real Estate, 320 W. Fourth St., Suite 350,  
5 Los Angeles, California 90013-1105. Respondent (2) shall also  
6 facsimile a copy of signed signature page, to the Department at  
7 the following telephone/fax number: (213) 576-6917, Attention:  
8 Julie L. To.

9 A facsimile constitutes acceptance and approval of the  
10 terms and conditions of this stipulation. Respondent agrees,  
11 acknowledges and understands that by electronically sending to  
12 the Department a facsimile copy of Respondent's actual signature  
13 as it appears on the stipulation that receipt of the facsimile  
14 copy by the Department shall be as binding on Respondent as if  
15 the Department had received the original signed stipulation.

16  
17  
18 DATED: 12-6-2012

John Valladolid  
JOHN VALLADOLID, Respondent,  
individually and as designated  
officer of The Montclair Investment  
Group Inc.

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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents JOHN VALLADOLID,  
individually and as designated officer of The Montclair  
Investment Group Inc. and doing business as Real Estate  
Investment & Finance and Valladolid Realty, and shall become  
effective at 12 o'clock noon on FEB 01 2013, 2013.

IT IS SO ORDERED 12/27, 2012.

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel

FILED

DEC 14 2012

DEPARTMENT OF REAL ESTATE

BY:



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )  
 ) NO. H-37670 LA  
THE MONTCLAIR INVESTMENT GROUP )  
INC. T M I GROUP INC. and )  
 )  
 )  
 JOHN VALLADOLID, individually )  
 and as designated officer of )  
 The Montclair Investment )  
 Group, Inc. and doing business )  
 as Real Estate Investment & )  
 Finance and Valladolid Realty, )  
 )  
 Respondents. )  
 )

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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 October 4, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.'s express admissions; (2) affidavits; and (3) Department Audit Report Nos. LA100051 and LA100102, dated November 24, 2010 and (4) other evidence.

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## FACTUAL FINDINGS

1.

On November 7, 2011, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and a Notice of Defense was mailed to Respondent THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.'s address of record by certified mail on November 14, 2011.

2.

On October 4, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.'s default was entered herein.

3.

At all times mentioned, THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. ("TMIGI") was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate corporation. On July 22, 2012, TMIGI's real estate corporation license expired. Pursuant to Business and Professions Code ("Code") Section 10201 Respondent TMIGI retains renewal rights until July 21, 2014 and pursuant to Code Section 10103 the Department retains jurisdiction.

4.

At all times mentioned, in the City of Montclair, County of San Bernardino, Respondent TMIGI acted as a real estate broker and conducted licensed activities within the meaning of Section 10131(a) and (d) and 10131.2 of the Code, with dbas Real Estate investment & Finance and Valladolid Realty. TMIGI was authorized to act by and through Respondent JOHN VALLADOLID as its designated broker pursuant to Business and Professions Code Sections 10211 and 10159.2.

5.

TMIGI was a registered close corporation incorporated under the laws of the State of Nevada. TMIGI filed Articles of Incorporation with the Nevada Secretary of State on April 28, 2004, listing "J. Valladolid" as the President, Treasurer, and Director, "S. Valladolid" as the Secretary, and "T.M.I. Group

Inc." as the Resident Agent. On or about May 10, 2007, TMIGI filed a Certificate of Change to change the Resident Agent to "Eastbiz.com." TMIGI's corporate entity status was revoked effective May 1, 2009 by the State of Nevada for failure to: (1) file the Annual List of officers and directors and designation of Registered Agent for the filing period April 2008 to April 2009 and (2) pay the filing fee and penalty pursuant to the provisions of the Nevada Revised Statutes.

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions resulting in the foregoing action taken with respect to Respondent TMIGI, and the revocation of the corporate status of Respondent TMIGI, as set forth in Factual Finding 5, above, are cause under Code Sections 10177(f) and/or 10177(g) for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

2.

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

ORDER

The real estate corporation license and license rights of Respondent THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. 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 JAN 03 2013, 2013.

DATED: December 3, 2012

Real Estate Commissioner

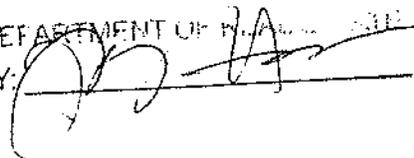


By WAYNE S. BELL  
Chief Counsel

1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 (213) 576-6982

FILED

OCT 04 2012

5 DEPARTMENT OF REAL ESTATE  
6 BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

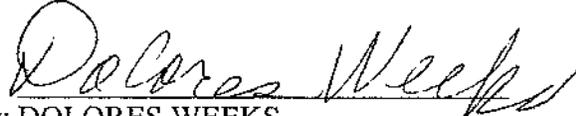
9 \* \* \* \*

10  
11 In the Matter of the Accusation of )  
12 ) NO. H-37670 LA  
13 THE MONTCLAIR INVESTMENT GROUP INC. )  
14 T M I GROUP INC. and ) DEFAULT ORDER  
15 )  
16 JOHN VALLADOLID, individually and as )  
17 designated officer of The Montclair Investment )  
18 Group, Inc. and doing business as Real Estate )  
19 Investment & Finance and Valladolid Realty, )  
20 Respondent(s). )

21 Respondents, THE MONTCLAIR INVESTMENT GROUP INC. T M I  
22 GROUP INC., having failed to file a Notice of Defense within the time required by Section  
23 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be  
24 entered on the record in this matter.

25 IT IS SO ORDERED October 4, 2012.

26 Real Estate Commissioner

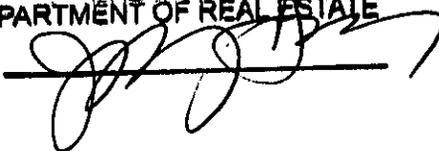
27 By:   
DOLORES WEEKS  
Regional Manager

1 JULIE L. TO, SBN 219482  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

**FILED**

NOV 14 2011

5 Telephone: (213) 576-6916 (direct)  
6 -or- (213) 576-6982 (office)

DEPARTMENT OF REAL ESTATE  
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No: H- 37670 LA

12 THE MONTCLAIR INVESTMENT GROUP INC. )  
13 T M I GROUP INC. and )

A C C U S A T I O N

14 JOHN VALLADOLID, individually and )  
15 as designated officer of The Montclair )  
16 Investment Group, Inc. and doing )  
17 business as Real Estate Investment & )  
18 Finance and Valladolid Realty, )

19 Respondents. )

20 The Complainant, Maria Suarez, a Deputy Real Estate  
21 Commissioner of the State of California, for cause of Accusation  
22 against THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. and  
23 JOHN VALLADOLID, individually and as designated officer of the  
24 Montclair Investment Group Inc. T M I GROUP INC., and doing  
25 business as Real Estate Investment & Finance and Valladolid  
26 Realty, alleges as follows:

27 ///

1 1.

2 The Complainant, Maria Suarez, a Deputy Real Estate  
3 Commissioner of the State of California, makes this Accusation in  
4 her official capacity.

5 2.

6 All references to the "Code" are to the California  
7 Business and Professions Code and all references to "Regulations"  
8 are to Title 10, Chapter 6, California Code of Regulations.

9 LICENSE HISTORY

10 3.

11 A. At all times mentioned, THE MONTCLAIR INVESTMENT  
12 GROUP INC. T M I GROUP INC. (hereinafter "TMIGI" or "Respondent  
13 TMIGI") and JOHN VALLADOLID (hereinafter "VALLADOLID" or  
14 "Respondent VALLADOLID" were licensed or had license rights  
15 issued by the Department of Real Estate (hereinafter  
16 "Department").

17 B. TMIGI is presently licensed and/or has license  
18 rights under the Real Estate Law (Part 1 of Division 4 of the  
19 Business and Professions Code) as a corporate real estate broker.  
20 Respondent TMIGI was originally licensed as a corporate real  
21 estate broker by the Department on or about July 23, 2004. TMIGI  
22 operates under the dbas Real Estate Investment & Finance (since  
23 on or about August 30, 2004) and Valladolid Realty (since on or  
24 about August 30, 2004). Respondent TMIGI was authorized to act  
25 by and through Respondent VALLADOLID as its designated broker  
26 pursuant to Business and Professions Code Sections 10211 and  
27 10159.2 to supervise the activities requiring a real estate

1 license conducted on behalf of TMIGI and to be responsible for  
2 ensuring compliance with the Real Estate Law.

3 C. Respondent VALLADOLID is presently licensed and/or  
4 has license rights under the Real Estate Law (Part 1 of Division  
5 4 of the Code) as a real estate broker. Respondent VALLADOLID  
6 was originally licensed as a real estate salesperson by the  
7 Department on or about January 9, 1996 and as a real estate  
8 broker on or about January 9, 2003. VALLADOLID operates under  
9 the dbas Real Estate Investment & Finance (since August 12, 2003)  
10 and Valladolid Realty (since August 12, 2003). VALLADOLID is the  
11 designated officer for TMIGI until July 22, 2012, pursuant to  
12 Code Section 10159.2, responsible for ensuring compliance with  
13 the Real Estate Law.

14 D. Roberto Manuel Noboa is presently licensed and/or  
15 has license rights under the Real Estate Law (Part 1 of Division  
16 4 of the Code) as a real estate salesperson. Noboa was  
17 originally licensed as a real estate salesperson by the  
18 Department on or about April 16, 1990. Noboa's real estate  
19 salesperson license was revoked on November 18, 1997 in Case No.  
20 H-26521 LA.

21 BROKERAGE

22 4.

23 At all times mentioned, in the City of Montclair,  
24 County of San Bernardino, Respondents TMIGI and VALLADOLID acted  
25 as real estate brokers and conducted licensed activities within  
26 the meaning of:

27



1 furtherance of the business or operations of said parties and who  
2 were acting within the course and scope of their authority and  
3 employment.

4 6.

5 Respondent VALLADOLID ordered, caused, authorized or  
6 participated in the conduct, acts and/or omissions of Respondent  
7 TMIGI as is alleged in this Accusation.

8  
9 FIRST CAUSE OF ACTION

10 (AUDIT OF VALLADOLID)

11 7.

12 On November 24, 2010, the Department completed an audit  
13 examination of the books and records of VALLADOLID pertaining to  
14 the mortgage loan brokerage and loan modification activities  
15 described in Paragraph 4, above, which require a real estate  
16 license. The audit examination covered a period of time  
17 beginning on May 1, 2008 to September 30, 2010. The audit  
18 examination revealed violations of the Code and the Regulations  
19 as set forth in the following paragraphs, and more fully  
20 discussed in Audit Report LA 100051 (resale activity) and LA  
21 100102 (mortgage loan activity), and the exhibits and work papers  
22 attached to said audit report.

23 8.

24 At all times mentioned, in connection with the  
25 activities described in Paragraph 4, above, VALLADOLID accepted  
26 or received funds including funds in trust (hereinafter "trust  
27 funds") from or on behalf of actual or prospective parties,

1 economically distressed homeowner-borrowers for credit and  
 2 appraisal report fees, advance fees and loan modifications and  
 3 mortgage loans handled by VALLADOLID, for the borrowers set forth  
 4 below. Thereafter VALLADOLID made deposits and/or disbursements  
 5 of such trust funds. From time to time herein mentioned during  
 6 the audit period, said credit and appraisal fees were deposited  
 7 and/or maintained by VALLADOLID in its business account, as  
 8 VALLADOLID did not utilize a separate trust account during the  
 9 audit period.

10 VALLADOLID's general business account was used for  
 11 deposit of all fees collected pertaining to its real estate  
 12 activities, including advance fees collected from borrowers for  
 13 loan modification transactions, during the audit period.

14 Borrower	Date Recv'd	Amt Recv'd	Date Dep'd	Date Pd.	Amt Paid.
15 Fernando Sanchez	06/10/08	\$35.00	06/16/08	06/06/08	\$16.33
16 Lazaro Bencomo	04/30/08	\$35.00	05/05/08	04/08/08	\$28.66
17 Josie & Leslie Lepe	09/15/08	\$35.00	09/16/08	09/05/08	\$16.66

18  
 19 Violations

20 9.

21 In the course of activities described in Paragraphs 4  
 22 and 8, above, and during the examination period described in  
 23 Paragraph 7, Respondent VALLADOLID engaged in residential resale  
 24 activity and closed approximately twenty-one (21) transactions  
 25 while collecting \$36,000 in earnest money deposits during the  
 26 audit period. Respondent VALLADOLID acted in violation of the  
 27 Code and the Regulations in that Respondent VALLADOLID:

1 (a) Permitted, allowed or caused the mixing and  
2 commingling of credit report and appraisal fees collected from  
3 homeowner-borrowers at the close of escrow with Respondent  
4 VALLALODID's general bank account and commingled with  
5 VALLADOLID's funds until he paid the credit report fee to the  
6 credit report company and the appraisal fee to the appraiser, in  
7 violation of Code Sections 10145 and 10176(e) and Regulation  
8 2835;

9 (b) Collected credit report fees charged to the  
10 borrowers at the close of escrow that were greater than the  
11 invoice amount, and Respondent VALLADOLID failed to disclose the  
12 overcharged credit report fees to the borrowers, in violation of  
13 Code Section 10176(g) (Respondent VALLADOLID refunded the  
14 overcharged credit report fees to the borrowers on November 4,  
15 2010.);

16 (c) Failed to maintain a columnar record for the  
17 advance fees received from borrowers in connection with the loan  
18 modification transactions and the credit report and appraisal  
19 fees that Respondent VALLADOLID received from escrow companies in  
20 connection with the loan negotiation transactions, in violation  
21 of Code Section 10145 and Regulation 2832;

22 (d) Failed to maintain a separate record for the  
23 beneficiary of advance fees collected in connection with the loan  
24 modification transactions and for each beneficiary of the credit  
25 report and appraisal fees that Respondent VALLADOLID received  
26 from the escrow companies in connection with the loan negotiation  
27 transactions, in violation of Code Section 10145 and Regulation

1 2831.1;

2 (e) Collected advance fees from borrowers in connection  
3 with the loan modification transactions without getting an  
4 Advance Fee Agreement reviewed by the Commissioner, in violation  
5 of Code Section 10085 and Regulation 2970;

6 (f) Collected advance fees from borrowers in connection  
7 with the loan modification transactions and failed to deposit  
8 those advance fees into a trust account, in violation of Code  
9 Section 10146;

10 (g) Collected advance fees from borrowers in connection  
11 with the loan modification transactions without maintaining and  
12 providing an accounting content to borrowers showing the services  
13 to be rendered, which trust account the funds were to be  
14 deposited, and details of how the funds were disbursed, in  
15 violation of Regulation 2972;

16 (h) Held the earnest money deposits Respondent  
17 VALLADOLID received in the sales transactions beyond three (3)  
18 business days following acceptance of offers without written  
19 authorization from the principals, in violation of Code Section  
20 10145 and Regulation 2832;

21 (i) Failed to maintain a copy of a Department of Real  
22 Estate approved Mortgage Loan Disclosure Statement ("MLDS") as  
23 signed by the borrowers and broker to show that said statements  
24 were provided to the borrowers within three (b) business days  
25 after the borrowers signed their loan applications in some of the  
26 loan transactions, in violation of code Section 10240 and  
27 Regulation 2840;

1 (j) Failed to disclose Respondent VALLADOLID's real  
2 estate broker license number on the MLDS that were provided to  
3 borrowers in some of the loan transactions, in violation of Code  
4 Section 10236.4; and

5 (k) Failed to notify the Department of the employment  
6 of real estate salesperson Giselle Brunetti and failed to timely  
7 notify the Department of the employment of salesperson Laszo  
8 Valladolid, in violation of Code Section 10161.8 and Regulation  
9 2752.

10 Disciplinary Statutes

11 10.

12 The conduct, acts and/or omissions of Respondent  
13 VALLADOLID described in Paragraph 9, above, violated the Code and  
14 the Regulations as set forth below:

16 <u>PARAGRAPH</u>	16 <u>PROVISIONS VIOLATED</u>
17 9 (a)	17 Code Section 10145 and 10176(e) and 18 Regulation 2835
21 9 (b)	21 Code Section 10176(g)
24 9 (c)	24 Code Section 10145 and Regulation 25 2832

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- 9 (d) Code Section 10145 and Regulation 2831.1
- 9 (e) Code Section 10085 and Regulation 2970
- 9 (f) Code Section 10146 and Regulation 2972
- 9 (g) Code Section 10145 and Regulation 2832
- 9 (i) Code Section 10240 and Regulation 2840
- 9 (j) Code Section 10236.4
- 9 (k) Code Section 10161.8 and Regulation 2752

The foregoing violations constitute cause for discipline of the real estate license and license rights of VALLADOLID, as aforesaid, under the provisions of Code Sections 10176(e) for commingling; 10177(d) for violation of the Real Estate Law; 10177(h) for failure to supervise by VALLADOLID; and/or 10177(g) for negligence.

SECOND CAUSE OF ACCUSATION

(LOAN MODIFICATION SERVICES BY VALLADOLID)

11.

At all times mentioned herein, Respondent VALLADOLID engaged in the business of a loan modification and advance fee brokerage, within the definition of Code Sections 10131(d) and 10131.2.

General Allegations

12.

During 2008 and continuing thereafter to date, VALLADOLID solicited economically distressed homeowners facing foreclosure and eviction from their homes, offered loan modification serviced, and charged and collected advance fees.

Specific Allegations

13.

Using the name "Valladolid Realty" and/or "Valladolid Real Estate," Respondent VALLADOLID offered loss mitigation and loan modification services to homeowner-borrowers seeking downward adjustments or payment extenuations to their home mortgages. During the audit period, Respondent collected approximately \$10,000 in advanced fees from twenty (20) homeowner-borrowers without possessing a pre-approved advance fee agreement from the Department, in violation of Code Section 10085 and Regulation 2970.

///



1 2004, listing "J. Valladolid" as the President, Treasurer, and  
2 Director, "S. Valladolid" as the Secretary, and "T.M.I. Group  
3 Inc." as the Resident Agent. On or about May 10, 2007, TMIGI  
4 filed a Certificate of Change to change the Resident Agent to  
5 "Eastbiz.com." TMIGI's corporate entity status was revoked  
6 effective May 1, 2009 by the State of Nevada for failure to: (1)  
7 file the Annual List of officers and directors and designation of  
8 Registered Agent for the filing period April 2008 to April 2009  
9 and (2) pay the filing fee and penalty pursuant to the provisions  
10 of the Nevada Revised Statutes.

11 17.

12 The conduct, acts and/or omissions resulting in the  
13 foregoing action taken with respect to Respondent TMIGI, and the  
14 suspension of Respondent TMIGI, as alleged herein above in  
15 Paragraph 16, are cause under Code Sections 10177(f) and/or  
16 10177(g) for the suspension or revocation of the license and  
17 license rights of Respondent under the Real Estate Law.  
18

19 Negligence

20 18.

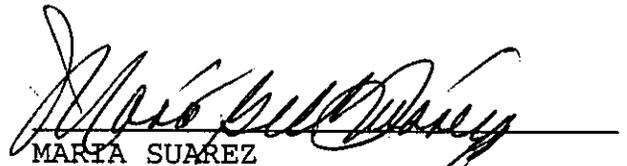
21 The overall conduct, acts and/or omissions of  
22 Respondents TMIGI and VALLADOLID constitute negligence. This  
23 conduct and the resulting violation(s) are cause for the  
24 suspension or revocation of the real estate license and license  
25 rights of said Respondents pursuant to the provisions of Code  
26 Section 10177(g).  
27



1  
2 WHEREFORE, Complainant prays that a hearing be  
3 conducted on the allegations of this Accusation and that upon  
4 proof thereof, a decision be rendered imposing disciplinary  
5 action against the license and license rights of Respondents THE  
6 MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC. and JOHN  
7 VALLADOLID under the Real Estate Law (Part 1 of vision 4 of the  
8 Business and Professions Code) and for such other and further  
9 relief as may be proper under other applicable provisions of law  
10 including, but not limited to restitution of advanced fees paid  
11 for unearned loan modifications, and for costs of audit.

12 Dated at Los Angeles, California

13 this 7th day of November, 2011.

14  
15   
16 MARIA SUAREZ  
17 Deputy Real Estate Commissioner

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22  
23 cc: THE MONTCLAIR INVESTMENT GROUP INC. T M I GROUP INC.  
24 c/o John Valladolid, D.O.  
25 JOHN VALLADOLID  
26 Maria Suarez  
27 Sacto  
Enforcement - Lupe Felix  
Audits - Lisa Kwong