

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
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5 Telephone: (916) 227-0789
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FILED
APR 10 2006

DEPARTMENT OF REAL ESTATE

By A. Fe

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 TO:)
12) NO. H-3489 SD
13 PROVIDERS FINANCIAL, INC.,)
14 MARK J. McINTYRE, and FRANK C.) ORDER TO DESIST AND REFRAIN
MALLONEE,) (B&P Code Section 10086)
Respondents.)

15
16 The Real Estate Commissioner of the State of
17 California has caused an investigation to be conducted of the
18 real estate resale brokerage activities of you, PROVIDERS
19 FINANCIAL, INC., individually and doing business as PROVIDERS
20 MORTGAGE and as 21DAYCASH, and you MARK J. McINTYRE, and you,
21 FRANK C. MALLONEE (hereinafter referred to collectively as
22 "you"), and is of the opinion that you, PROVIDERS FINANCIAL,
23 INC., and MARK J. McINTYRE, have violated Section 10137 of the
24 California Business and Professions Code (hereinafter "the
25 Code"), and that you, FRANK C. MALLONEE, have violated Section
26 10130 of the Code. This opinion is based on the findings set
27 forth below.

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I

At all times mentioned herein, you, PROVIDERS FINANCIAL, INC., were and now are licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker.

II

At all times mentioned herein, you, MARK J. McINTYRE, were and now are licensed by the Department of Real Estate (hereafter "Department") as an individual real estate broker.

III

At all times mentioned herein, you, MARK J. McINTYRE, were and now are licensed by the Department as the designated broker/officer of PROVIDERS FINANCIAL, INC. As said designated officer/broker, you, MARK J. McINTYRE, at all times mentioned herein, were and now are responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of PROVIDERS FINANCIAL, INC., for which a real estate license is required.

IV

At no time mentioned herein did the Department license you, FRANK C. MALLONEE, as either a real estate broker or as a real estate salesperson.

V

At all times herein mentioned, you, PROVIDERS FINANCIAL, INC., and you, FRANK C. MALLONEE, engaged in the business of, acted in the capacity of, advertised and assumed to

1 act as real estate brokers and/or salespersons in the State of
2 California within the meaning of Section 10131(d) of the Code,
3 including the business of the soliciting borrowers and lenders
4 or negotiating loans in connection with loans secured directly
5 or collaterally by liens on real property, wherein such loans
6 were brokered, arranged, processed, and/or consummated on behalf
7 of others.

8 VI

9 At all times mentioned herein you, PROVIDERS
10 FINANCIAL, INC., employed you, FRANK C. MALLONEE, to perform the
11 acts and conduct the activities described in Paragraph v, above.

12 VII

13 Within the three year period next preceding to the
14 filing of this Order to Desist and refrain, in the course of the
15 activities and employment described in Paragraphs V and VI,
16 above, you, FRANK C. MALLONEE, solicited and/or negotiated loans
17 secured by real property in California, in expectation of
18 compensation from or was paid by or otherwise received
19 compensation from PROVIDERS FINANCIAL, INC., in various such
20 transactions, including, but not limited to, the following:

21 1.) Real property: 3350 - 54th Street, San Diego,
22 California

23 Client/Borrower: Phong Phillippe Tuan Mai

24 Lender: Washington Mutual Bank FA

25 Application date: 7/24/03

26 Escrow: San Diego Escrow Company, escrow #022730-

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Closed: 8/29/03

2.) Real property: 2613 Mission Blvd., #7, San Diego,
California

Client/Borrower: Jason Dawson

Lender: Washington Mutual Bank FA

Application date: 7/31/03

Escrow: Stewart Title of California

Closed: 10/28/03

3.) Real property: 27411 Compostella, Mission Viejo,
California

Client/Borrower: James B. Joyce

Lender: New Equity

Application date: 12/8/03

Escrow: Stewart Title of California, escrow
#3381347-PF12

Closed: 2/10/04

4.) Real property: 729 Temple Street, San Diego,
California

Client/Borrower: Paul R. Tappero

Lender: America's Wholesale Lender

Application date: 12/20/03

Escrow: Stewart Title of California, escrow
#3381378-PF12

Closed: 2/19/04

VIII

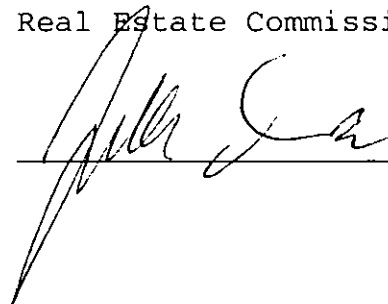
In acting as described above, you, PROVIDERS
FINANCIAL, INC., and you, MARK, J. McINTYRE, violated Section

1 10137 of the Code, and you, FRANK C. MALLONEE, violated Section
2 10130 of the Code.

3 NOW, THEREFORE, YOU, PROVIDERS FINANCIAL, INC., AND
4 YOU, MARK, J. McINTYRE, AND YOU, FRANK C. MALLONEE, AND YOUR
5 AGENTS AND EMPLOYEES, ARE HEREBY ORDERED TO DESIST AND REFRAIN
6 from performing any and all acts within the State of California
7 for which a real estate broker license is required, or employing
8 individuals to perform acts for which a real estate licensed is
9 required, unless and until you comply with Sections 10130 and
10 10137 of the Code.

11 DATED: 2/28/06, 2006.

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13 JEFF DAVI
14 Real Estate Commissioner

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21 cc: PROVIDERS FINANCIAL, INC.
22 3186 Vista Way, 3rd Floor
23 Oceanside, CA 92056

24 MARK J. McINTYRE
25 3186 Vista Way, 3rd Floor
26 Oceanside, CA 92056

27 FRANK C. MALLONEE
28 3186 Vista Way, 3rd Floor
29 Oceanside, CA 92056