

1 Department of Real Estate
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FILED
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DEPARTMENT OF REAL ESTATE
By K. NAR

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6
7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 To:)
11) NO. H-4181 SD
12 IAN PULU)
13) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

15 The Commissioner (hereafter "the Commissioner") of the California Department
16 of Real Estate (hereafter "the Department") caused an investigation to be made of the activities
17 of IAN PULU (hereafter "Respondent"). Based on that investigation, the Commissioner has
18 determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts
19 or practices constituting violations of the California Business and Professions Code ("Code")
20 and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in
21 the capacity of, advertising or assuming to act as a real estate broker in the State of California
22 within the meaning of Section 10131(d) (performing services for borrowers and/or lenders in
23 connection with loans secured by real property), 10131.2 (collection of advance fees), 10085
24 (advance fee agreements and materials) and 10085.5 (collecting unauthorized advance fees) of
25 the Code. Furthermore, based on the investigation, the Commissioner hereby issues the
26 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
27 authority of Section 10086 of the Code.

1 FINDINGS OF FACT

2 1. At no time has Respondent been licensed by the Department in any capacity.

3 2. During the period of time set out below, Respondent performed services for one
4 or more borrowers and negotiated to do one or more of the following acts for another or others,
5 for or in expectation of compensation: negotiate one or more loans for, or perform services for,
6 borrowers and/or lenders with respect to the collection of advance fees and loan modification,
7 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those
8 borrowers' lenders in connection with loans secured directly or collaterally by one or more liens
9 on real property; and charged, demanded or collected an advance fee for any of the services
10 offered.

11 3. In furtherance of his plan and scheme to solicit advance fees and provide loan
12 modification services, on or about December 2009, Respondent solicited Karen A. and promised
13 that he could negotiate with her mortgage lender for a loan modification which would include a
14 \$225,000 principal reduction, lowering her interest rate to 2% and lowering her mortgage
15 payment to \$700 per month. Respondent told Karen A. that attorneys for his employer, Expedia
16 Marketing Firm (hereafter "EMF"), would perform a forensic audit for \$3,800, after which EMF
17 would offer her free loan modification services. On or about January 25, 2010, Karen A. entered
18 into a "Forensic Loan Audit Retainer Agreement" with EMF. Karen A. made payments to EMF
19 for the forensic audit and loan modification services on the following dates:

20

<u>Date</u>	<u>Payment Amount</u>
21 02/17/10	\$ 600
22 02/27/10	\$ 600
23 03/08/10	\$ 600
24 03/10/10	\$ 200
25 03/17/10	\$ 600
03/22/10	\$ 600
03/31/10	<u>\$ 600</u>
	\$3,800

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1 Respondent failed to secure a loan modification for Karen A. and has not repaid the money
2 received from her.

3 CONCLUSIONS OF LAW

4 Based on the Findings of Fact contained in Paragraphs 1 and 2, above, IAN PULU,
5 solicited borrowers and/or performed services for those borrowers with respect to the collection
6 of advance fees and loan modification, loan refinance, principal reduction, foreclosure abatement
7 or short sale services and/or those borrowers' lenders in connection with loans secured directly
8 or collaterally by one or more liens on real property; and charged, demanded or collected
9 advance fees for the services to be provided, which acts require a real estate broker license under
10 Sections 10131(d) and 10131.2 of the Code.

11 IAN PULU used a form of advance fee agreement which had not been provided to the
12 Department for its prior review and consideration, in violation of Sections 10085 and 10085.5
13 of the Code, and Section 2970 (submission of advance fee materials) of the Regulations.

14 DESIST AND REFRAIN ORDER

15 Based on the Findings of Fact and Conclusions of Law stated herein, IAN PULU,
16 whether doing business under your own name, or any other name or fictitious name, IS HEREBY
17 ORDERED to immediately desist and refrain from:

- 18 1. Performing any acts within the State of California that require a real estate broker
19 license unless and until you are properly licensed by the Department as a real
20 estate broker.
- 21 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that
22 term is defined in Section 10026 of the Code, for any of the services you offer to
23 others, unless and until you demonstrate and provide evidence satisfactory to the
24 Commissioner that you are properly licensed by the Department as a real estate
25 broker and that IAN PULU:
 - 26 (a) Has an advance fee agreement which has been submitted to the Department
27 and which is in compliance with Sections 2970 and 2972 of the Regulations;

1 (b) Has placed all previously collected advance fees into a trust account for that
2 purpose and are in compliance with Section 10146 (deposit of advance fees
3 into trust account) of the Code; and

4 (c) Has provided an accounting to trust fund owner-beneficiaries pursuant to
5 Section 2972 of the Regulations.

6 3. Demanding, claiming, collecting and/or receiving advance fees, as that term is
7 defined in Section 10026 of the Code, in any form, and under any conditions,
8 with respect to the performance of loan modification or any other form of
9 mortgage loan forbearance services in connection with loans on residential
10 property containing four or fewer dwelling units.

11 DATED: 5/29/2009

12 JEFF DAVIS
13 Real Estate Commissioner
14
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16 **Notice:** Business and Professions Code Section 10139 provides that, "Any
17 person acting as a real estate broker or real estate salesperson without a license or who advertises
18 using words indicating that he or she is a real estate broker without being so licensed shall be
19 guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000),
20 or by imprisonment in the county jail for a term not to exceed six months, or by both fine and
21 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
22 (\$60,000)...."

23 cc: IAN PULU
24 c/o Expedia Marketing Firm
25 9672 Via Excelencia, Suite 201
26 San Diego, CA 92126

27 Expedia Marketing Firm
Agent For Service of Process:
Hector Ortega
9672 Via Excelencia, Suite 201
San Diego, CA 92126

JWB/km