

1 DEPARTMENT OF REAL ESTATE

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FILED

JUL 23 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 To:	)	
11 LONN FEUER, and	)	NO. H-10737 SF
12 BARNHART CAPITAL GROUP, INC.,	)	
13 dba NEW BEGINNINGS LMS	)	<u>ORDER TO DESIST AND REFRAIN</u>
and/or any other names or fictitious names.	)	(B&P Code Section 10086)

14 The Commissioner (Commissioner) of the California Department of Real Estate  
15 (Department) caused an investigation to be made of the activities of LONN FEUER and  
16 BARNHART CAPITAL GROUP, INC., doing business as NEW BEGINNINGS LMS. Based  
17 on the investigation, the Commissioner has determined that FEUER and BARNHART  
18 CAPITAL GROUP, INC., have engaged in, are engaging in, or are 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 the business  
21 of, acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the  
22 State of California within the meaning of Code Section 10131(d) (performing services for  
23 borrowers in connection with loans secured by real property). Furthermore, based on the  
24 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
25 Law, and Desist and Refrain Order under the authority of Code Section 10086.

26 Whenever acts referred to below are attributed to FEUER, those acts are alleged  
27 to have been done by FEUER, acting by himself, or by and/or through one or more agents,

1 associates, affiliates, and/or co-conspirators, and whenever acts referred to below are attributed  
2 to BARNHART CAPITAL GROUP, INC., those acts are alleged to have been done by  
3 BARNHART CAPITAL GROUP, acting by itself, or by and/or through one or more agents,  
4 associates, affiliates, and/or co-conspirators.

5 FINDINGS OF FACT

6 1.

7 At no time herein mentioned have FEUER and BARNHART CAPITAL GROUP,  
8 INC., been licensed by the Department in any capacity.

9 2.

10 During the period of time set out below, FEUER solicited borrowers for and on  
11 behalf of BARNHART CAPITAL GROUP, INC., and negotiated to do one or more of the  
12 following acts for another or others, for or in expectation of compensation: negotiate one or  
13 more loans for, or perform services for borrowers and/or lenders in connection with loans  
14 secured directly or collaterally by one or more liens on real property, in violation of Code  
15 Section 10130.

16 3.

17 For an unknown period of time prior to July 2008, until and including June 12,  
18 2009, BARNHART CAPITAL GROUP, INC., advertised, and continues to advertise, its  
19 services under one or more business names including NEW BEGINNINGS LMS on a website  
20 located at "www.nbloanmod.com." Those advertisements solicited, and continue to solicit,  
21 borrowers, offering "loan loss mitigation" services, including, but not limited to, negotiating a  
22 loan modification with the borrower's lender.

23 4.

24 On or about July 31, 2008, FEUER solicited Steven and Kathy Valine (Valine)  
25 for loan modification services to be performed by BARNHART CAPITAL GROUP, INC., in  
26 expectation of a commission to be paid from BARNHART CAPITAL GROUP, INC., in  
27 violation of Code Sections 10130 and 10131(d).

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5.

On or about December 11, 2008, BARNHART CAPITAL GROUP, INC., entered into a written "Loan Modification Agreement for Research and Analysis" with Valine concerning property located at 3718 California Avenue, Carmichael, CA 95608, obligating Valine to pay to BARNHART CAPITAL GROUP, INC., as its fee for services, \$1,200.00 in violation of Code Sections 10130 and 10131(d).

CONCLUSIONS OF LAW

6.

Based on the Findings of Fact contained in Paragraphs 1 through 5, FEUER, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and BARNHART CAPITAL GROUP, INC., acting by itself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, using the name NEW BEGINNINGS LMS, or other names or fictitious names unknown at this time, solicited borrowers and performed services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property, which requires a real estate license under Code Section 10131(d), during a period of time when FEUER and BARNHART CAPITAL GROUP, INC., were not licensed by the Department in any capacity.

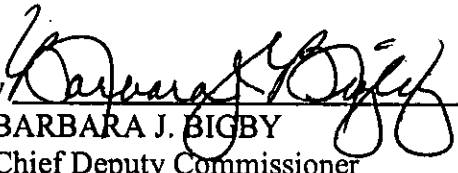
DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, LONN FEUER, doing business under his own name, and BARNHART CAPITAL GROUP, INC., doing business under its own name, and also using the name NEW BEGINNINGS LMS, 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, and in particular, soliciting borrowers and/or performing services for

1 borrowers or lenders in connection with loans secured directly or collaterally by one or more  
2 liens on real property, unless and until you obtain a real estate broker license issued by the  
3 Department.

4  
5 DATED: 7/20, 2009

6 JEFF DAVI  
7 Real Estate Commissioner

8  
9 By   
10 BARBARA J. BIGBY  
11 Chief Deputy Commissioner

11 cc: LONN FEUER  
12 6935 Aliante Parkway, Suite 104  
13 North Las Vegas, NV 89084

14 BARNHART CAPITAL GROUP, INC.  
15 Attn: Roy Dewey "Beau" Barnhart  
16 17011 Beach Blvd., #900  
17 Huntington Beach, CA 92647

18 BARNHART CAPITAL GROUP, INC.  
19 Attn: Roy Dewey "Beau" Barnhart  
20 5892 Brannen Drive, Suite 120  
21 Huntington Beach, CA 92649

22 LEGALZOOM.COM, INC., Agent for Service of Process  
23 BARNHART CAPITAL GROUP, INC.  
24 7083 Hollywood Boulevard, Suite 180  
25 Los Angeles, CA 90028  
26

27 by DEK/kc