

1 DEPARTMENT OF REAL ESTATE  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

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**FILED**  
SEP - 2 2009  
DEPARTMENT OF REAL ESTATE

By *C. J.*

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: )  
) NO. H-36107 LA  
12 SCOTT THERIAULT and ROBERT ALLEN )  
13 dba Wespac Solutions, LLC, and/or any other names ) AMENDED  
14 or fictitious names used by SCOTT THERIAULT ) ORDER TO DESIST  
15 and ROBERT ALLEN. ) AND REFRAIN  
) (B&P Code Section 10086)  
)

16 This Amended Desist and Refrain Order amends the Desist and Refrain Order  
17 filed on July 14, 2009. The Commissioner (Commissioner) of the California Department of Real  
18 Estate (Department) caused an investigation to be made of the activities of SCOTT  
19 THERIAULT (THERIAULT) and ROBERT ALLEN (ALLEN). Based on that investigation,  
20 the Commissioner has determined that THERIAULT and ALLEN have engaged in, are engaging  
21 in, and/or are attempting to engage in, acts or practices constituting violations of the California  
22 Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of  
23 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising  
24 or assuming to act as, a real estate broker in the State of California within the meaning of Section  
25 10131(d) (performing services for borrowers in connection with loans secured by real property)  
26 of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the  
27

1 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the  
2 authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to Wespac Solutions, L.L.C., those  
4 acts are alleged to have been done by THERIAULT and/or ALLEN, acting by themselves, or by  
5 and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the  
6 name "Wespac Solutions, LLC" or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. THERIAULT is not now, and has never been, licensed by the Department in  
9 any capacity.

10 2. ALLEN is not now, and has never been, licensed by the Department in any  
11 capacity.

12 3. At all times herein mentioned, Wespac Solutions, LLC. is and was a California  
13 corporation. THERIAULT and ALLEN are officers, managers and/or members of Wespac  
14 Solutions, L.L.C.

15 4. Wespac Solutions, LLC. is not now, and has never been, a licensed entity with  
16 the Department of Real Estate.

17 5. For an unknown period of time beginning in or around August, 2008, and  
18 continuing to April 13, 2009, Wespac Solutions, L.L.C., solicited borrowers and negotiated to do  
19 one or more of the following acts for another or others, for or in expectation of compensation:  
20 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection  
21 with loans secured directly or collaterally by one or more liens on real property; and charge,  
22 demand or collect an advance fee for any of the services offered.

23 6. For an unknown period of time beginning in or around August, 2008, and  
24 continuing to April 13, 2009, THERIAULT and/or ALLEN advertised, and continue(s) to  
25 advertise, their services under one or more business names including, but not limited to,  
26 "Wespac Solutions, LLC" in various print and electronic media, including a website located at  
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1 <http://www.wespacsolutions.com>. Those advertisements solicited borrowers offering  
2 loan modification services.

3 CONCLUSIONS OF LAW

4 7. Based on the findings of fact contained in paragraphs 1 through 5,  
5 THERIAULT and ALLEN, acting by themselves, or by and/or through one or more agents,  
6 associates, affiliates, and/or co-conspirators, and using the name "Wespac Solutions, LLC", or  
7 other names or fictitious names unknown at this time, solicited borrowers and/or performed  
8 services for those borrowers and/or those borrowers' lenders in connection with loans secured  
9 directly or collaterally by one or more liens on real property, and charged, demanded or collected  
10 advance fees for the services to be provided, which acts require a real estate broker license under  
11 Sections 10131(d) and 10131.2 of the Code, during a period of time when THERIAULT and  
12 ALLEN were not licensed by the Department as a real estate broker, in violation of Section  
13 10130 of the Code.

14 DESIST AND REFRAIN ORDER

15 Based on the Findings of Fact and Conclusions of Law stated herein, you, SCOTT  
16 THERIAULT and ROBERT ALLEN, whether doing business under your own names, or any  
17 other names or fictitious names, ARE HEREBY ORDERED to

18 1. immediately desist and refrain from performing any acts within the State of  
19 California for which a real estate broker license is required. In particular, you are ordered to  
20 desist and refrain from:

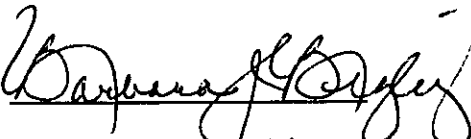
- 21 (i) soliciting borrowers and/or performing services for borrowers or lenders in  
22 connection with loans secured directly or collaterally by one or more liens on real property, and  
23 (ii) from charging, demanding, or collecting an advance fee for any of the  
24 services you offer to others, unless and until you obtain a real estate broker license issued by the  
25 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner  
26 that you are in full compliance with all of the requirements of the Code and Regulations relating

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1 to charging, collecting, and accounting for advance fees.

2 DATED: 8/27/ 2009

3 JEFF DAVI  
4 Real Estate Commissioner

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6 BY: Barbara J. Bigby  
7 Chief Deputy Commissioner

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

13 cc: Wespac Solutions, LLC/ Scott Theriault/Robert Allen  
14 23022 La Cadena, Suite 206  
15 Laguna Hills, CA 92653

16 Scott Theriault  
17 11 Escapade Court  
Newport Beach, CA 92663

18 Robert Allen  
19 20941 Paseo Nogal  
Lake Forest, CA 92630

20 Robert N. Phan, Esq.  
21 17011 Beach Blvd., Suite 540  
22 Huntington Beach, CA 92647

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2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

**FILED**  
JULY 14, 2009  
DEPARTMENT OF REAL ESTATE

By ca

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8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

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11 To: )  
12 ) NO. H-36107 IA  
13 DAVID M. BRACKETT, SCOTT THERIAULT, )  
14 and ROBERT ALLEN, dba Wespac Solutions, LLC, ) ORDER TO DESIST AND  
15 and/or any other names or fictitious names used by ) REFRAIN  
16 DAVID BRACKETT, SCOTT THERIAULT, and ) (B&P Code Section 10086)  
17 ROBERT ALLEN. )  
18 )

19 The Commissioner (Commissioner) of the California Department of Real Estate  
20 (Department) caused an investigation to be made of the activities of DAVID M. BRACKETT  
21 (BRACKETT), SCOTT THERIAULT (THERIAULT) and ROBERT ALLEN (ALLEN). Based  
22 on that investigation, the Commissioner has determined that BRACKETT, THERIAULT, and  
23 ALLEN have engaged in, are engaging in, or are attempting to engage in, acts or practices  
24 constituting violations of the California Business and Professions Code (Code) and/or Title 10,  
25 Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the  
26 capacity of, and/or advertising or assuming to act as, a real estate broker in the State of  
27 California within the meaning of Section 10131(d) (performing services for borrowers in  
connection with loans secured by real property) of the Code. Furthermore, based on the  
investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to BRACKETT, THERIAULT, or  
2 ALLEN, those acts are alleged to have been done by BRACKETT, THERIAULT, and/or  
3 ALLEN, acting by themselves, or by and/or through one or more agents, associates, affiliates,  
4 and/or co-conspirators, and using the name "Wespac Solutions, LLC" or other names or  
5 fictitious names unknown at this time.

6 FINDINGS OF FACT

7 1. BRACKETT is not now, and has never been, licensed by the Department in  
8 any capacity.

9 2. THERIAULT is not now, and has never been, licensed by the Department in  
10 any capacity.

11 3. ALLEN is not now, and has never been, licensed by the Department in any  
12 capacity.

13 4. For an unknown period of time beginning in or around August, 2008, and  
14 continuing to the present, BRACKETT, THERIAULT, and ALLEN solicited borrowers and  
15 negotiated to do one or more of the following acts for another or others, for or in expectation of  
16 compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders  
17 in connection with loans secured directly or collaterally by one or more liens on real property;  
18 and charge, demand or collect an advance fee for any of the services offered.

19 5. For an unknown period of time beginning in or around August, 2008, and  
20 continuing to the present time, BRACKETT, THERIAULT and/or ALLEN advertised, and  
21 continue(s) to advertise, their services under one or more business names including, but not  
22 limited to, "Wespac Solutions, LLC" in various print and electronic media, including a website  
23 located at <http://www.wespacsolutions.com>. Those advertisements solicited, and  
24 continue to solicit, borrowers, offering loan modification services.

25 CONCLUSIONS OF LAW

26 6. Based on the findings of fact contained in paragraphs 1 through 5,  
27 BRACKETT, THERIAULT, and ALLEN, acting by themselves, or by and/or through one or

1 more agents, associates, affiliates, and/or co-conspirators, and using the name "Wespac  
2 Solutions, LLC", or other names or fictitious names unknown at this time, solicited borrowers  
3 and performed services for those borrowers and/or those borrowers' lenders in connection with  
4 loans secured directly or collaterally by one or more liens on real property, and charged,  
5 demanded or collected advance fees for the services to be provided, which acts require a real  
6 estate broker license under Sections 10131(d) and 10131.2 of the Code, during a period of time  
7 when BRACKETT, THERIAULT, and ALLEN were not licensed by the Department as a real  
8 estate broker, in violation of Section 10130 of the Code.

9 DESIST AND REFRAIN ORDER

10 Based on the Findings of Fact and Conclusions of Law stated herein, you,  
11 DAVID M. BRACKETT, SCOTT THERIAULT, and ROBERT ALLEN, whether doing  
12 business under your own names, or any other names or fictitious names, ARE HEREBY  
13 ORDERED to

14 1. immediately desist and refrain from performing any acts within the State of  
15 California for which a real estate broker license is required. In particular, you are ordered to  
16 desist and refrain from:


17 (i) soliciting borrowers and/or performing services for borrowers or lenders in  
18 connection with loans secured directly or collaterally by one or more liens on real property, and

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1 (ii) from charging, demanding, or collecting an advance fee for any of the  
2 services you offer to others, unless and until you obtain a real estate broker license issued by the  
3 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner  
4 that you are in full compliance with all of the requirements of the Code and Regulations relating  
5 to charging, collecting, and accounting for advance fees.

6 DATED: 7/8 2009

7 JEFF DAVI  
8 Real Estate Commissioner

9   
10 BY: Barbara J. Bigby  
11 Chief Deputy Commissioner

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

17 cc: Wespac Solutions, LLC/David M. Brackett/ Scott Theriault/Robert Allen  
18 23022 La Cadena, Suite 206  
19 Laguna Hills, CA 92653

20 David M. Brackett  
21 24756 Scott Lane  
Lake Forest, CA 92630

22 Scott Theriault  
23 11 Escapade Court  
Newport Beach, CA 92663

24 Robert Allen  
25 20941 Paseo Nogal  
26 Lake Forest, CA 92630  
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