

1 Department of Real Estate  
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**FILED**

SEP 30 2011

DEPARTMENT OF REAL ESTATE

BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

To:

No. H-37560 LA

NATIONAL LOAN RESOLUTIONS; )  
NATIONAL LOAN RESOLUTIONS )  
LAW CENTER; LOAN MODIFICATION )  
EXPRESS; JOSEPH CHARLES )  
HENRICHSEN; BRIAN FOX; LIESL )  
BIELFELD; and JESSICA DOBSON )  
 )  
 )  
 )

ORDER TO DESIST  
AND REFRAIN

(B&P Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of NATIONAL LOAN RESOLUTIONS ("NLR"); NATIONAL LOAN RESOLUTIONS LAW CENTER ("NLR LAW CENTER"); LOAN MODIFICATION EXPRESS ("EXPRESS"); JOSEPH CHARLES HENRICHSEN ("HENRICHSEN"); BRIAN FOX ("FOX"); LIESL BIELFELD ("BIELFELD"); and JESSICA DOBSON ("DOBSON"). The Commissioner's investigation has determined that, except for HENRICHSEN, each has engaged in or are engaging in acts or practices constituting violations of

1 the California Business and Professions Code ("Code") and/or  
2 Title 10, California Code of Regulations ("Regulations")  
3 including engaging in the business of, acting in the capacity of,  
4 advertising, or assuming to act, as real estate broker in the  
5 State of California within the meaning of Section 10131(d)  
6 (soliciting borrowers or lenders or negotiating loans) and  
7 Section 10131.2 (claiming advance fees in connection with a loan)  
8 of the Code. That investigation has further determined that  
9 HENRICHSEN has engaged in or is engaging in the business of  
10 claiming, demanding, charging, receiving, collecting or  
11 contracting for the collection of an advance fee in connection  
12 with employment undertaken to promote the sale or lease of real  
13 property or to obtain a loan or loans on real property, including  
14 the performance of loan negotiation and loan modification  
15 services with respect to loans which are secured by liens on real  
16 property, within the meaning of Code Section 10131.2. In  
17 addition, the Commissioner has determined that HENRICHSEN has  
18 engaged in or is engaging in activities which constitute  
19 violations of the Code and Title 10, California Code of  
20 Regulations ("Regulations"). Based on that investigation, the  
21 Commissioner hereby issues the following Findings of Fact,  
22 Conclusions of Law, and Desist and Refrain Order under the  
23 authority of Section 10086 of the Code.  
24

25 FINDINGS OF FACT

26 1. HENRICHSEN is presently licensed and/or has  
27 license rights under the Real Estate Law (Part 1 of Division 4

1 of the Business and Professions Code) ("Code") as a real estate  
2 broker.

3 2. At no time have NLR, NLR LAW CENTER, EXPRESS, FOX,  
4 BIELFELD, or DOBSON been licensed by the Department in any  
5 capacity.

6 3. At all times relevant herein, HENRICHSEN and FOX  
7 were the owners, operators, officers and/or directors of NLR.  
8 Whenever acts referred to below are attributed to HENRICHSEN  
9 and/or FOX, those acts are alleged to have been done by  
10 HENRICHSEN and/or FOX, acting by themselves, or by and/or  
11 through one or more agents, associates, affiliates, and/or co-  
12 conspirators, including but not limited to NLR, NLR LAW CENTER  
13 and EXPRESS, and using the names NLR, NLR LAW CENTER and/or  
14 EXPRESS, or any fictitious name unknown at this time.

15 4. HENRICHSEN engaged in the business of claiming,  
16 demanding, charging, receiving, collecting or contracting for the  
17 collection of an advance fee, as defined by Code Section 10026,  
18 including but not limited to the activities described in  
19 Paragraph 6, below.

20 5. HENRICHSEN failed to submit the advance fee  
21 agreements referred to in Paragraph 6, below, to the  
22 Commissioner ten days before using them.

23 6. HENRICHSEN, FOX, and NLR engaged in the business  
24 of, acted in the capacity of, or advertised a real estate loan  
25 service and advance fee brokerage offering to perform  
26 solicitation, negotiation and modification of loans secured by  
27

1 liens on real property for compensation or in expectation of  
2 compensation and for fees collected in advance, including but not  
3 limited to, the instances set forth below:

4 a. On or about August 11, 2009, John T. paid an  
5 advance fee of \$2,847.50 to HENRICHSEN, FOX, and NLR, doing  
6 business as NLR LAW CENTER. The advance fee was collected  
7 pursuant to the provisions of a written agreement pertaining to  
8 loan modification services to be provided by NLR and NLR LAW  
9 CENTER with respect to a loan secured by the real property  
10 located in Vallejo, California.

11 b. On or about June 19, 2009, Duane G. paid an advance  
12 fee of \$11,980 to HENRICHSEN, FOX, and NLR. The advance fee was  
13 collected pursuant to the provisions of a written agreement  
14 pertaining to loan modification services to be provided by NLR  
15 with respect to loans secured by four real properties located in  
16 Millbrae, San Mateo, Oakland and Rio Vista, California.

17 c. On or about March 3, 2009, Leonard S. paid an  
18 advance fee of \$995 to HENRICHSEN, FOX, and NLR and NLR LAW  
19 CENTER. The advance fee was collected pursuant to the provisions  
20 of a written agreement pertaining to loan modification services  
21 to be provided by NLR and NLR LAW CENTER with respect to a loan  
22 secured by the real property located in San Rafael, California.

23 d. In or around April, 2009, Robin and Clarence S. were  
24 solicited by EXPRESS on behalf of HENRICHSEN, FOX, and NLR, and  
25 NLR LAW CENTER. Thereafter, Robin and Clarence S. paid an advance  
26 fee of \$2,495 to HENRICHSEN, FOX, and NLR, and NLR LAW CENTER.  
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1 The advance fee was collected pursuant to the provisions of a  
2 written agreement pertaining to loan modification services to be  
3 provided by NLR and NLR LAW CENTER with respect to a loan secured  
4 by the real property located in Los Gatos, California.

5 e. On or about May 12, 2009, Sarah B. paid an advance  
6 fee of \$2,500 to HENRICHSEN, FOX, and NLR, and NLR LAW CENTER.

7 The advance fee was collected pursuant to the provisions of a  
8 written agreement pertaining to loan modification services to be  
9 provided by NLR and NLR LAW CENTER with respect to a loan secured  
10 by the real property located in Vista, California.

11 f. On or about August 11, 2009, Fayelease K. paid an  
12 advance fee of \$2,495 to HENRICHSEN, FOX, and NLR, and NLR LAW  
13 CENTER. The advance fee was collected pursuant to the provisions  
14 of a written agreement pertaining to loan modification services  
15 to be provided by NLR and NLR LAW CENTER through NLR's loan  
16 negotiator, BIELEFELD, with respect to a loan secured by the real  
17 property located in Long Beach, California.

18 g. On or about June 12, 2009, Mario R. paid an advance  
19 fee of \$1,395 to HENRICHSEN, FOX, and NLR. The advance fee was  
20 collected pursuant to the provisions of a written agreement  
21 pertaining to loan modification services to be provided by NLR  
22 through NLR's loan negotiator, DOBSON, with respect to a loan  
23 secured by the real property located in Baldwin Park, California.

24 h. In or around March, 2009, Giovanni B. was solicited  
25 by EXPRESS on behalf of HENRICHSEN, FOX, NLR and NLR LAW CENTER.  
26 On or about March 16, 2009, Giovanni B. paid an advance fee of  
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1 \$2,695 to HENRICHSEN, FOX, NLR and NLR LAW CENTER. The advance  
2 fee was collected pursuant to the provisions of a written  
3 agreement pertaining to loan modification services to be provided  
4 by NLR through NLR's loan negotiator, BIELEFELD, with respect to  
5 a loan secured by the real property located in Henderson, Nevada.

6 i. On or about June 30, 2009, Thomas M. paid an advance  
7 fee of \$3,500 to HENRICHSEN, FOX, and NLR. The advance fee was  
8 collected pursuant to the provisions of a written agreement  
9 pertaining to loan modification services to be provided by NLR  
10 through NLR's loan negotiator, DOBSON, with respect to a loan  
11 secured by the real property located in El Cajon, California.

#### 12 CONCLUSIONS OF LAW

13 7. The activities described in Paragraph 6, above,  
14 require a real estate license under Section 10131(d) and Section  
15 10131.2 of the Code.

16 8. Based on the information contained in Paragraph  
17 6, above, NLR, NLR LAW CENTER, EXPRESS, FOX, BIELFELD, and  
18 DOBSON performed and/or participated in loan solicitation,  
19 negotiation and modification activities which require a real  
20 estate broker license under the provisions of Code Sections  
21 10131(d) and 10131.2 during a period of time when they were not  
22 licensed by the Department as a real estate broker nor employed  
23 as a real estate salesperson by the broker on whose behalf the  
24 activities were performed in violation of Section 10130 of the  
25 Code.  
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1           9.   Based on the information contained in Paragraphs  
2 4, 5 and 6, above, HENRICHSEN collected fees pursuant to an  
3 agreement which constitutes an advance fee agreement within the  
4 meaning of Code Section 10085.

5                           DESIST AND REFRAIN ORDER

6           Based on the Findings of Fact and Conclusions of Law  
7 stated herein:

8           1.   IT IS HEREBY ORDERED that JOSEPH CHARLES  
9 HENRICHSEN, whether doing business under the name NATIONAL LOAN  
10 RESOLUTIONS, NATIONAL LOAN RESOLUTIONS LAW CENTER or LOAN  
11 MODIFICATION EXPRESS, or any other name(s), or any fictitious  
12 name(s):

13                   (i) Immediately desist and refrain from charging,  
14 demanding, claiming, collecting and/or receiving advance fees,  
15 as that term is defined in Section 10026 of the Code, in any  
16 form, and under any conditions, with respect to the performance  
17 of loan modification or any other form of mortgage loan  
18 forbearance services in connection with loans on residential  
19 property containing four or fewer dwelling units (Code Section  
20 10085.6).

21  
22                   (ii) Immediately desist and refrain from charging,  
23 demanding, claiming, collecting and/or receiving advance fees, as  
24 that term is defined in Section 10026 of the Code, for any of the  
25 other real estate related services offered to others, unless and  
26 until JOSEPH CHARLES HENRICHSEN demonstrates and provides  
27 evidence satisfactory to the Commissioner that he:

1 (a) has an advance fee agreement which has been  
2 submitted to the Department and which is in compliance with  
3 Section 10085 of the Code and Section 2970 of the Regulations;

4 (b) has placed all previously collected advance fees  
5 into a trust account for that purpose and is in compliance with  
6 Section 10146 of the Code; and

7 (c) has provided an accounting to trust fund owner-  
8 beneficiaries from whom advance fees have previously been  
9 collected in compliance with Code Section 10146 and Section 2972  
10 of the Regulations.

11 2. IT IS HEREBY ORDERED that NATIONAL LOAN  
12 RESOLUTIONS; NATIONAL LOAN RESOLUTIONS LAW CENTER; LOAN  
13 MODIFICATION EXPRESS; BRIAN FOX; LIESL BIELFELD; and JESSICA  
14 DOBSON, whether doing business under their own names, or any  
15 other names, or any fictitious name, ARE HEREBY ORDERED to  
16 immediately desist and refrain from performing any acts within  
17 the State of California for which a real estate broker license  
18 is required. In particular each of them is ORDERED TO DESIST  
19 AND REFRAIN from:  
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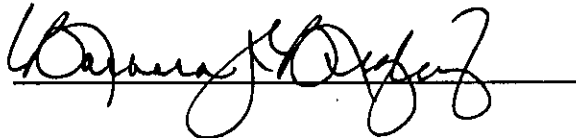
21 (i) charging, demanding, claiming, collecting and/or  
22 receiving advance fees, as that term is defined in Section 10026  
23 of the Code, in any form, and under any conditions, with respect  
24 to the performance of loan modifications or any other form of  
25 mortgage loan forbearance service in connection with loans on  
26 residential property containing four or fewer dwelling units  
27 (Code Section 10085.6); and



1 (ii) charging, demanding, claiming, collecting and/or  
2 receiving advance fees, as that term is defined in Section 10026  
3 of the Code, for any other real estate related services offered  
4 by them to others.

5  
6 DATED: 9/20, 2011.

8 BARBARA BIGBY  
9 Acting Real Estate Commissioner

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

23  
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