

1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6914  
7 Fax: (213) 576-6917

**FILED**

JUL 20 2012

DEPARTMENT OF REAL ESTATE  
BY: C.2

8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) NO. H-38277 LA  
13 )  
14 USLMP, INC., LONI MARIE BARNHART, ) ACCUSATION  
15 individually and as designated )  
16 officer of USLMP, Inc., )  
17 ESMERALDA VALLE NOVIKOFF, )  
18 JARED A. STANSFIELD, )  
19 DARRYL LLOYD WASHINGTON, and )  
20 CHRISTOPHER KIFAYA, )  
21 Respondents. )

22 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State  
23 of California, for cause of Accusation against USLMP, INC., LONI MARIE BARNHART,  
24 individually and as designated officer of USLMP, INC., ESMERALDA VALLE NOVIKOFF,  
25 JARED A. STANSFIELD, DARRYL LLOYD WASHINGTON, and CHRISTOPHER KIFAYA  
26 ("Respondents"), is informed and alleges as follows:  
27  
28

///

///

///

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

From June 2, 2009, through the present, Respondent USLMP, INC. has been licensed by the Department of Real Estate ("Department") as a corporate real estate broker, Department license no. 01866769.

3.

From December 14, 1979, through the present, Respondent LONI MARIE BARNHART has been licensed by the Department as a real estate broker, Department license no. 00452869.

4.

From June 2, 2009, through the present, Respondent USLMP, INC. was acting by and through Respondent LONI MARIE BARNHART as its officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Respondent USLMP, INC. is a California corporation formed on or about March 25, 2009. Roy D. Barnhart, III, aka Roy Barnhart and Roy Dewey Barnhart is the president and a director of USLMP, INC.

5.

From June 2, 2001, through November 20, 2003, Roy Dewey Barnhart was licensed by the Department as a restricted real estate salesperson, Department license no. 01251011.

6.

From May 9, 1973, through May 8, 1985, Roy Dewey Barnhart was licensed by the Department as a real estate salesperson, Department license no. 00452684.

7.

From January 8, 2004, through the present, Respondent ESMERALDA VALLE NOVIKOFF ("NOVIKOFF") has been licensed by the Department as a real estate salesperson,

1 Department license no. 01409881. From December 15, 2005, through the present, Respondent  
2 NOVIKOFF has been licensed under the employment of broker Touchdown Real Estate, Inc.

3 8.

4 From June 8, 2011, through the present, Respondent JARED A. STANSFIELD  
5 ("STANSFIELD") has been licensed by the Department as a real estate salesperson, Department  
6 license no. 01897820. From September 9, 2011, through the present Respondent STANSFIELD  
7 has been licensed under the employment of broker Infiniti Home Loans, Inc.

8 9.

9 From January 9, 1975, through the present, Respondent DARRYL LLOYD  
10 WASHINGTON ("WASHINGTON") has been licensed by the Department as a real estate  
11 broker, Department license no. 00499721.

12 10.

13 From December 10, 2005, through the present, Respondent CHRISTOPHER  
14 KIFAYA ("KIFAYA") has been licensed by the Department as a real estate salesperson,  
15 Department license no. 01723050. From December 10, 2005, through December 8, 2009,  
16 Respondent KIFAYA was licensed under the employment of broker Lordsman, Inc.

17 11.

18 From January 29, 1981, through March 6, 1989, Mary E. Centoni ("Centoni") was  
19 licensed by the Department as a real estate salesperson, Department license no. 00807263.

20  
21 FIRST CAUSE OF ACCUSATION  
22 (OFFICE ABANDONMENT)  
23 (USLMP, INC.)

24 12.

25 The current business address and mailing address maintained by Respondent  
26 USLMP, INC. with the Department is 15061 Springdale Suite 206, Huntington Beach, California  
27 92649. Respondent USLMP, INC. is no longer located at this address nor has Respondent  
28

1 USLMP, INC. informed the Real Estate Commissioner of any new address. Respondent  
2 USLMP, INC. is not presently maintaining any definite place of business in the State of  
3 California which shall serve as its office for the transaction of business requiring a real estate  
4 license.

5 13.

6  
7 The acts and omissions of Respondent USLMP, INC., as set forth above, are in  
8 violation of Business and Professions Code ("Code") Section 10162 and are grounds for the  
9 suspension or revocation of the licenses and license rights of Respondent USLMP, INC. pursuant  
10 to Section 10165 of the Code.

11 SECOND CAUSE OF ACCUSATION  
12 (ADVANCE FEE VIOLATIONS)  
13 (USLMP, INC. and LONI MARIE BARNHART)

14 14.

15 There is hereby incorporated in this Second, separate, Cause of Accusation, all of  
16 the allegations contained in Paragraphs 1 through 13 above, with the same force and effect as if  
17 herein fully set forth.

18  
19  
20 15.

21 SBP Financial Group, National Relief Group, Inc., National Relief Group, NRG,  
22 National Legal Network, The Reliant Network, Brian Pacios, Beau Barnhart, Heather Littleton,  
23 Yolanda Valles, Patti Abarca, Coleen J. Hammond, Ojan Missaghi, and Luis Anderson have  
24 never been licensed in any capacity by the Department.

25 16.

26 Code Section 10132 defines a real estate salesperson as a person who, for  
27 compensation or in expectation of compensation, is employed by a licensed real estate broker to  
28

1 do one or more of the acts set forth in Code Sections 10131, 10131.1, 10131.2, 10131.3,  
2 10131.4, and 10131.6.

3 17.

4 Pursuant to Code Section 10131, a real estate broker is defined as a person who:  
5 (a) sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of,  
6 solicits or obtains listing of, or negotiates the purchase, sale or exchange of real property or a  
7 business opportunity; or (d) solicits borrowers or lenders for or negotiates loans or collects  
8 payment or performs services for borrowers or lenders or note owners in connection with loans  
9 secured directly or collaterally by liens on real property or on a business opportunity.

10  
11 18.

12 Code Section 10131.2 defines a real estate broker as a person who engages in the  
13 business of claiming, demanding, charging, receiving, collecting or contracting for the collection  
14 of an advance fee in connection with any employment undertaken to promote the sale or lease of  
15 real property or of a business opportunity by advance fee listing, advertisement or other offering  
16 to sell, lease, exchange or rent property or a business opportunity, or to obtain a loan or loans  
17 thereon.

18 19.

19 Code Section 10026, in pertinent part, defines an advance fee as a fee that is  
20 claimed, demanded, charged, received, or collected by a licensee for services requiring a license.  
21 A person who proposes to collect an advance fee as defined in Code Section 10026 must submit  
22 to the Commissioner not less than ten calendar days before publication or other use, all materials  
23 to be used in advertising, promoting, soliciting and negotiating an agreement calling for the  
24 payment of an advance fee including the form of advance fee agreement proposed for use,  
25 pursuant to Section 2970, Regulations of the Real Estate Commissioner, Title 10, Chapter 6,  
26 California Code of Regulations ("Regulations"). Code Section 10085 also allows the  
27 Commissioner to require that any all materials used in obtaining advance fee agreements,  
28 including contract forms, be submitted at least 10 calendar days before they are used.

1 20.

2 On or about April 10, 2009, Respondent LONI MARIE BARNART submitted an  
3 advance fee agreement and accounting format to the Department for approval. On April 22,  
4 2009, the Department issued a "no objection" letter of approval of the advance fee agreement  
5 and accounting format submitted by Respondent LONI MARIE BARNHART. Said advance fee  
6 agreement included a provision that the advance fee paid was fully refundable until earned by the  
7 broker. Furthermore, if any of the agreed upon services were not completed by the broker by the  
8 agreed upon completion dates, the unearned portion of the advance fee would be refunded to the  
9 principal within 5 business days.  
10

11 21.

12 On or about July 30, 2009, Respondent USLMP, INC. submitted an advance fee  
13 agreement and accounting format to the Department for approval. On August 11, 2009, the  
14 Department issued a "no objection" letter of approval of the advance fee agreement and  
15 accounting format submitted by Respondent USLMP, INC. Said advance fee agreement  
16 included a provision that the advance fee paid was fully refundable until earned by the broker.  
17 Furthermore, if any of the agreed upon services were not completed by the broker by the agreed  
18 upon completion dates, the unearned portion of the advance fee would be refunded to the  
19 principal within 5 business days.  
20

21 22.

22 On October 11, 2009, then Governor Arnold Schwarzenegger signed Senate Bill  
23 94 (Calderon), and the legislation took effect immediately upon his signature. Thus, California  
24 law prohibited any person, including real estate licensees and attorneys, from demanding or  
25 collecting an advance fee from a consumer for loan modification or mortgage loan forbearance  
26 services affecting 1 – 4 unit residential dwellings.  
27

28 23.

The following notice was prominently featured on the Department's website as of  
October 11, 2009:

1 "IF YOU ARE A REAL ESTATE BROKER, OR THE DESIGNATED  
2 OFFICER OF A LICENSED CORPORATION, WHO HAS BEEN ISSUED A "NO  
3 OBJECTION" LETTER BY THE DEPARTMENT OF REAL ESTATE FOR LOAN  
4 MODIFICATION OR OTHER MORTGAGE LOAN FORBEARANCE SERVICES, YOU  
5 CAN NO LONGER ENTER INTO THESE AGREEMENTS EFFECTIVE AS OF OCTOBER  
6 11, 2009, NOR CAN YOU COLLECT ANY ADVANCE FEES FOR SUCH SERVICES.

7 Agreements entered into and advance fees collected prior to October 11, 2009 are not affected.  
8 Advance fees inadvertently collected after October 11, 2009 must be fully refunded. All real  
9 estate licensees should become familiar with the provisions of SB94 as there are substantial  
10 administrative and criminal penalties for violations."  
11

12 24.

13 For an unknown period of time including September, 2009, through the present,  
14 Respondents, while doing business as USLMP, INC. and/or other unlicensed fictitious business  
15 names including SBP Financial Group, National Relief Group, Inc., National Relief Group,  
16 NRG, National Legal Network, and The Reliant Network, solicited and offered loan services to  
17 consumers, including services to assist them in negotiating with lenders, foreclosure forbearance,  
18 or obtaining a loan modification through national advertisements on television, radio and the  
19 internet. Respondents, while licensed to do business in California, engaged in the business of  
20 claiming, demanding, charging receiving, collecting or contracting for the collection of advance  
21 fees, within the meaning of Code Section 10026 including, but not limited to, the following loan  
22 activities with respect to loans which were secured by liens on real property:  
23

24 Date	Borrower	Amount Paid	Agent(s) Acting on Behalf of Respondents
25 09/2009	Adhaar Lali	\$3,000	STANSFIELD
26 10/25/2009	Mary Jacobs	\$3,000	Ojan Missaghi and Heather Littleton
27			
28 03/2/2010	Theodore & Jessica Martin	\$2,500	Heather Littleton

<b>Date</b>	<b>Borrower</b>	<b>Amount Paid</b>	<b>Agent(s) Acting on Behalf of Respondents</b>
07/2010	Eugene & Jestine Carrington	\$3,000	LONI MARIE BARNHART, KIFAYA, WASHINGTON, Brian Pacios, Beau Barnhart, and Mary Centoni
07/23/2010	Abran Trevino	\$2,500	Yolanda Valles
7/29/2010	Kevin Jacisin	\$3,000	Yolanda Valles
08/11/2010	Patricia Franklin	\$3,000	Linda Reed (license status unknown)
9/30/2010	James Haney	\$1,750	NOVIKOFF and Mary Centoni
10/14/201	Omar Rodriguez	\$3,000	Luis Anderson
10/25/2010	Cheryl Cataldo	\$3,000	Patti Abarca and Coleen J. Hammond

25.

The written advance fee agreements provided to the borrowers noted above were not the agreements reviewed by the Department described in Paragraphs 20 or 21 and above. Respondent USLMP, INC. provided borrowers with a different written agreement entitled "Agreement for Research and Analysis" in an effort to circumvent existing laws prohibiting the collection of advance fees for loan modification and foreclosure forbearance services.

26.

Respondents USLMP, INC., WASHINGTON, and LONI MARIE BARNHART collected the advance fees described in Paragraph 25, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

27.

The conduct, acts and/or omissions of Respondents USLMP, INC., WASHINGTON, and LONI MARIE BARNHART as set forth above, are in violation of Code

1 Sections 10085.5 and 10085.6 and constitute grounds for the suspension or revocation of the  
2 licenses and license rights of Respondents USLMP, INC., WASHINGTON, and LONI MARIE  
3 BARNHART pursuant to Code Sections 10177(d) or 10177(g).

4 28.

5 The conduct, acts and/or omissions of Respondent LONI MARIE BARNHART,  
6 in allowing Respondent USLMP, INC. to violate the Real Estate Law, as set forth above,  
7 constitutes a failure by Respondent LONI MARIE BARNHART, as the officer designated by the  
8 corporate broker licensee, to exercise the supervision and control over the activities of  
9 Respondent USLMP, INC., as required by Code Section 10159.2 and Regulation 2725, and is  
10 cause to suspend or revoke the real estate licenses and license rights of Respondent BARNHART  
11 under Code Sections 10177(h), 10177(d) and/or 10177(g).

13 THIRD CAUSE OF ACCUSATION

14 (Unlicensed activity)

15 29.

16 There is hereby incorporated in this Third, separate Cause of Accusation, all of  
17 the allegations contained in Paragraphs 1 through 28, above, with the same force and effect as if  
18 herein fully set forth.

19 30.

20 The activities described in Paragraph 24, above, require a real estate license under  
21 Code Sections 10131(d) and 10131.2. Respondents USLMP, INC. and LONI MARIE  
22 BARNHART violated Code Section 10137 by employing and/or compensating individuals who  
23 were not licensed as real estate salespersons or as brokers to perform activities requiring a  
24 license.

25 ///

26 ///

27 ///

1 31.

2 Respondents NOVIKOFF, STANSFIELD, and CHRISTOPHER KIFAYA  
3 performed acts within the scope of Code Section 10131(d) for compensation or in expectation of  
4 compensation from a person other than the broker under whom they were licensed at the time, in  
5 violation of Code Sections 10130 and 10137, which constitutes cause for the suspension or  
6 revocation of the licenses and license rights of Respondents NOVIKOFF, STANSFIELD, and  
7 CHRISTOPHER KIFAYA pursuant to Code Sections 10130, 10137, 10177(d) and/or 10177(g).  
8

9 32.

10 Respondents USLMP, INC. and LONI MARIE BARNHART employed or  
11 compensated Roy Dewey Barnhart, Brian Pacios, Beau Barnhart, Heather Littleton, Yolanda  
12 Valles, Patti Abarca, Coleen J. Hammond, Ojan Missaghi, and Luis Anderson, to solicit  
13 borrowers and perform some or all of the services alleged in Paragraph 24 above, though they  
14 were not licensed as real estate salespeople or brokers.

15 33.

16 The conduct, acts and/or omissions of Respondents USLMP, INC. and LONI  
17 MARIE BARNHART as set forth in Paragraphs 31 and 32, above, violate Code Section 10137,  
18 and are cause for the suspension or revocation of the licenses and license rights of Respondents  
19 USLMP, INC. and LONI MARIE BARNHART pursuant to Code Sections 10137, 10177(d) or  
20 10177(g).

21 34.

22 The conduct, acts and/or omissions of Respondent LONI MARIE BARNHART,  
23 in allowing Respondent USLMP, INC. to violate the Real Estate Law, as set forth above,  
24 constitutes a failure by Respondent LONI MARIE BARNHART, as the officer designated by the  
25 corporate broker licensee, to exercise the supervision and control over the activities of  
26 Respondent USLMP, INC., as required by Code Section 10159.2 and Regulation 2725, and is  
27 cause to suspend or revoke the real estate licenses and license rights of Respondent BARNHART  
28 under Code Sections 10177(h), 10177(d) and/or 10177(g).

1 FOURTH CAUSE OF ACCUSATION

2 (Use of Unlicensed Fictitious Business Names)

3 35.

4 There is hereby incorporated in this Fourth, separate Cause of Accusation, all of  
5 the allegations contained in Paragraphs 1 through 34, above, with the same force and effect as if  
6 herein fully set forth.

7 36.

8 Use of a fictitious business name for activities requiring the issuance of a real  
9 estate license requires the filing of an application for the use of such name with the Department  
10 in accordance with the provisions of Code Section 10159.5 and Regulation 2731.

11 37.

12 Respondents USLMP, INC. and LONI MARIE BARNHART acted without  
13 Department authorization in using the fictitious business names SBP Financial Group, National  
14 Relief Group, Inc., National Relief Group, NRG, National Legal Network, and The Reliant  
15 Network, to engage in activities requiring the issuance of a real estate license.

16 38.

17 The conduct, acts and/or omissions of Respondents USLMP, INC. and LONI  
18 MARIE BARNHART, as set forth in Paragraphs 36 and 37 above, violate Code Section 10159.5  
19 and Regulation 2731, and are cause for the suspension or revocation of the licenses and license  
20 rights of Respondents USLMP, INC. and LONI MARIE BARNHART pursuant to Code  
21 Sections 10177(d) and /or 10177(g).

22 39.

23 Code Section 10106 provides, in pertinent part, that in any order issued in  
24 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner  
25 may request the administrative law judge to direct a licensee found to have committed a violation  
26 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement  
27 of the case.  
28

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and/or license rights of Respondents USLMP, INC., LONI MARIE  
4 BARNHART, individually and as designated officer of USLMP, INC., ESMERALDA VALLE  
5 NOVIKOFF, JARED A. STANSFIELD, DARRYL LLOYD WASHINGTON, and  
6 CHRISTOPHER KIFAYA under the Real Estate Law (Part 1 of Division 4 of the Business and  
7 Professions Code), for the cost of investigation and enforcement as permitted by law, and for  
8 such other and further relief as may be proper under other provisions of law.

9 Dated at Los Angeles, California

10 this 18<sup>th</sup> day of July, 2012.

11  
12  
13   
14   
15 MARIA SUAREZ  
16 Deputy Real Estate Commissioner  
17  
18  
19  
20  
21  
22

23 cc: USLMP, Inc.  
24 Loni Marie Barnhart  
25 Esmeralda Valle Novikoff  
26 Jared A. Stansfield  
27 Darryl Lloyd Washington  
28 Christopher Kifaya  
Touchdown Real Estate, Inc.  
Infiniti Home Loans, Inc.  
Maria Suarez  
Sacto