

FILED

DEC 13 2012

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-38277 LA
)	
USLMP, INC., LONI MARIE BARNHART,)	
<u>individually and as designated</u>)	
<u>officer of USLMP, Inc.,</u>)	
ESMERALDA VALLE NOVIKOFF,)	
JARED A. STANSFIELD,)	
DARRYL LLOYD WASHINGTON, and)	
CHRISTOPHER KIFAYA,)	
)	
Respondents.)	
)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on October 11, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On July 18, 2012, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, to Respondents USLMP, INC. and LONI MARIE BARNHART (collectively "Respondents") on July 20, 2012. The Accusation, Statement to Respondent, and Notice of Defense were mailed to Respondent LONI MARIE BARNHART on August 13, 2012, by regular mail.

On October 11, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

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 ID 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 ID 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.

The current business address and mailing address maintained by Respondent USLMP, INC. with the Department is 15061 Springdale Suite 206, Huntington Beach, California 92649. Respondent USLMP, INC. is no longer located at this address nor has Respondent USLMP, INC. informed the Real Estate Commissioner of any new address. Respondent USLMP, INC. is not presently maintaining any definite place of business in the State of California which shall serve as its office for the transaction of business requiring a real estate license.

6.

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

7.

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

8.

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

Date	Borrower	Amount Paid
09/2009	Adhaar Lali	\$3,000
10/25/2009	Mary Jacobs	\$3,000
03/2/2010	Theodore & Jessica Martin	\$2,500
07/2010	Eugene & Jestine Carrington	\$3,000
07/23/2010	Abran Trevino	\$2,500
7/29/2010	Kevin Jacisin	\$3,000
08/11/2010	Patricia Franklin	\$3,000
9/30/2010	James Haney	\$1,750
10/14/2010	Omar Rodriguez	\$3,000
10/25/2010	Cheryl Cataldo	\$3,000

9.

The written advance fee agreements provided to the borrowers noted in Paragraph 8, above, were not the agreements reviewed by the Department as described in Paragraph 7, 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. Respondents USLMP, INC. and LONI MARIE BARNHART collected the advance fees described in Paragraph 8, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Business and Professions Code ("Code") Section 10085.

10.

The activities described in Paragraph 8, above, require a real estate license under Code Sections 10131(d) and 10131.2. Respondents USLMP, INC. and LONI MARIE BARNHART violated Code Section 10137 by employing and/or compensating individuals who were not licensed as real estate salespersons or as brokers to perform activities requiring a license.

11.

Respondents USLMP, INC. and LONI MARIE BARNHART employed or compensated Roy Dewey Barnhart, Brian Pacios, Beau Barnhart, Heather Littleton, Yolanda Valles, Patti Abarca, Coleen J. Hammond, Ojan Missaghi, and Luis Anderson, to solicit borrowers and perform some or all of the services as alleged in Paragraph 8, above, though they were not licensed as real estate salespeople or brokers.

12.

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

13.

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

DETERMINATION OF ISSUES

1.

Respondent USLMP, INC. is not presently maintaining any definite place of business in the State of California which shall serve as its office for the transaction of business requiring a real estate license, which is in violation of Business and Professions Code ("Code") Section 10162 and is grounds for the suspension or revocation of the licenses and license rights of Respondent USLMP, INC. pursuant to Code Section 10165.

2.

The conduct, acts and/or omissions of Respondents USLMP, INC. and LONI MARIE BARNHART, as set forth in Paragraphs 7 through 9, above, are in violation of Code Sections 10085.5 and 10085.6 and constitute grounds for the suspension or revocation of the licenses and license rights of Respondents USLMP, INC. and LONI MARIE BARNHART pursuant to Code Section 10177(d).

3.

The conduct, acts and/or omissions of Respondents USLMP, INC. and LONI MARIE BARNHART, as set forth in Paragraphs 10 and 11, above, violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondents USLMP, INC. and LONI MARIE BARNHART pursuant to Code Sections 10137 and 10177(d).

4.

The conduct, acts and/or omissions of Respondents USLMP, INC. and LONI MARIE BARNHART, as set forth in Paragraphs 12 and 13 above, violate Code Section 10159.5 and Regulation 2731, and are cause for the suspension or revocation of the licenses and license rights of Respondents USLMP, INC. and LONI MARIE BARNHART pursuant to Code Section 10177(d).

5.

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

6.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

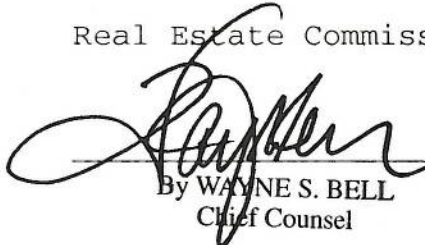
ORDER

The licenses and license rights of Respondents USLMP, INC. and LONI MARIE BARNHART, individually and as designated officer of USLMP, Inc., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on January 2, 2013.

DATED: December 2, 2012.

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

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

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

17 Respondents, USLMP, INC. and LONI MARIE BARNHART,
18 individually and as designated officer of USLMP, Inc., having
19 failed to file a Notice of Defense within the time required by
20 Section 11506 of the Government Code, are now in default. It is,
21 therefore, ordered that a default be entered on the record in
22 this matter as to USLMP, INC. and LONI MARIE BARNHART, only.

23 IT IS SO ORDERED

October 11, 2012.

24 Real Estate Commissioner

25 Dolores Weeks
26 By: DOLORES WEEKS
27 Regional Manager