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FILED

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DEPARTMENT OF REAL ESTATE

BY: C.A.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-38453 LA
12)
13 USLMP, INC.,) ORDER TO DESIST
14 LONI MARIE BARNHART,) AND REFRAIN
15 ROY D. BARNHART, III,) (B&P Code Section 10086)
16 BRIAN PACIOS,)
17 SBP FINANCIAL GROUP,)
18 NATIONAL RELIEF GROUP, INC.)
19 NATIONAL RELIEF GROUP, NRG,)
20 NATIONAL LEGAL NETWORK,)
21 THE RELIANT NETWORK. and)
22 BEAU BARNHART.)
23)

24 The Commissioner ("Commissioner") of the Department of Real Estate
25 ("Department") of the State of California caused an investigation to be made of the activities of
26 USLMP, INC., LONI MARIE BARNHART, ROY D. BARNHART, III aka Roy Barnhart and
27 Roy Dewey Barnhart, BRIAN PACIOS, SBP FINANCIAL GROUP, NATIONAL RELIEF
GROUP, INC., NATIONAL RELIEF GROUP, NRG, NATIONAL LEGAL NETWORK, THE
RELIANT NETWORK and BEAU BARNHART. Based on that investigation the
Commissioner has determined that USLMP, INC., LONI MARIE BARNHART, ROY D.
BARNHART, III aka Roy Barnhart and Roy Dewey Barnhart, BRIAN PACIOS, SBP

1 FINANCIAL GROUP, NATIONAL RELIEF GROUP, INC., NATIONAL RELIEF GROUP,
2 NRG, NATIONAL LEGAL NETWORK, THE RELIANT NETWORK and BEAU
3 BARNHART have engaged in, are engaging in acts or attempting to engage in the business of,
4 acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State
5 of California within the meaning of Business and Professions Code Sections 10131(d)
6 (advertising, soliciting borrowers for, and offering to negotiate loans or perform loan
7 modification services for borrowers in connection with loans secured by liens on real property)
8 and 10131.2 (collecting advance fees in connection with those services).

9 In addition, based on that investigation, the Commissioner has determined that
10 USLMP, INC., LONI MARIE BARNHART, ROY D. BARNHART, III aka Roy Barnhart and
11 Roy Dewey Barnhart, BRIAN PACIOS, SBP FINANCIAL GROUP, NATIONAL RELIEF
12 GROUP, INC., NATIONAL RELIEF GROUP, NRG, NATIONAL LEGAL NETWORK, THE
13 RELIANT NETWORK and BEAU BARNHART have engaged in or are engaging in acts or are
14 attempting to engage practices constituting violations of the California Business and Professions
15 Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"). Based on the
16 findings of that investigation, set forth below, the Commissioner hereby issues the following
17 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of
18 Section 10086 of the Code.

19 FINDINGS OF FACT

20 1. From June 2, 2009, through the present, USLMP, INC. has been licensed by
21 the Department as a corporate real estate broker, Department license no. 01866769.

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

24 3. From June 2, 2009, through the present, USLMP, INC. was acting by and
25 through LONI MARIE BARNHART as its officer pursuant to Code Section 10159.2 to be
26 responsible for ensuring compliance with the Real Estate Law.

27 4. USLMP, INC. is a California corporation formed on or about March 25, 2009.

1 ROY D. BARNHART, III, aka Roy Barnhart and Roy Dewey Barnhart is the president and a
2 director of USLMP, INC.

3 5. From June 2, 2001, through November 20, 2003, Roy Dewey Barnhart was
4 licensed by the Department as a restricted real estate salesperson, Department license no.
5 01251011.

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

8 7. SBP FINANCIAL GROUP, NATIONAL RELIEF GROUP, INC.,
9 NATIONAL RELIEF GROUP, NRG, NATIONAL LEGAL NETWORK, THE RELIANT
10 NETWORK, BRIAN PACIOS, and BEAU BARNHART have never been licensed in any
11 capacity by the Department.

12 8. On or about April 10, 2009, LONI MARIE BARNART submitted an advance
13 fee agreement and accounting format to the Department for approval. On April 22, 2009, the
14 Department issued a "no objection" letter of approval of the advance fee agreement and
15 accounting format submitted by LONI MARIE BARNHART. 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 9. On or about July 30, 2009, USLMP, INC. submitted an advance fee agreement
21 and accounting format to the Department for approval. On August 11, 2009, the Department
22 issued a "no objection" letter of approval of the advance fee agreement and accounting format
23 submitted by USLMP, INC. Said advance fee agreement included a provision that the advance
24 fee paid was fully refundable until earned by the broker. Furthermore, if any of the agreed upon
25 services were not completed by the broker by the agreed upon completion dates, the unearned
26 portion of the advance fee would be refunded to the principal within 5 business days.

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

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

8 "IF YOU ARE A REAL ESTATE BROKER, OR THE DESIGNATED
9 OFFICER OF A LICENSED CORPORATION, WHO HAS BEEN ISSUED A "NO
10 OBJECTION" LETTER BY THE DEPARTMENT OF REAL ESTATE FOR LOAN
11 MODIFICATION OR OTHER MORTGAGE LOAN FORBEARANCE SERVICES, YOU
12 CAN NO LONGER ENTER INTO THESE AGREEMENTS EFFECTIVE AS OF OCTOBER
13 11, 2009, NOR CAN YOU COLLECT ANY ADVANCE FEES FOR SUCH SERVICES.
14 Agreements entered into and advance fees collected prior to October 11, 2009 are not affected.
15 Advance fees inadvertently collected after October 11, 2009 must be fully refunded. All real
16 estate licensees should become familiar with the provisions of SB94 as there are substantial
17 administrative and criminal penalties for violations."

18 12. For an unknown period of time including September, 2009, through the
19 present, LONI MARIE BARNHART, ROY D. BARNHART, III, BRIAN PACIOS, and BEAU
20 BARNHART, while doing business as USLMP, INC. and/or other unlicensed fictitious business
21 names including SBP FINANCIAL GROUP, NATIONAL RELIEF GROUP, INC., NATIONAL
22 RELIEF GROUP, NRG, NATIONAL LEGAL NETWORK, and THE RELIANT NETWORK,
23 solicited and offered loan services to consumers, including services to assist them in negotiating
24 with lenders, foreclosure forbearance, or obtaining a loan modification through national
25 advertisements on television, radio and the internet. LONI MARIE BARNHART, ROY D.
26 BARNHART, III, BRIAN PACIOS, and BEAU BARNHART engaged in the business of
27 claiming, demanding, charging receiving, collecting or contracting for the collection of advance

1 fees, within the meaning of Code Section 10026 including, but not limited to, the following loan
2 activities with respect to loans which were secured by liens on real property:

Date	Borrower	Amount Paid
09/2009	Adhaar L.	\$3,000
10/25/2009	Mary J.	\$3,000
03/2/2010	Theodore & Jessica M.	\$2,500
07/2010	Eugene & Jestine C.	\$3,000
07/23/2010	Abran T.	\$2,500
7/29/2010	Kevin J.	\$3,000
08/11/2010	Patricia F.	\$3,000
9/30/2010	James H.	\$1,750
10/14/201	Omar R.	\$3,000
10/25/2010	Cheryl C.	\$3,000

11 13. The written advance fee agreements provided to the borrowers noted above
12 were not the agreements reviewed by the Department described in Paragraphs 6 or 7 and above.
13 USLMP, INC. provided borrowers with a different written agreement entitled "Agreement for
14 Research and Analysis" in an effort to circumvent existing laws prohibiting the collection of
15 advance fees for loan modification and foreclosure forbearance services.

16 CONCLUSIONS OF LAW

17 14. Based on the information contained in Paragraphs 1 through 13, above, ROY
18 D. BARNHART, III, BRIAN PACIOS, BEAU BARNHART, SBP FINANCIAL GROUP,
19 NATIONAL RELIEF GROUP, INC., NATIONAL RELIEF GROUP, NRG, NATIONAL
20 LEGAL NETWORK, and THE RELIANT NETWORK violated Code Section 10130 by
21 engaging in activities requiring a real estate license without first obtaining a broker license from
22 the Department or acting as a salesperson under the employment of a licensed real estate broker.

23 15. Based on the information contained in Paragraphs 1 through 13, above,
24 USLMP, INC. and LORI MARIE BARNHART engaged in the business of claiming,
25 demanding, charging, receiving, collecting or contracting for the collection of advance fees,
26 within the meaning of Code Sections 10026 and 10131.2, including, but not limited to, loan
27

1 modification and foreclosure forbearance services in connection with loans secured by liens on
2 real property or business opportunities. Said advance fees were collected pursuant to written
3 agreements which constituted advance fee agreements within the meaning of Code Section
4 10085. Prior to October 11, 2009, USLMP, INC. and LORI MARIE BARNHART failed to
5 submit the agreements referred to above to the Commissioner ten days before using them, in
6 violation of Code Section 10085 and Regulation 2970.

7 16. Following October 11, 2009, USLMP, INC. and LORI MARIE BARNHART
8 claimed, demanded, charged, received, collected or contracted for the collection of advance fees,
9 within the meaning of Code Sections 10026, for loan modification and foreclosure forbearance
10 services in connection with loans secured by liens on real property or business opportunities, in
11 violation of Code Sections 10085.5 and 10085.6.

12 DESIST AND REFRAIN ORDER

13 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
14 herein, IT IS HEREBY ORDERED THAT ROY D. BARNHART, III aka Roy Barnhart and Roy
15 Dewey Barnhart, BRIAN PACIOS, SBP FINANCIAL GROUP, NATIONAL RELIEF GROUP,
16 INC., NATIONAL RELIEF GROUP, NRG, NATIONAL LEGAL NETWORK, THE RELIANT
17 NETWORK and BEAU BARNHART, whether doing business under their own names or any
18 other fictitious business name, immediately desist and refrain from: performing any acts within
19 the State of California for which a real estate broker license is required, including:

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

27 IT IS FURTHER ORDERED THAT USLMP, INC. and LONI MARIE


1 BARNHART, immediately desist and refrain from:

2 1. charging, demanding, claiming, collecting and/or receiving advance fees, as
3 that term is defined in Section 10026 of the Code, in any form, and under any conditions, with
4 respect to the performance of loan modifications or any other form of mortgage loan
5 forbearance service in connection with loans on residential property containing four or fewer
6 dwelling units (Code Section 10085.6); and

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

10 DATED: August 10, 2012.

11 Real Estate Commissioner

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13 
14 By WAYNE S. BELL
15 Chief Counsel

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17 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
18 real estate broker or real estate salesperson without a license or who advertises using words
19 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
20 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)."

21 cc: USLMP, Inc. / Loni Marie Barnhart/ Roy D. Barnhart III/ Brian Pacios/ Beau Barnhart/
22 SBP Financial Group / National Relief Group, Inc./ National Relief Group/ NRG /
23 National Legal Network / The Reliant Network
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25 Roy D. Barnhart III
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