

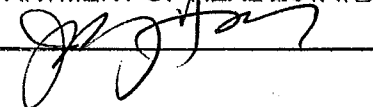
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**FILED**

AUG 27 2009

DEPARTMENT OF REAL ESTATE

BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation

No. H-36206 LA

NIVI INC., and doing busi- )  
ness as Loan Mods Plus; and )  
VINCENT DOMINIC BINDI, )  
individually, and as )  
designated broker officer )  
for NIVI Inc. )  
\_\_\_\_\_ )

A C C U S A T I O N

18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of Accusation  
20 against NIVI INC. ("NIVI"), and doing business as Loan Mods Plus;  
21 and VINCENT DOMINIC BINDI ("BINDI") is informed and alleges as  
22 follows:

23 1.

24 The Complainant, Robin Trujillo, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation in  
26 her official capacity.  
27

2.

1  
2 Respondent NIVI is presently licensed and/or has  
3 license rights under the Real Estate Law (Part 1 of Division 4 of  
4 the Business and Professions Code, hereinafter "Code"), as a real  
5 estate corporation acting by and through Respondent BINDI as its  
6 designated broker-officer.

7  
8 3.

9 Respondent BINDI is presently licensed and/or has  
10 license rights under the Real Estate Law as a real estate broker  
11 and designated broker-officer of Respondent NIVI.

12  
13 4.

14 All further references to respondents herein include  
15 Respondents NIVI and BINDI, and also include officers, directors,  
16 employees, agents and real estate licensees employed by or  
17 associated with NIVI and BINDI, and who at all times herein  
18 mentioned were engaged in the furtherance of the business or  
19 operations of Respondents NIVI and BINDI, and who were acting  
20 within the course and scope of their authority and employment.

21  
22 5.

23 At all times relevant herein Respondent BINDI, as the  
24 officer designated by Respondent NIVI pursuant to Section 10211  
25 of the Code, was responsible for the supervision and control of  
26 the activities conducted on behalf of Respondent NIVI by its  
27 officers and employees as necessary to secure full compliance  
with the Real Estate Law as set forth in Section 10159.2 of the  
Code.

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6.

Respondent BINDI ordered, caused, authorized or participated in the conduct of Respondent NIVI, as is alleged in this Accusation.

FIRST CAUSE OF ACCUSATION  
(Advance Fee Violation)

7.

At all times mentioned herein, in the State of California, Respondent 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 modification activities with respect to loans which were secured by liens on real property:

a. On or about December 31, 2008, Respondents NIVI and BINDI, using the fictitious business name "Loan Mods Plus," collected an advance fee of \$2,950 from Heather Hernandez pursuant to the provisions of a written agreement pertaining to loan modification services to be provided by Respondent with respect to a loan secured by the real property located at 1740 Sunshine Drive, Concord, California 94520.

8.

Respondents collected the advance fees described in Paragraph 7, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

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9.

1 Respondents failed to submit the written agreement  
2 referred to in Paragraphs 7 and 8, above, to the Commissioner ten  
3 days before using it in violation of Code Section 10085 and  
4 Section 2970, Title 10, Chapter 6, Code of Regulations  
5 ("Regulations").  
6

7 10.

8 The conduct, acts and/or omissions of Respondents, as  
9 set forth above, are cause for the suspension or revocation of  
10 the licenses and license rights of Respondent pursuant to Code  
11 Sections 10085, 10177(d) and/or 10177(g).  
12

13 SECOND CAUSE OF ACCUSATION  
14 (Failure to Supervise)

15 11.

16 Complainant incorporates by this reference the  
17 allegations set forth in Paragraphs 1 through 10, above.

18 12.

19 The conduct, acts and/or omissions of Respondent BINDI  
20 in failing to exercise reasonable supervision over the activities  
21 of Respondent NIVI, as more fully set forth above, are cause for  
22 the suspension or revocation of the licenses and license rights  
23 of Respondent BINDI pursuant to Code sections 10177(d), (g)  
24 and/or (h) for violation of Code section 10159.2.  
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26  
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of Respondent  
5 NIVI INC. and VINCENT DOMINIC BINDI, individually, and as  
6 designated broker officer of Nivi Inc., under the Real Estate Law  
7 (Part 1 of Division 4 of the Business and Professions Code), and  
8 for such other and further relief as may be proper under other  
9 applicable provisions of law.

10 Dated at Los Angeles, California

11 this 26 day of August, 2009.  
12

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14   
15 Robin Trujillo  
16 Deputy Real Estate Commissioner  
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19  
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21  
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23  
24  
25

26 cc: Nivi Inc.  
27 Vincent Dominic Bindi  
Robin Trujillo  
Sacto.