

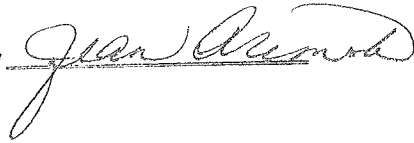
1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105

FILED

4 Telephone: (213) 576-6982

AUG 24 2010

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 To:	)	No. H-36773 LA
	)	
12 HOME RESOLUTION COMPANY,	)	<u>ORDER TO DESIST</u>
13 BANK MODIFICATION EXPERTS,	)	<u>AND REFRAIN</u>
14 PREMIER LEGAL ADVOCATES,	)	
and BRIAN PASCAL.	)	(B&P Code Section 10086)
	)	
	)	

17 The Commissioner ("Commissioner") of the California Department of Real Estate  
18 ("Department") caused an investigation to be made of the activities of HOME RESOLUTION  
19 COMPANY ("HRC"), BANK MODIFICATION EXPERTS ("BME"), PREMIER LEGAL  
20 ADVOCATES ("PLA") and BRIAN PASCAL ("PASCAL"). Based on that investigation the  
21 Commissioner has determined that HRC, BME, PLA and PASCAL have engaged in or are  
22 engaging in acts or are attempting to engage in the business of, acting in the capacity of, and/or  
23 advertising or assuming to act as, real estate brokers in the State of California within the meaning  
24 of Business and Professions Code Sections 10131(d) (soliciting, negotiating and performing  
25 services for borrowers in connection with loans secured by real property) and 10131.2 (advance  
26 fee handling).

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1 In addition, based on that investigation, the Commissioner has determined that  
2 HRC, BME, PLA and PASCAL have engaged in or are engaging in acts or are attempting to  
3 engage in practices constituting violations of the California Business and Professions Code  
4 (“Code”) and/or the Regulations of the Real Estate Commissioner (“Regulations”). Based on the  
5 findings of that investigation set forth below, the Commissioner hereby issues the following  
6 Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of  
7 Section 10086 of the Code.

8 FINDINGS OF FACT

9 1. HRC is not now, and has never been, licensed by the Department in any  
10 capacity. HRC is registered as a corporation with the California Secretary of State, with  
11 PASCAL listed as the agent for service of process for HRC.

12 2. BME is not now, and has never been, licensed by the Department in any  
13 capacity. On December 15, 2009, PASCAL filed a fictitious business name statement with the  
14 Los Angeles County Clerk, naming BME as a fictitious business name for BWP & Associates  
15 Inc. BWP & Associates Inc. is registered as a corporation with the California Secretary of State,  
16 with PASCAL listed as its agent for service of process.

17 3. PLA is not now, and has never been, licensed by the Department in any  
18 capacity. PLA is listed with the Better Business Bureau as a loan modification company, with  
19 PASCAL as its Chief Operating Officer.

20 4. PASCAL presently has license rights under the Real Estate Law, Part 1 of  
21 Division 4 of the Code, as a real estate salesperson. On September 12, 2009, PASCAL’s license  
22 was suspended for failure to satisfy his education requirements under Code Section 10153.4.

23 5. At the times set forth below HRC, BME, PLA and PASCAL solicited  
24 borrowers and negotiated to do one or more of the following acts for another or others, for or in  
25 expectation of compensation: engaged in the business of, acted in the capacity of, or advertised a  
26 loan modification and negotiation service and advance fee brokerage with respect to loans which

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1 were secured by liens on real property for compensation or in expectation of compensation and  
2 for fees collected in advance of the transaction.

3 David P. Transaction

4 6. In or about June 2009, David P. received a solicitation in the mail from BME  
5 which offered loan modification services. David P. contacted BME and was asked to pay  
6 advance fees of \$3,496 to HRC in order to receive loan modification services. David P. made  
7 four payments to HRC between June 22, 2009 and September 22, 2009, for a total of \$3,496.  
8 Neither BME nor HRC ever obtained a loan modification for David P. On March 2, 2010,  
9 David P. requested a Refund and Cancellation Agreement from PASCAL. The Agreement was  
10 sent on a PLA letterhead.

11 Ray and Elaine W. Transaction

12 7. On July 14, 2009, Ray and Elaine W. received a Refund and Cancellation  
13 Agreement from PASCAL and HRC. This agreement was for the refund of advance fees paid  
14 to BME by Ray and Elaine W. for a loan modification on their home. Ray and Elaine W.  
15 signed the Refund and Cancellation Agreement on July 15, 2009. As of April 6, 2010, Ray and  
16 Elaine W. had not received any refund from PASCAL, HRC or BME.

17 CONCLUSIONS OF LAW

18 8. Based on the information contained in Paragraphs 1 through 5, above, HRC  
19 BME, PLA and PASCAL violated Section 10130 of the Code by engaging in the activities  
20 described and set forth above without first obtaining a broker license from the Department.

21 DESIST AND REFRAIN ORDER

22 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated  
23 herein, it is hereby ordered that:

24 (A) HOME RESOLUTION COMPANY immediately desist and refrain from  
25 performing any acts within the State of California for which a real estate  
26 broker license is required, unless HRC is so licensed.

27 (B) BANK MODIFICATION EXPERTS immediately desist and refrain from

1 performing any acts within the State of California for which a real estate  
2 broker license is required, unless BME is so licensed.

3 (C) PREMIER LEGAL ADVOCATES immediately desist and refrain from  
4 performing any acts within the State of California for which a real estate  
5 broker license is required, unless PLA so licensed.

6 (D) BRIAN PASCAL immediately desist and refrain from performing any  
7 acts within the State of California for which a real estate broker license is  
8 required, unless PASCAL is so licensed.

9 IT IS FURTHER ORDERED THAT HOME RESOLUTION COMPANY,  
10 BANK MODIFICATION EXPERTS, PREMIER LEGAL ADVOCATES and BRIAN  
11 PASCAL immediately desist and refrain from:

- 12 1. Charging, demanding, claiming, collecting and/or receiving advance fees, as  
13 that term is defined in Section 10026 of the Code, in any form, and under any  
14 conditions, with respect to the performance of loan modification or any other  
15 form of mortgage loan forbearance services in connection with loans on  
16 residential property containing four or fewer dwelling units (Code Section  
17 10085.6).
- 18 2. Charging, demanding, claiming, collecting and/or receiving advance fees, as  
19 that term is defined in Section 10026 of the Code, for any other real estate  
20 related services offered by them to others, unless and until you demonstrate  
21 and provide evidence satisfactory to the Commissioner that you are properly  
22 licensed by the Department as a real estate broker and that you have  
23 (a) an advance fee agreement which has been submitted to the Department and  
24 which is in compliance with Section 10085 of the Code and Sections 2970  
25 (submission of advance fee materials) and 2972 (content of verified account)  
26 of the Regulations;  
27 (b) placed all previously collected advance fees into a trust account for that

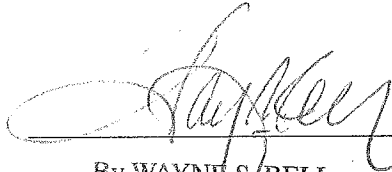
1 purpose and are in compliance with Section 10146 (deposit of advance fees  
2 into trust account) of the Code;

3 (c) provided an accounting to trust fund owner-beneficiaries pursuant to  
4 Section 2972 of the Regulations; and

5 (d) refunded to David P. and Ray and Elaine W. any and all advance fees paid  
6 by them in this matter.

7 DATED: August 24, 2010.

9 JEFF DAVI  
10 Real Estate Commissioner

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12 \_\_\_\_\_

13 By WAYNE S. BELL  
14 Chief Counsel

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

22 cc: HOME RESOLUTION COMPANY  
23 BRIAN PASCAL  
24 BANK MODIFICATION EXPERTS  
25 PREMIER LEGAL ADVOCATES

26 9753 Comanche Avenue  
27 Chatsworth, CA 91311

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Calabasas, CA 91310

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