

1 DEPARTMENT OF REAL ESTATE  
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FILED

JUN - 9 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 TO: ) NO. H-5406 SAC  
12 NATIONAL FINANCIAL )  
13 ASSISTANCE LLC, and ) ORDER TO DESIST AND REFRAIN  
14 E. HENRY. ) (B&P Code Section 10086)

15 The Real Estate Commissioner (Commissioner) of the California Department of  
16 Real Estate (Department) caused an investigation to be made of the activities of NATIONAL  
17 FINANCIAL ASSISTANCE LLC (NFA) and E. HENRY (HENRY). Based on the investigation,  
18 the Commissioner has determined that NFA and HENRY have engaged in, are engaging in, or  
19 were attempting to engage in, acts or practices constituting violations of the California  
20 Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of  
21 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising  
22 and/or soliciting or assuming to act as, a real estate broker in the State of California within the  
23 meaning of Section 10131(d) (performing services for borrowers in connection with loans  
24 secured by real property), 10026 (advance fees), 10085 (advance fee materials), and 10085.5  
25 (claiming/collecting/receiving advance fees) of the Code. Furthermore, based on the  
26 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
27 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.



1           2. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
2 NFA and HENRY, acting by themselves, or by and/or through one or more agents, associates,  
3 affiliates, and/or co-conspirators, or other names or fictitious names unknown at this time,  
4 entered into an advance fee agreement without first submitting advance fee materials for  
5 approval to the Department as required by Sections 10026 and 10085 of the Code.

6           3. Based on the Findings of Fact contained in Paragraphs 1 through 4, above,  
7 NFA and HENRY, acting by themselves, or by and/or through one or more agents, associates,  
8 affiliates, and/or co-conspirators, or other names or fictitious names unknown at this time,  
9 claimed, demanded, charged, and/or collected advance fees for performing activities for which  
10 a license is required, in violation of Section 10085.5 of the Code.

11                                   DESIST AND REFRAIN ORDER

12           Based upon the Findings of Fact and Conclusions of Law stated herein, it is  
13 hereby ordered that NATIONAL FINANCIAL ASSISTANCE LLC and E. HENRY whether  
14 doing business under their own names, or any other names, or any fictitious name, is HEREBY  
15 ORDERED to immediately desist and refrain from performing any acts within the State of  
16 California for which a real estate broker license is required, and in particular is ORDERED TO  
17 DESIST AND REFRAIN from:

18           1. soliciting borrowers and/or performing services for borrowers or lenders in  
19 connection with loans secured directly or collaterally by one or more liens on real property; and,

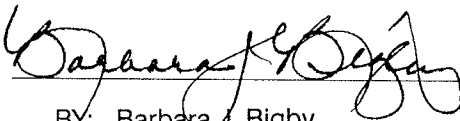
20           2. charging, demanding, claiming, collecting and/or receiving advance fees, as  
21 that term is defined in Section 10026 of the Code, for any real estate related service offered by  
22 them to others.

23           3. immediately desist and refrain from collecting advance fees, as that term in  
24 defined in Section 10026 of the Code, in any form and particularly with respect to loan  
25 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,  
26 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you  
27 have:

- 1 (i) an advance fee agreement which has been submitted to the Department  
2 and which is in compliance with Sections 2970 and 2972 of the Regulations;  
3 (ii) placed all previously collected advance fees into a trust account for that  
4 purpose and are in compliance with Section 10146 of the Code; and  
5 (iii) provided an accounting to trust fund owner-beneficiaries pursuant to  
6 Section 2972 of the Regulations.

7  
8 DATED: 6/1/10

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10 JEFF DAVI  
Real Estate Commissioner

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13 BY: Barbara J. Bigby  
14 Chief Deputy Commissioner

15 **Notice:** Business and Professions Code Section 10139 provides that, "Any person  
16 acting as a real estate broker or real estate salesperson without a license or who advertises using  
17 words indicating that he or she is a real estate broker without being so licensed shall be guilty of  
18 a 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  
23 cc: NATIONAL FINANCIAL ASSISTANCE LLC  
24 ATTN: Agent for Service of Process  
25 5701 4<sup>th</sup> Street, Suite 339  
Katy, TX 77493

26 E. HENRY  
27 5701 4<sup>th</sup> Street, Suite 339  
Katy, TX 77493