

FILED

APRIL 23, 2012

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

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: C.R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-38074 LA
)	
12 PACIFIC MORTGAGE RESOLUTIONS, INC.)	<u>ORDER TO DESIST</u>
13 STALLION LENDING, INC.)	<u>AND REFRAIN</u>
14 BRABUS FINANCIAL CORPORATION,)	
15 IRFAN NAZIR and)	(B&P Code Section 10086)
16 KEVIN CHRISTOPHER VALLE.)	
)	
)	

17 The Commissioner ("Commissioner") of the California Department of Real Estate
18 ("Department") caused an investigation to be made of the activities of PACIFIC MORTGAGE
19 RESOLUTIONS, INC., STALLION LENDING, INC., BRABUS FINANCIAL
20 CORPORATION, IRFAN NAZIR and KEVIN CHRISTOPHER VALLE (collectively
21 "Respondents"). Based on that investigation the Commissioner has determined that PACIFIC
22 MORTGAGE RESOLUTIONS, INC., STALLION LENDING, INC., BRABUS FINANCIAL
23 CORPORATION, IRFAN NAZIR and KEVIN CHRISTOPHER VALLE, have engaged in, are
24 engaging in, acts or practices constituting violations of the California Business and Professions
25 Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"),
26 including acting in the capacity of, advertising or assuming to act as real estate brokers in the
27 State of California within the meaning of Business and Professions Code Section 10131(d)

1 (solicit borrowers for or negotiate loans or perform services for borrowers in connection with
2 loans secured by liens on real property). Furthermore, based on that investigation, the
3 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
4 Refrain Order under the authority of Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. At no time mentioned herein has PACIFIC MORTGAGE RESOLUTIONS,
7 INC. ("PMRI") ever been licensed by the Department in any capacity.

8 2. PMRI is a corporation formed in California. IRFAN NAZIR ("NAZIR") is
9 currently President, Chief Executive Officer and a Director of PMRI. KEVIN CHRISTOPHER
10 VALLE ("VALLE") was the former President, Chief Executive Officer and Director of PMRI.

11 3. From January 23, 2008, through the present, STALLION LENDING, INC. has
12 been licensed as a real estate corporation acting by and through NAZIR as its designated broker-
13 officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the
14 Real Estate Law.

15 4. From May 5, 2003, through May 4, 2011, BRABUS FINANCIAL
16 CORPORATION ("BRABUS") was licensed as a real estate corporation. From May 5, 2007,
17 through May 26, 2009, BRABUS was acting by and through VALLE as its designated broker-
18 officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the
19 Real Estate Law. BRABUS' license expired on May 4, 2011. BRABUS has renewal rights
20 under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

21 5. From June 26, 2002, through the present, NAZIR has been licensed as a real
22 estate broker.

23 6. From November 16, 2002, through the present, VALLE has been licensed as a
24 real estate broker.

25 7. At all times herein mentioned, in the State of California, Respondents, while
26 using their own names or other fictitious business names, engaged in the business of a real estate
27 broker conducting activities requiring a real estate license within the meaning of Code Section
10131(d) (solicit borrowers for or negotiate loans or perform services for borrowers in

1 connection with loans secured by liens on real property).

2 8. On or about March 30, 2009, Respondents charged and collected an advance
3 fee of \$1,500 from Hector and Maria F. for performing services including, without limitation,
4 loan modification and negotiation services in connection with a loan secured by real property.
5 Respondents failed to perform the loan modification and negotiation services that had been
6 promised to Hector and Maria F.

7 9. On or about May 11, 2009, Respondents charged and collected an advance fee
8 of \$2,500 from Jesus P. for performing services including, without limitation, loan modification
9 and negotiation services in connection with a loan secured by real property. Respondents failed
10 to perform the loan modification and negotiation services that had been promised to Jesus P.

11 10. The advance fee materials and agreement used by Respondents had not been
12 approved by the Department prior to use as is required under Code Section 10085 and
13 Regulation 2970.

14 CONCLUSIONS OF LAW

15 11. Based on the information contained in Paragraphs 1 through 10, above, PMRI
16 violated Code Section 10130 by engaging in activities requiring a real estate license without first
17 obtaining a broker license from the Department.

18 12. Based on the information contained in Paragraphs 1 through 10, above,
19 STALLION LENDING, INC., BRABUS, NAZIR and VALLE violated Code Sections 10085 of
20 the Code and Regulation 2970 by failing to submit advance fee agreements and materials to the
21 Department of Real Estate prior charging and collecting advance fees from any person.

22 DESIST AND REFRAIN ORDER

23 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
24 herein, IT IS HEREBY ORDERED THAT PACIFIC MORTGAGE RESOLUTIONS, INC.
25 immediately desist and refrain from: performing any acts within the State of California for which
26 a real estate broker license is required, unless you are so licensed.
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1 IT IS FURTHER ORDERED THAT STALLION LENDING, INC., BRABUS
2 FINANCIAL CORPORATION, IRFAN NAZIR and KEVIN CHRISTOPHER VALLE, whether
3 doing business under their own names or any other fictitious names, ARE HEREBY ORDERED
4 TO:

5 1. Immediately desist and refrain from charging, demanding, claiming, collecting
6 and/or receiving advance fees, as that term is defined in Code Section 10026, in any form, and
7 under any conditions, with respect to the performance of loan modification or any other form of
8 mortgage loan forbearance services in connection with loan on residential property containing
9 four or fewer dwelling units (Code Section 10085.6).

10 2. Immediately desist and refrain from charging, demanding, claiming, collecting
11 and/or receiving advance fees, as that term is defined in Code Section 10026, for any of the other
12 real estate related services offered to others, unless and until STALLION LENDING, INC.,
13 BRABUS FINANCIAL CORPORATION, IRFAN NAZIR and KEVIN CHRISTOPHER
14 VALLE, and each of them, demonstrate and provide evidence satisfactory to the Commissioner
15 that each:

16 a. Has an advance fee agreement which has been submitted to the Department
17 and which is in compliance with Code Section 10085 and Regulation 2970;

18 b. Has placed all previously collected advance fees into a trust account for that
19 purpose and is in compliance with Code Section 10146; and

20 c. Has provided an accounting to trust fund owner-beneficiaries from whom
21 advance fees have previously been collected in compliance with Code Section 10146 and
22 Regulation 2972.

23 DATED: 3/12/12

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25 BARBARA J. BIGBY
26 Acting Real Estate Commissioner

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

cc: Pacific Mortgage Resolutions, Inc./Irfan Nazir/Kevin Christopher Valle
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