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FILED

AUG 6 2009

DEPARTMENT OF REAL ESTATE

By R. Henry

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 To:)
11) NO. H-5254 SAC
12 LOAN REVIEW, INC.,)
13 JOHN ALVIN BOHL III,) ORDER TO DESIST AND REFRAIN
14 CORY THOUREN, and) (B&P Code Section 10086)
RESOLUTION MORTGAGE GROUP)

15 The Commissioner (Commissioner) of the California Department of Real Estate
16 (Department) caused an investigation to be made of the activities of LOAN REVIEW, INC.,
17 (LRI), JOHN ALVIN BOHL III (BOHL), CORY THOUREN (THOUREN), and
18 RESOLUTION MORTGAGE GROUP (RMG). Based on that investigation, the Commissioner
19 has determined that LRI, BOHL, THOUREN, and RMG have engaged in, are engaging in, or
20 are attempting to engage in, acts or practices constituting violations of the California Business
21 and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations
22 (Regulations), including the business of, acting in the capacity of, and/or advertising or
23 assuming to act as, a real estate broker in the State of California within the meaning of Section
24 10131(d) (performing services for borrowers in connection with loans secured by real property)
25 of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the
26 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
27 authority of Section 10086 of the Code.

1 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection
2 with loans secured directly or collaterally by one or more liens on real property; and charge,
3 demand or collect an advance fee for any of the services offered.

4 GLASGOW TRANSACTION

5 6. On approximately January 26, 2009, THOUREN solicited Brian Glasgow
6 (Glasgow) in order to provide loan modification services to save Glasgow's home from being
7 lost in foreclosure. THOUREN, acting for or on behalf of LRI and/or RMG, requested an
8 advance fee of \$2,500 from Glasgow. Glasgow agreed to pay the sum of \$2,000 as an advance
9 fee. THOUREN accepted that negotiated amount on behalf of LRI and/or RMG, and asked
10 Glasgow to make his check(s) payable to RMG. THOUREN presented Glasgow with a nine
11 page document entitled "FEE AGREEMENT FOR RESEARCH AND ANALYSIS" and a four
12 page document entitled "ADVANCE FEE AGREEMENT", and asked Glasgow to give
13 THOUREN a check for \$2,000. In reliance on THOUREN's representations, on January 26,
14 2009, Glasgow delivered a check to THOUREN, payable to RMG, for \$1,000 as part payment
15 of the advance fee requested by THOUREN. On or about February 19, 2009, Glasgow
16 delivered a second check for \$1,000 payable to RMG as the final payment of the advance fee
17 requested by THOUREN.

18 7. In connection with the Glasgow transaction, LRI was not authorized by
19 the Department to collect an advance fee in excess of \$1,500.00; and was not authorized to
20 charge or collect an advance fee in any amount for or on behalf of RMG or any other entity or
21 individual.

22 8. In April 2009, Glasgow was contacted by Dan Schramm, a representative
23 of LRI and/or RMG, who requested that Glasgow submit duplicate copies of documents
24 Glasgow had already given to THOUREN. Glasgow provided the documents requested by
25 Schramm.

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2 9. In May 2009, Glasgow attempted to contact THOUREN and Schramm by
3 phone to find out about the progress of his loan modification. The phone numbers for both
4 THOUREN and Schramm were disconnected. Glasgow learned that LRI had abandoned its
5 business office at 1011 Sunset Blvd. #116, Rocklin, CA.

6 10. On approximately June 8, 2009, Glasgow called his lender, Wachovia
7 Bank, and inquired about the progress of his loan modification which Glasgow believed was
8 being pursued by LRI and/or RMG. Glasgow was told that Wachovia Bank would not agree to
9 modify Glasgow's loan through the efforts of LRI and/or RMG.

10 11. After speaking with a representative of Wachovia Bank, as mentioned
11 above, Glasgow was able to locate the office of LRI, which had been moved to 1430 Blue Oaks
12 Blvd. #250, Rocklin, CA, without notice to Glasgow. Glasgow went to LRI's office and spoke
13 with Jason Moulton (Moulton), who identified himself to Glasgow as the owner of LRI.
14 Glasgow demanded a refund of the \$2,000 he had paid to RMG for the services THOUREN,
15 LRI, and RMG had undertaken to perform, but failed to successfully complete. Glasgow was
16 ultimately given a refund of only \$1,000 by Moulton.

17 CONCLUSIONS OF LAW

18 Based on the findings of fact contained in paragraphs 1 through 11:

19 12. LRI, acting by and/or through one or more agents, associates, affiliates,
20 and/or co-conspirators, including, but not limited to THOUREN and RMG, and using the names
21 "Loan Review, Inc.", "Resolution Mortgage Group", or other names or fictitious names
22 unknown at this time, solicited borrowers and performed services for those borrowers and/or
23 those borrowers' lenders in connection with loans secured directly or collaterally by one or more
24 liens on real property, and charged, demanded or collected advance fees for the services to be
25 provided, which acts require a real estate broker license under Sections 10131(d) (real estate
26 license required for enumerated acts) and 10131.2 (real estate broker license required to charge
27 or collect an advance fee) of the Code.

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2 13. LRI, acting by and/or through one or more agents, associates, affiliates,
3 and/or co-conspirators, including, but not limited to THOUREN and RMG, and using the names
4 "Loan Review, Inc.", "Resolution Mortgage Group", or other names or fictitious names
5 unknown at this time, did the following acts with reference to the Glasgow transaction:

- 6 (a) Employed and compensated THOUREN and RMG to solicit one or more
7 borrowers to provide services to those borrowers in connection with loans
8 secured by liens on real property at a time when neither THOUREN nor
9 RMG were licensed by the Department in any capacity, in violation of
10 Section 10137 (employing and/or compensating unlicensed persons) of
11 the Code;
- 12 (b) Used a form of advance fee agreement in the name of RMG in the
13 Glasgow transaction which had not been provided to the Department for
14 its prior review and consideration, in violation of Section 10085 of the
15 Code (prior submission of advance fee materials required) and Section
16 2970 (details for prior submission of advance fee materials) of the
17 Regulations; and
- 18 (c) Failed to reimburse Glasgow the money he paid to RMG when a
19 satisfactory loan modification was not obtained, in violation of Section
20 10176(a) (substantial misrepresentation) and (i) (fraud or dishonest
21 dealing), or 10177(g) (negligence) of the Code.

22 14. BOHL, as the designated officer of LRI and pursuant to Section 10159.2
23 of the Code, was charged with the responsibility to supervise the activities of the officers,
24 agents, real estate licensees, and employees of LRI for which a license is required. By allowing
25 the violations on the part of LRI to occur, as set out herein, BOHL violated Sections 10159.2
26 (supervisory responsibility of corporate designated officer) and 10177(d) (violation of
27 provisions of the Real Estate Law) of the Code.

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2 15. THOUREN solicited borrowers and performed services for those
3 borrowers, including Glasgow, and/or those borrowers' lenders in connection with loans secured
4 directly or collaterally by one or more liens on real property, and charged, demanded and/or
5 collected advance fees for the services to be provided, during a period of time when THOUREN
6 was not licensed by the Department as a real estate broker, in violation of Sections 10130 (real
7 estate broker license required for certain acts), 10131.2 (real estate broker license required to
8 charge or collect an advance fee), and 10139 (criminal penalties for unlicensed acts) of the
9 Code.

10 16. RMG, acting by or through LRI and/or THOUREN, solicited borrowers
11 and performed services for those borrowers, including Glasgow, and/or those borrowers' lenders
12 in connection with loans secured directly or collaterally by one or more liens on real property,
13 and charged, demanded and/or collected advance fees for the services to be provided, during a
14 period of time when neither RMG nor THOUREN were licensed by the Department as a real
15 estate broker, in violation of Sections 10130 (real estate broker license required for certain
16 acts), 10131.2 (real estate broker license required to charge or collect an advance fee), and
17 10139 (criminal penalties for unlicensed acts) of the Code.

18 17. LRI and BOHL employed and/or compensated THOUREN and/or RMG
19 for soliciting borrowers and performing services for those borrowers, including Glasgow, and/or
20 those borrowers' lenders in connection with loans secured directly or collaterally by one or more
21 liens on real property, and charging, demanding and/or collecting advance fees for the services
22 to be provided, during a period of time when neither RMG nor THOUREN were licensed by the
23 Department as a real estate broker, in violation of Section 10137 (employed or compensated
24 unlicensed person to perform licensed acts) of the Code.

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2 DESIST AND REFRAIN ORDER

3 Based on the Findings of Fact and Conclusions of Law stated herein,

4 A. LOAN REVIEW, INC., and JOHN ALVIN BOHL III, whether doing
5 business under your own names, or any other names or fictitious names, ARE HEREBY
6 ORDERED TO IMMEDIATELY DESIST AND REFRAIN FROM:

7 1. Employing and/or compensating any person or entity for performing any
8 acts within the State of California for which a real estate broker license is required unless and
9 until that person or entity is properly licensed by the Department to you, or either of you, as an
10 individual or corporate real estate broker;

11 2. Charging, demanding, or collecting an advance fee, as that term in
12 defined in Section 10026 (definition of "advance fee") of the Code, for any of the services you
13 offer to others, unless and until you provide evidence satisfactory to the Commissioner that you
14 are in full compliance with all of the requirements of the Code and Regulations relating to
15 charging, collecting, and accounting for advance fees.

16 3. Charging, demanding, or collecting advance fees, as that term in defined
17 in Section 10026 of the Code, in any form and particularly with respect to loan modification,
18 loan refinance, principal reduction, foreclosure abatement or short sale services, unless and until
19 you demonstrate and provide evidence satisfactory to the Commissioner that you:

20 (i) Are using an advance fee agreement which has been submitted to the
21 Department and which is in compliance with Sections 2970 (details for
22 prior submission of advance fee materials) and 2972 (advance fee
23 accounting content requirements) of the Regulations;

24 (ii) Have placed all previously collected advance fees into a trust account for
25 that purpose and are in compliance with Section 10146 (advance fees
26 must be deposited in broker trust account) of the Code; and

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2 (iii) Have provided an accounting to trust fund owner-beneficiaries pursuant
3 to Section 2972 (advance fee accounting content requirements) of the
4 Regulations.

5 B. CORY THOUREN, and RESOLUTION MORTGAGE GROUP, whether
6 doing business under your own names, or any other names or fictitious names, ARE HEREBY
7 ORDERED TO IMMEDIATELY DESIST AND REFRAIN FROM:

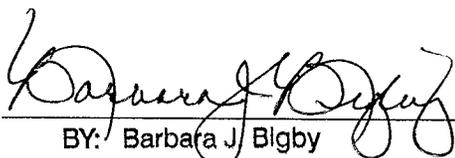
8 1. Performing any acts within the State of California for which a real estate
9 broker license is required. In particular, you are ordered to desist and refrain from:

10 (i) Soliciting borrowers and/or performing services for borrowers or lenders
11 in connection with loans secured directly or collaterally by one or more
12 liens on real property, and

13 (ii) From charging, demanding, or collecting an advance fee for any of the
14 services you offer to others, unless and until you obtain a real estate
15 broker license issued by the Department, and until you demonstrate and
16 provide evidence satisfactory to the Commissioner that you are in full
17 compliance with all of the requirements of the Code and Regulations
18 relating to charging, collecting, and accounting for advance fees.

19 DATED: 7-30-09

20 JEFF DAVI
21 Real Estate Commissioner

22
23 By 
24 BY: Barbara J. Bigby
Chief Deputy Commissioner

25 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
26 real estate broker or real estate salesperson without a license or who advertises using words
27 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

1 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
(\$60,000).”

2 cc: Loan Review, Inc.
3 1430 Blue Oaks Blvd., # 250
4 Rocklin, CA 95765

5 John Alvin Bohl III
6 1430 Blue Oaks Blvd., # 250
7 Rocklin, CA 95765

8 Cory Thouren
9 8129 Falcon View Drive
10 Antelope, CA 95843

11 Resolution Mortgage Group
12 151 North Sunrise Ave., # 1008
13 Roseville, CA 95661
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