

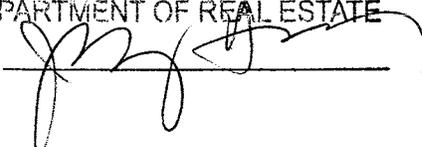
1 Department of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

FILED

3 (213) 576-6982

AUG 17 2012

DEPARTMENT OF REAL ESTATE

BY: 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 To:

No. H-38346 LA

12 IMMACULIT CONCEPTS, LLC dba)
13 HOME START SERVICES and)
14 CONSOLIDATED FINANCIAL)
15 SOLUTIONS; and IAN PLYMESSER)
_____)

ORDER TO DESIST
AND REFRAIN
(B&P Section 10086)

16
17 The Commissioner ("Commissioner") of the California
18 Department of Real Estate ("Department") caused an investigation
19 to be made of the activities of IMMACULIT CONCEPTS, LLC
20 ("IMMACULIT CONCEPTS"), doing business as HOME START SERVICES
21 ("HOME START") and as CONSOLIDATED FINANCIAL SOLUTIONS
22 ("CONSOLIDATED"), and IAN PLYMESSER ("PLYMESSER") and has
23 determined that each has engaged in or are engaging in acts or
24 practices constituting violations of the California Business and
25 Professions Code ("Code") including engaging in the business of,
26 acting in the capacity of, advertising, or assuming to act, as
27 real estate brokers in the State of California within the meaning

1 of Section 10131(d) (soliciting borrowers or lenders or
2 negotiating loans) and Section 10131.2 (claiming advance fees in
3 connection with a loan) of the Code. Based on the findings of
4 that investigation, as set forth below, the Commissioner hereby
5 issues the following Findings of Fact and Desist and Refrain
6 Order pursuant to Section 10086 of the Code.

7 FINDINGS OF FACT

8 1. At no time herein mentioned has IMMACULIT
9 CONCEPTS; HOME START; CONSOLIDATED or PLYMESSER been licensed by
10 the Department in any capacity.

11 2. Including but not limited to the time set forth
12 below, IMMACULIT CONCEPTS, doing business as HOME START and as
13 CONSOLIDATED, and PLYMESSER engaged in the business of, acted in
14 the capacity of, or advertised a loan solicitation, negotiation
15 and modification service and advance fee brokerage offering to
16 perform and performing loan solicitation, negotiation and
17 modification services with respect to loans which were secured
18 by liens on real property for compensation or in expectation of
19 compensation and for fees often collected in advance as well as
20 at the conclusion of the transaction:

21 a. On or about March 12, 2009, Thomas D. paid an
22 advance fee of \$1,419.30 by a check made payable to HOME START
23 on behalf of IMMACULIT CONCEPTS and PLYMESSER. The advance fee
24 was collected pursuant to an agreement pertaining to loan
25 solicitation, negotiation, and modification services to be
26 provided with respect to a loan secured by the real property at
27

1 138 Morton Avenue, South Plainfield, New Jersey 07080.

2 b. On or about January 2, 2010, Sandra Marie M. paid
3 an initial advance fee of \$595, and then subsequently made
4 payments of \$585 and \$1,200 by checks made payable to HOME START
5 on behalf of IMMACULIT CONCEPTS and PLYMESSER. The advance fees
6 were collected pursuant to an agreement pertaining to loan
7 solicitation, negotiation, and modification services to be
8 provided with respect to a loan secured by the real property at
9 50 Forest Avenue, Shirley, New York 11967.

10 c. On or about July 21, 2010, Susan T-D paid two
11 advance fees of \$4,703.10 each by a check made payable to
12 CONSOLIDATED and another check made payable to HOME START. Both
13 advance fees were paid for the benefit of IMMACULIT CONCEPTS and
14 PLYMESSER. The advance fees were collected pursuant to an
15 agreement pertaining to loan solicitation, negotiation, and
16 modification services to be provided with respect to a loan
17 secured by the real property at 90 Old York Road, Ringoes, New
18 Jersey 08889.

19
20 CONCLUSIONS OF LAW

21 3. Based on the information contained in Paragraph
22 2, above, IMMACULIT CONCEPTS and PLYMESSER have performed and/or
23 participated in advance fee handling and loan solicitation,
24 negotiation and modification activities which require a license
25 under the provision of Code Sections 10131(d) and 10131.2 during
26 a period of time when neither of them were licensed by the
27 Department in any capacity, in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

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2 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
3 stated herein, it is hereby ordered that IMMACULIT CONCEPTS and
4 IAN PLYMESSER, whether doing business as HOME START SERVICES or
5 as CONSOLIDATED FINANCIAL SOLUTIONS or under their own names, or
6 any other names, or any other fictitious name, ARE HEREBY
7 ORDERED to immediately desist and refrain from performing any
8 acts within the State of California for which a real estate
9 broker license is required. In particular each of them is
10 ORDERED TO DESIST AND REFRAIN from:

11 1. charging, demanding, claiming, collecting and/or
12 receiving advance fees, as that term is defined in Section 10026
13 of the Code, in any form, and under any conditions, with respect
14 to the performance of loan modifications or any other form of
15 mortgage loan forbearance service in connection with loans on
16 residential property containing four or fewer dwelling units
17 (Code Section 10085.6); and
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Immaculit Concepts, LLC
164-1/2 E. 19th Street
Costa Mesa, California 92660

Immaculit Concepts, LLC
2222 Michelson Drive, Ste. 502
Irvine, California 92612

Ian Plymesser
164-1/2 E. 19th Street
Costa Mesa, California 92627

Ian Plymesser
4533 MacArthur Boulevard, Ste. 178
Newport Beach, California 92660