

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED
SEP - 2 2009
DEPARTMENT OF REAL ESTATE

By *C. J.*

5
6
7
8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE
10

11 To:)
12) NO. H-36107 LA
13 SCOTT THERIAULT and ROBERT ALLEN)
14 dba Wespac Solutions, LLC, and/or any other names) AMENDED
15 or fictitious names used by SCOTT THERIAULT) ORDER TO DESIST
16 and ROBERT ALLEN.) AND REFRAIN
17) (B&P Code Section 10086)
18)

19 This Amended Desist and Refrain Order amends the Desist and Refrain Order
20 filed on July 14, 2009. The Commissioner (Commissioner) of the California Department of Real
21 Estate (Department) caused an investigation to be made of the activities of SCOTT
22 THERIAULT (THERIAULT) and ROBERT ALLEN (ALLEN). Based on that investigation,
23 the Commissioner has determined that THERIAULT and ALLEN have engaged in, are engaging
24 in, and/or are attempting to engage in, acts or practices constituting violations of the California
25 Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of
26 Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising
27 or assuming to act as, a real estate broker in the State of California within the meaning of Section
10131(d) (performing services for borrowers in connection with loans secured by real property)
of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the

1 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
2 authority of Section 10086 of the Code.

3 Whenever acts referred to below are attributed to Wespac Solutions, L.L.C., those
4 acts are alleged to have been done by THERIAULT and/or ALLEN, acting by themselves, or by
5 and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the
6 name "Wespac Solutions, LLC" or other names or fictitious names unknown at this time.

7 FINDINGS OF FACT

8 1. THERIAULT is not now, and has never been, licensed by the Department in
9 any capacity.

10 2. ALLEN is not now, and has never been, licensed by the Department in any
11 capacity.

12 3. At all times herein mentioned, Wespac Solutions, LLC. is and was a California
13 corporation. THERIAULT and ALLEN are officers, managers and/or members of Wespac
14 Solutions, L.L.C.

15 4. Wespac Solutions, LLC. is not now, and has never been, a licensed entity with
16 the Department of Real Estate.

17 5. For an unknown period of time beginning in or around August, 2008, and
18 continuing to April 13, 2009, Wespac Solutions, L.L.C., solicited borrowers and negotiated to do
19 one or more of the following acts for another or others, for or in expectation of compensation:
20 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection
21 with loans secured directly or collaterally by one or more liens on real property; and charge,
22 demand or collect an advance fee for any of the services offered.

23 6. For an unknown period of time beginning in or around August, 2008, and
24 continuing to April 13, 2009, THERIAULT and/or ALLEN advertised, and continue(s) to
25 advertise, their services under one or more business names including, but not limited to,
26 "Wespac Solutions, LLC" in various print and electronic media, including a website located at
27

1 <http://www.wespacsolutions.com>. Those advertisements solicited borrowers offering
2 loan modification services.

3 CONCLUSIONS OF LAW

4 7. Based on the findings of fact contained in paragraphs 1 through 5,
5 THERIAULT and ALLEN, acting by themselves, or by and/or through one or more agents,
6 associates, affiliates, and/or co-conspirators, and using the name "Wespac Solutions, LLC", or
7 other names or fictitious names unknown at this time, solicited borrowers and/or performed
8 services for those borrowers and/or those borrowers' lenders in connection with loans secured
9 directly or collaterally by one or more liens on real property, and charged, demanded or collected
10 advance fees for the services to be provided, which acts require a real estate broker license under
11 Sections 10131(d) and 10131.2 of the Code, during a period of time when THERIAULT and
12 ALLEN were not licensed by the Department as a real estate broker, in violation of Section
13 10130 of the Code.

14 DESIST AND REFRAIN ORDER

15 Based on the Findings of Fact and Conclusions of Law stated herein, you, SCOTT
16 THERIAULT and ROBERT ALLEN, whether doing business under your own names, or any
17 other names or fictitious names, ARE HEREBY ORDERED to

18 1. immediately desist and refrain from performing any acts within the State of
19 California for which a real estate broker license is required. In particular, you are ordered to
20 desist and refrain from:

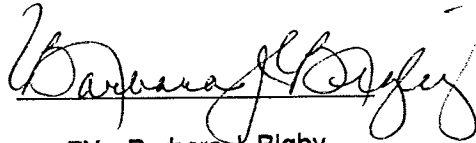
- 21 (i) soliciting borrowers and/or performing services for borrowers or lenders in
22 connection with loans secured directly or collaterally by one or more liens on real property, and
23 (ii) from charging, demanding, or collecting an advance fee for any of the
24 services you offer to others, unless and until you obtain a real estate broker license issued by the
25 Department, and until you demonstrate and provide evidence satisfactory to the Commissioner
26 that you are in full compliance with all of the requirements of the Code and Regulations relating

27 ///

1 to charging, collecting, and accounting for advance fees.

2 DATED: 8/27 2009

3 JEFF DAVI
4 Real Estate Commissioner

5 

6 BY: Barbara J. Bigby
7 Chief Deputy Commissioner

8
9 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
10 real estate broker or real estate salesperson without a license or who advertises using words
11 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
12 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
13 imprisonment in the county jail for a term not to exceed six months, or by both fine and
14 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
15 (\$60,000)."

16 cc: Wespac Solutions, LLC/ Scott Theriault/Robert Allen
17 23022 La Cadena, Suite 206
18 Laguna Hills, CA 92653

19 Scott Theriault
20 11 Escapade Court
21 Newport Beach, CA 92663

22 Robert Allen
23 20941 Paseo Nogal
24 Lake Forest, CA 92630

25 Robert N. Phan, Esq.
26 17011 Beach Blvd., Suite 540
27 Huntington Beach, CA 92647