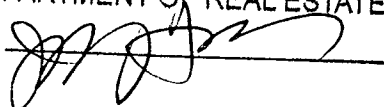


1 Department of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

3 Telephone: (213) 576-6982

FILED

SEP 15 2009

DEPARTMENT OF REAL ESTATE
BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 To:)	No. H-36240 LA
)	
12 NIVI INC., and doing busi-)	
13 ness as Loan Mods Plus; and)	
14 VINCENT DOMINIC BINDI,)	<u>ORDER TO DESIST</u>
15 individually, and as)	<u>AND REFRAIN</u>
16 designated broker officer)	(B&P Code Section 10086)
17 for NIVI Inc.)	
)	

17 The Commissioner ("Commissioner") of the California
18 Department of Real Estate ("Department") caused an investigation
19 to be made of the activities of NIVI INC. ("NIVI"), and doing
20 business as Loan Mods Plus, and VINCENT DOMINIC BINDI ("BINDI").
21 Based on that investigation the Commissioner has determined that
22 NIVI and BINDI have engaged in or are engaging in activities,
23 including engaging in the business of claiming, demanding,
24 charging, receiving, collecting or contracting for the collection
25 of an advance fee in connection with employment undertaken to
26 promote the sale or lease of real property or to obtain a loan or
27

1 loans on real property, and including the performance of loan
2 negotiation and loan modification services with respect to loans
3 which are secured by liens on real property, all within the
4 meaning of California Business and Professions Code ("Code")
5 Section 10131.2. In connection with said activities, the
6 Commissioner has determined that NIVI and BINDI have engaged in
7 activities which constitute violations of the Code and Title 10,
8 California Code of Regulations ("Regulations"). Based on the
9 investigation, the Commissioner hereby issues the following
10 Findings of Fact, Conclusions of Law, and Desist and Refrain
11 Order under the authority of Section 10086 of the Code.

12 FINDINGS OF FACT

13 1. NIVI is presently licensed and/or has license
14 rights under the Real Estate Law (Part I of Division 4 of the
15 Code) as a real estate corporation.

16 2. BINDI is presently licensed and/or has license
17 rights under the Real Estate Law as a real estate broker, and is
18 the designated broker officer for NIVI.

19 3. Whenever acts referred to below are attributed to
20 NIVI, those acts are alleged to have been done by NIVI, acting by
21 itself, or by and/or through one or more agents, associates,
22 affiliates, and/or co-conspirators, including but not limited to
23 BINDI, and using the name Loan Mods Plus or any fictitious name
24 unknown at this time.

25 4. NIVI and BINDI engaged in the business of claiming,
26 demanding, charging, receiving, collecting or contracting for the
27

1 collection of an advance fee, as defined by Code Section 10026,
2 including but not limited to the activities described in
3 Paragraph 5, below.

4 5. On or about December 18, 2008, NIVI and BINDI, using
5 the fictitious business name "Loan Mods Plus," entered into a
6 written agreement with Heather Hernandez ("Hernandez") pertaining
7 to loan negotiation and modification services to be provided by
8 NIVI with respect to a loan secured by the real property located
9 at 1740 Sunshine Drive, Concord, California 94520 in exchange for
10 the payment of an advance fee. On or about December 31, 2008,
11 Hernandez paid NIVI and BINDI an advance fee of \$2,950.

12 6. NIVI and BINDI collected the advance fee described
13 in Paragraph 5, above, pursuant to the provisions of a written
14 agreement titled "Loan Modification Research & Analysis
15 Agreement."

16 7. NIVI and BINDI failed to submit the advance fee
17 agreement referred to in Paragraphs 5 and 6, above, to the
18 Commissioner ten days before using it.
19

20 CONCLUSIONS OF LAW

21 8. Based on the information contained in Paragraphs 5
22 and 6, above, the written agreement constitutes an advance fee
23 agreement within the meaning of Code Section 10085.

24 9. Based on the information contained in Paragraphs 5,
25 6 and 7, above, the failure by NIVI and BINDI to submit the
26 advance fee agreement to the Commissioner ten days before using
27 it constitutes a violation of Code Section 10085 and Section

1 2970 of the Regulations.

2 DESIST AND REFRAIN ORDER

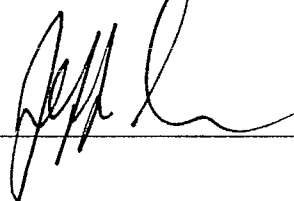
3 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW
4 stated herein, it is hereby ordered that NIVI INC. and VINCENT
5 DOMINIC BINDI immediately desist and refrain from collecting
6 advance fees, as that term is defined in Section 10026 of the
7 Code, in any form and particularly with respect to loan
8 modification, loan negotiation, loan refinance, principal
9 reduction, foreclosure abatement or short sale
10 services, unless and until NIVI INC. and VINCENT DOMINIC BINDI
11 demonstrate and provide evidence satisfactory that they have done
12 the following:

13 (i) submitted an advance fee agreement to the
14 Commissioner in compliance with Code Section 10085 and Section
15 2970 of the Regulations; and

16 (ii) are in full compliance with all the requirements
17 of the Code and Regulations relating to charging, collecting and
18 accounting for advance fees.
19

20 DATED: 9-9, 2009.

21
22 JEFF DAVI
23 Real Estate Commissioner

24 
25 _____

26 cc: Nivi Inc.
27 23441 South Pointe Drive, Suite 190
Laguna Hills, California 92653