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1 Department of Real Estate
2 320 West Fourth St. #350
3 Los Angeles, CA 90013

MAR 08 2012

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: *Justine Valencia*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37956 LA
12 MBM GROUP LLC and)	
13 MICHAEL BRENDAN MC CONVILLE.)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	(B&P Code Section 10086)
)	

15 The Real Estate Commissioner of the State of California ("Commissioner") has
16 caused an investigation to be made of the activities of MBM GROUP LLC and MICHAEL
17 BRENDAN MC CONVILLE. Based on that investigation, the Commissioner has determined
18 that MBM GROUP LLC and MICHAEL BRENDAN MC CONVILLE have engaged in, are
19 engaging in, or are attempting to engage in, acts or practices constituting violations of the
20 California Business and Professions Code ("Code"), including acting in the capacity of,
21 advertising and/or assuming to act as real estate brokers in the State of California within the
22 meaning of Code Sections 10131(d) (advertising, soliciting borrowers for, and offering to
23 perform loan modification services for distressed homeowners) and 10131.2 (collecting advance
24 fees in connection with those services). Based on that investigation, the Commissioner hereby
25 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under
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1 the authority of Section 10086 of the Code.

2 FINDINGS OF FACT

3 1. MBM GROUP LLC, also doing business as Loan Modification Group, and
4 doing business as www.changemyloan.org ("MBM GROUP") is a not now and has never been
5 licensed by the Department of Real Estate ("Department") in any capacity. MICHAEL
6 BRENDAN MC CONVILLE is the President of MBM GROUP.

7 2. MICHAEL BRENDAN MC CONVILLE ("MC CONVILLE") is not now and
8 has never been licensed by the Department in any capacity.

9 3. All further references to MBM GROUP and/or MC CONVILLE include acts
10 done by MBM GROUP and/or MC CONVILLE, or by one or more their employees, agents,
11 associates, affiliates and/or co-conspirators.

12 4. Beginning at a time on or before February 23, 2009, MBM GROUP and MC
13 CONVILLE advertised, solicited and offered loan modification services to consumers in
14 California, and collected advance fees for those services. The loan modification services offered
15 included negotiating with lenders on behalf of borrowers to refinance or modify the terms of
16 mortgage loans, and to prevent foreclosure.

17 5. On or about February 23, 2009, MBM GROUP, through one or more
18 employees, agents or affiliates, solicited consumer Leopoldo and Libier O. and offered to
19 provide loan modification services in exchange for payment of an up front fee. On February 23,
20 2009, Leopoldo and Libier O. paid MBM GROUP \$1,500.00 with check number 2308, which
21 was mailed to MBM GROUP at P.O. Box 630151, Simi Valley, CA 93063. On March 31, 2009,
22 Leopoldo and Libier O. paid an additional \$1,500.00 with check number 2425. These checks
23 were deposited into Wells Fargo Bank Account number XXX-XXX1348. MBM GROUP did
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1 not perform any loan modification services and refused to refund or account for Leopoldo and
2 Libier O.'s money, despite several requests.

3 6. Beginning at a time prior to May 4, 2009, MBM GROUP, then doing business
4 as Loan Modification Group, and www.changemyloan.org, solicited consumer Neil L. and
5 offered to provide loan modification services in exchange for payment of up front fees. On May
6 4, 2009, Neil L. entered into an agreement pursuant to which MBM GROUP, and/or its affiliates,
7 agreed to provide loan modification services and guaranteed a 100% refund of fees if no
8 modification or restructure were obtained within 120 days. Neil L. paid MBM GROUP a total of
9 \$2,600.00 with checks which were sent to MBM GROUP at 11856 Balboa Blvd., Ste. 203,
10 Granada Hills, CA 91344. MBM GROUP and/or its affiliates did not obtain a modification for
11 Neil L. and refused to refund his money to him.
12

13 7. Between March 20, 2009 and August 25, 2010, the Better Business Bureau of
14 the Southland ("BBB") received in excess of 45 complaints from consumers who paid MBM
15 GROUP, MC CONVILLE, and/or one of their related fictitious business entities, up front fees
16 for loan modification services which were never provided. These individuals complained to the
17 BBB when demands for refunds were refused or ignored.
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19 8. At the time that they collected money up front for loan modification services,
20 neither MBM GROUP nor MC CONVILLE was licensed by the Department in any capacity.
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22 CONCLUSIONS OF LAW

23 The conduct, acts and/or omissions of MBM GROUP LLC and MICHAEL
24 BRENDAN MC CONVILLE, as set forth in the Findings of Fact above, when not licensed by
25 the Department as real estate brokers or as salespersons employed by a real estate broker
26 licensed by the Department, was in violation of Code Section 10130.
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DESIST AND REFRAIN ORDER

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2 Based on the Findings of Fact and Conclusions of Law stated herein, you,
3 MBM GROUP LLC and MICHAEL BRENDAN MC CONVILLE, whether doing business
4 under your own names, or any other names, or fictitious names, ARE HEREBY ORDERED to
5 immediately desist and refrain from engaging in activities requiring a real estate broker license,
6 including:

7 (i) charging, demanding, claiming, collecting and/or receiving advance fees, as
8 that term is defined in Section 10026 of the Code, in any form, and under any conditions, with
9 respect to the performance of loan modifications or any other form of mortgage loan forbearance
10 service in connection with loans on residential property containing four or fewer dwelling units;
11 and
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13 (ii) charging, demanding, or collecting a fee for any of the services you offer to
14 others, unless and until you obtain a real estate broker license issued by the Department, and
15 until you demonstrate and provide evidence satisfactory to the Commissioner that you are in full
16 compliance with all of the requirements of the Code and Commissioner's Regulations relating to
17 charging, collecting, and accounting for fees.
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20 DATED: 1/9/12,
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22 BARBARA J. BIGBY
23 Acting Real Estate Commissioner

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1 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 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).”

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6
7 cc: MBM GROUP LLC
2030 Main St., Suite 1030
8 Irvine, CA 92614-7254

9 MBM GROUP LLC
11856 Balboa Blvd.
10 Granada Hills, CA 91344

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14 Michael Brendan Mc Conville
15 3728 Prairie Ridge Ct.
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