

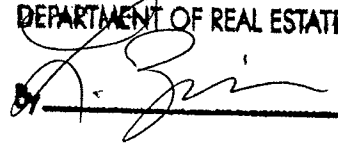
1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

JUN 30 2009

DEPARTMENT OF REAL ESTATE



8 BEFORE THE STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 * * *

11 To:

12)
13) JOSEPH CELASCHI,
14) TANYA VINSON,
15) MICHAEL ESPOSITO, and
16) MEAGHAN FOLEY, dba
17) BMS Debt Management, Inc.,
18) BILLSMADESIMPLE.COM and/or
19) any other names or fictitious names.
20)
21)
22)

NO. H-3984 SD

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

23 The Commissioner (Commissioner) of the California Department of Real Estate
24 (Department) caused an investigation to be made of the activities of JOSEPH CELASCHI
25 (CELASCHI), TANYA VINSON (VINSON), MICHAEL ESPOSITO (ESPOSITO), and
26 MEAGHAN FOLEY (FOLEY) doing business as BMS DEBT MANAGEMENT (BMS) and/or
27 BILLSMADESIMPLE.COM (BMS.COM). Based on that investigation, the Commissioner has
determined that CELASCHI, VINSON, ESPOSITO, and FOLEY have engaged in acts or
practices constituting violations of the California Business and Professions Code (Code),
including Section 10130 (engaging in the business of advertising or assuming to act as a real
estate broker without first obtaining a real estate license) and/or Title 10, Chapter 6, California

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1 Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or
2 advertising or assuming to act as, a real estate broker in the State of California within the
3 meaning of Section 10131(d) (performing services for borrowers in connection with loans
4 secured by real property) of the Code. Furthermore, based on the investigation, the
5 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
6 and Refrain Order under the authority of Section 10086 of the Code.

7 Whenever acts referred to below are attributed to CELASCHI, those acts are
8 alleged to have been done by CELASCHI, acting by himself, or by and/or through one or more
9 agents, associates, affiliates, and/or co-conspirators, and using the names BMS Debt
10 Management, Inc., BillsMadeSimple.com or other names or fictitious names unknown at this
11 time.

12 FINDINGS OF FACT

13 1. At no time herein mentioned has CELASCHI, VINSON, ESPOSITO,
14 FOLEY, BMS, or BMS.COM been licensed by the Department in any capacity.

15 2. During the period of time set out below, CELASCHI, VINSON,
16 ESPOSITO, FOLEY, BMS, and/or BMS.COM solicited consumers and offered to provide loan
17 modification services to consumers under the dba of BMS Debt Management in exchange for an
18 advance fee.

19 3. For an unknown period of time beginning no later than March 2008, and
20 continuing to the present time, CELASCHI (and/or VINSON, ESPOSITO, FOLEY, and/or
21 others) advertised his services under one or more business names including, but not limited to,
22 "BMS Debt Management, Inc." in various print and electronic media, including a website located
23 at **http://www.billsmadesimple.com**. Those advertisements solicited borrowers offering
24 loan modification services.

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1 JENNIFER TYRIE'S TRANSACTION

2 4. On or about March 2008, CELASCHI solicited Jennifer Tyrie (TYRIE) in
3 order to provide loan modification services to negotiate her home loan.

4 5. In furtherance of CELASCHI's plan and scheme to provide loan
5 modification services to Tyrie, CELASCHI requested an advance fee of \$3,940 from Tyrie.

6 6. After Tyrie delivered the check mentioned above to CELASCHI, loan
7 modification services were not successful.

8 7. In early August 2008, Tyrie requested a refund and was told she would
9 receive a check for \$3,940 in the mail. In late August 2008, Tyrie was told the money would be
10 re-deposited into her account. After this communication, there were no further communications
11 or services of any type from CELASCHI, or from anyone connected in any way with BMS Debt
12 Management, Inc. or BMS.COM. Tyrie never received a refund.

13 CONCLUSIONS OF LAW

14 8. Based on the findings of fact contained in paragraphs 1 through 7,
15 CELASCHI, acting by himself, or by and/or through one or more agents, associates, affiliates,
16 and/or co-conspirators, including, but not limited to VINSON, ESPOSITO, and FOLEY, and
17 using the name "BMS Debt Management, Inc.," or other names or fictitious names unknown at
18 this time, solicited borrowers and performed services for those borrowers and/or those borrowers'
19 lenders in connection with loans secured directly or collaterally by one or more liens on real
20 property, and charged, demanded or collected advance fees for the services to be provided,
21 which acts require a real estate broker license under Sections 10130, 10131(d) and 10131.2 of
22 the Code, during a period of time when CELASCHI, VINSON, ESPOSITO, and FOLEY were
23 not licensed by the Department as real estate brokers.

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1 DESIST AND REFRAIN ORDER

2 Based on the Findings of Fact and Conclusions of Law stated herein, you,
3 JOSEPH CELASCHI, TANYA VINSON, MICHAEL ESPOSITO, and
4 MEAGHAN FOLEY, whether doing business under your own names, or any other names or
5 fictitious names, ARE HEREBY ORDERED to

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

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

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

17 2. Immediately desist and refrain from collecting advance fees, as that term
18 is defined in Section 10026 of the Code, in any form and particularly with respect to loan
19 modification, loan refinance, principal reduction, foreclosure abatement or short sale services,
20 unless and until you demonstrate and provide evidence satisfactory to the Commissioner that you
21 have:

22 (a) an advance fee agreement which has been submitted to the Department
23 and which is in compliance with Sections 2970 and 2972 of the Regulations;

24 (b) placed all previously collected advance fees into a trust account for that
25 purpose and are in compliance with Section 10146 of the Code; and

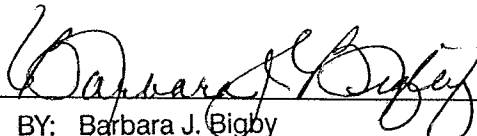
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1 (c) provided an accounting to trust fund owner-beneficiaries pursuant to
2 Section 2972 of the Regulations.

3 DATED: 6-26-09

4 JEFF DAVI
5 Real Estate Commissioner

6
7 By 
8 BY: Barbara J. Bigby
9 Chief Deputy Commissioner

10 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
11 real estate broker or real estate salesperson without a license or who advertises using words
12 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
13 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
14 imprisonment in the county jail for a term not to exceed six months, or by both fine and
15 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
16 (\$60,000)."

17 cc: JOSEPH CELASCHI
18 BMS DEBT MANAGEMENT
19 BILLSMADESIMPLE.COM
20 2683 PIANTINO CIRCLE
21 SAN DIEGO, CA 92121

22 JOSEPH CELASCHI
23 BMS DEBT MANAGEMENT
24 BILLSMADESIMPLE.COM
25 4445 EASTGATE MALL #200
26 SAN DIEGO, CA 92121

27 TANYA VINSON
MICHAEL ESPOSITO
MEAGHAN FOLEY
4445 EASTGATE MALL #200
SAN DIEGO, CA 92121