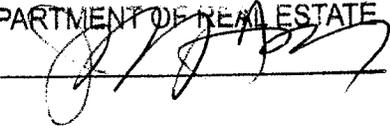


1 DEPARTMENT OF REAL ESTATE
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

MAR 10 2010

DEPARTMENT OF REAL ESTATE
BY: 

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8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF REAL ESTATE

11 To:)
12 U.S. MORTGAGE FUNDING, INC.,) NO. H- 36509 LA
13 DAVID B. MAHLER, and ROBERT LOISELLE)
14) ORDER TO DESIST AND
15) REFRAIN
16) (B&P Code Section 10086)
17)

16 The Commissioner (Commissioner) of the California Department of Real Estate
17 (Department) caused an investigation to be made of the activities of U.S. MORTGAGE
18 FUNDING, INC. ("USMF"), DAVID B. MAHLER ("MAHLER"), and ROBERT LOISELLE
19 ("LOISELLE"). Based on that investigation, the Commissioner has determined that USMF,
20 MAHLER and LOISELLE have engaged in, are engaging in, or are attempting to engage in, acts
21 or practices constituting violations of the California Business and Professions Code (Code),
22 including violating Code Section 10130 by engaging in the business of, acting in the capacity of,
23 and/or advertising or assuming to act as, a real estate broker in the State of California within the
24 meaning of Code Section 10131(d) (solicit, negotiate or perform services for borrowers in
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1 connection with loans secured by real property). Furthermore, based on the investigation, the
2 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and
3 Refrain Order under the authority of Section 10086 of the Code.

4 Whenever acts referred to below are attributed to USMF, MAHLER, or LOISELLE, those
5 acts are alleged to have been done by themselves, or by and/or through one or more agents,
6 associates, affiliates, and/or co-conspirators, or other names or fictitious names unknown at this
7 time.
8

9 FINDINGS OF FACT

10 1. USMF is not now, and has never been, licensed by the Department in any capacity. USMF
11 is not now, and has never been, registered with the California Secretary of State. USMF is
12 registered in the State of Florida as a corporation.

13 2. MAHLER is not now, and has never been, licensed by the Department in any capacity.

14 3. LOISELLE is not now, and has never been, licensed by the Department in any capacity.

15 4. USMF, MAHLER, and LOISELLE solicited borrowers and negotiated to do one or more of
16 the following acts for another or others, for or in expectation of compensation: solicit or
17 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection
18 with loans secured directly or collaterally by one or more liens on real property; and charge,
19 demand or collect an advance fee for any of the services offered.

20 5. USMF, MAHLER, and LOISELLE advertised, and continue to advertise, services under
21 one or more business names including, but not limited to, "U.S. Mortgage Funding, Inc."
22 in various print and electronic media, including websites located at

23 **<http://www.usmortgagefunding.org>**

24 CONCLUSIONS OF LAW

25 6. Based on the findings of fact contained in paragraphs 1 through 5, USMF, acting by itself,
26 or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, including,
27

1 but not limited to MAHLER and/or LOISELLE, and using the name "U.S. Mortgage Funding,
2 Inc." or other names unknown at this time, solicited borrowers to negotiate loans or perform
3 services, in connection with loans secured directly or collaterally by one or more liens on real
4 property. These acts, which require a real estate broker license under Section 10131(d) of the
5 Code, were performed during a period of time when USMF was not licensed by the Department
6 as a real estate broker, a violation of Code Section 10130.

7 7. Based on the findings of fact contained in paragraphs 1 through 5, MAHLER, acting by
8 himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators,
9 including, but not limited to USMF and/or LOISELLE, and using the name "U.S. Mortgage
10 Funding, Inc.," or other names or fictitious names unknown at this time, solicited borrowers to
11 negotiate loans or perform services, in connection with loans secured directly or collaterally by
12 one or more liens on real property. These acts, which require a real estate broker license under
13 Section 10131(d) of the Code, were performed during a period of time when MAHLER was not
14 licensed by the Department as a real estate broker, a violation of Code Section 10130.

15 8. Based on the findings of fact contained in paragraphs 1 through 5, LOISELLE, acting by
16 himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators,
17 including, but not limited to USMF and/or MAHLER, and using the name "U.S. Mortgage
18 Funding, Inc.", or other names unknown at this time, solicited borrowers to negotiate loans or
19 perform services, in connection with loans secured directly or collaterally by one or more liens on
20 real property. These acts, which acts require a real estate broker license under Section 10131(d)
21 of the Code, were performed during a period of time when LOISELLE was not licensed by the
22 Department as a real estate broker, a violation of Code Section 10130.

23 DESIST AND REFRAIN ORDER

24 Based upon the Findings of Fact and Conclusions of Law stated herein , it is hereby ordered
25 that U.S. MORTGAGE FUNDING, INC., DAVID B. MAHLER, and ROBERT LOISELLE,
26 whether doing business under their own names, or any other names, ARE HEREBY ORDERED
27 to immediately desist and refrain from performing any acts within the State of California for

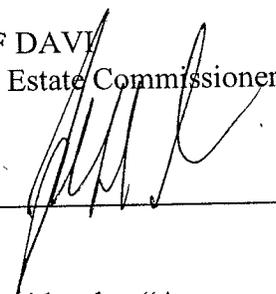
1 which a real estate broker license is required, unless or until they are properly licensed by the
2 Department. In particular each of them is ORDERED TO DESIST AND REFRAIN from:

3 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is
4 defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the
5 performance of loan modifications or any other form of mortgage loan forbearance service in
6 connection with loans on residential property containing four or fewer dwelling units (Code
7 Section 10085.6); and

8 2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is
9 defined in Section 10026 of the Code, for any other real estate related services offered by them to
10 others.

11
12 DATED: 3/2 2010

13 JEFF DAVIS
14 Real Estate Commissioner

15 By 
16

17 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
18 real estate broker or real estate salesperson without a license or who advertises using words
19 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
20 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
21 imprisonment in the county jail for a term not to exceed six months, or by both fine and
22 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
23 (\$60,000)."

24 cc: U.S. Mortgage Funding, Inc.
25 Jonathan Incandela, Officer/Director
26 951 Broken Sound Parkway, Unit 200
27 Boca Raton, FL 33487

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U.S. Mortgage Funding, Inc.
2901 Clintmoore Rd., #292
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