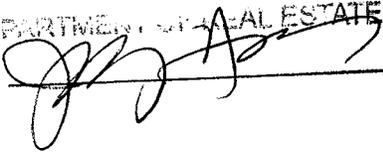


1 DEPARTMENT OF REAL ESTATE
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

MAY 02 2011

DEPARTMENT OF REAL ESTATE
BY: 

8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10
11 To:)
12) NO. H- 37241 LA
13 MODPRO FIRM or any other fictitious names)
14 used Modpro Firm, JOHN V. KEALEY,)
15 JOSEPH KHADIGE, and NASIM MASSHADI) ORDER TO DESIST AND
16) REFRAIN
17) (B&P Code Section 10086)
18)

16
17 The Commissioner ("Commissioner") of the California Department of Real Estate
18 ("Department") caused an investigation to be made of the activities of MODPRO FIRM
19 ("MODPRO"), a.k.a. Mod Pro Firm, Modpo, Mod Pro, Inc. and Mod Pro Direct; JOHN V.
20 KEALEY ("KEALEY"); JOSEPH KHADIGE ("KHADIGE"); and NASIM MASSHADI
21 ("MASSHADI"). Based on that investigation, the Commissioner has determined that
22 MODPRO, KEALEY, KHADIGE and MASSHADI have engaged in, are engaging in, or are
23 attempting to engage in, acts or practices constituting violations of the California Business and
24 Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"),
25 including the business of, acting in the capacity of, and/or advertising or assuming to act as, a
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1 real estate broker in the State of California within the meaning of Code Section 10131(d)
2 (performing services for borrowers in connection with loans secured by real property) and
3 10131.2 (advance fee handling) of the Code. Based on the findings of that investigation, set
4 forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of
5 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

6 Whenever acts referred to below are attributed to MODPRO, KEALEY, KHADIGE, or
7 MASSHADI, those acts are alleged to have been done by themselves, or by and/or through one
8 or more agents, associates, affiliates, and/or co-conspirators, or other names or fictitious names
9 unknown at this time.
10

11 FINDINGS OF FACT

12 1. MODPRO is not now, and has never been, licensed by the Department in any capacity.
13 MODPRO is not a registered corporation incorporated under the laws of the State of California.
14 MODPRO had a Fictitious Business Name Statements filed with the Orange County Clerk-
15 Recorder with KHADIGE and MASSHADI listed as the registered owners and the corporate
16 address as 3063 W. Chapman Ave., Suite 2450, Orange, California 92868. On or about July 1,
17 2009, KHADIGE and MASSHADI abandoned the use of this Fictitious Business Name.
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19 2. At all times, MODPRO, KEALEY, KHADIGE, and MASSHADI solicited borrowers
20 to negotiate loans secured by real property for compensation or in expectation of compensation.

21 3. KEALEY has been licensed by the Department as a real estate broker since May 24,
22 2008.
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24 4. KHADIGE is not now and has never been licensed under the Real Estate Law as a real
25 estate broker.
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1 5. MASSHADI is not now and has never been licensed under the Real Estate Law as a
2 real estate broker.

3 6. On or about May 13, 2009, MODPRO, KEALEY, KHADIGE, and MASSHADI
4 advertised services under one or more business names, including but not limited, "Mod Pro
5 Firm," "Zero Upfront Fee," "ModPro Inc.," "and "ModPro Direct" in various print and
6 electronic media, including websites located at <http://zeroupfront.net> and
7 <http://www.modproinc.com> and in the Pennysaver magazines.

8 7. On or about October 8, 2008, MODPRO solicited by telephone Roger S. and Penny S.
9 to perform loan negotiation and modification services. On or about December 6, 2008, Roger S.
10 and Penny S. entered into an agreement entitled "Loan Modification" with MODPRO to
11 negotiate a loan modification with respect to a loan secured by a lien on the real property located
12 at 12 Glen Avenue, Sidney, New York 13838, in exchange for an advance fee payment of
13 \$1,995.00, payable in monthly credit card installments of \$500.00 to
14 "ModPro Inc./First ACH." MODPRO collected tax returns, bank statements, business
15 information, and informed Roger S. and Penny S. that the modification would require two to
16 three months to complete. In August 2009, Roger S. began leaving messages with the loan
17 processor by telephone and e-mail. The loan processor gave Roger S. the telephone number of
18 KEALEY. After two weeks of not receiving any return telephone calls, Roger S. and Penny S.
19 discovered that the telephone numbers for MODPRO in California and Connecticut were
20 disconnected.
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23 8. MODPRO, KEALEY, KHADIGE, and MASSHADI did not submit the advance fee
24 agreement referred to in Paragraph 7, above, to the Commissioner ten days before using it.
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CONCLUSIONS OF LAW

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

12 10. Based on the findings of fact contained in paragraphs 1 through 8, the document entitled
13 "Loan Modification" constitutes an advance fee agreement within the meaning of Code Section
14 10026. The failure by KEALEY to submit the advance fee agreement to the Commissioner ten
15 days before using it constitutes a violation of Code Section 10085 and Section 2970 of the
16 Regulations.

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1 DESIST AND REFRAIN ORDER:

2 MODPRO FIRM, JOSEPH KHADIGE, & NASIM MASSHADI

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4 Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby
5 ordered that MODPRO FIRM, whether doing business under your own name or any other
6 name(s) or fictitious name(s), JOSEPH KHADIGE, and NASIM MASSHADI, whether doing
7 business under their own name(s) or any other fictitious name(s), ARE HEREBY ORDERED to
8 immediately desist and refrain from performing any acts within the State of California for which
9 a real estate broker license is required, unless you are so licensed. In particular each of them is
10 ORDERED TO DESIST AND REFRAIN from:

- 11 1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term
12 is defined in Section 10026 of the Code, in any form, and under any conditions, with
13 respect to the performance of loan modifications or any other form of mortgage loan
14 forbearance service in connection with loans on residential property containing four
15 or fewer dwelling units; and
- 16 2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term
17 is defined in Section 10026 of the Code, for any other real estate related services
18 offered by them to others.
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1 DESIST AND REFRAIN ORDER:

2 JOHN V. KEALEY

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4 Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby
5 ordered that JOHN V. KEALEY, whether doing business under your own name or any other
6 name(s) or fictitious name(s), IS HEREBY ORDERED to:

7 1. immediately desist and refrain from charging, demanding, claiming, collecting and/or
8 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form and
9 under any conditions, with respect to loan modification, loan refinance, principal reduction,
10 foreclosure abatement or short sale services, or any other form of mortgage loan forbearance
11 services in connection with loans on residential property containing four or fewer dwelling units
12 (Code Section 10085.6),
13

14 2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or
15 receiving advance fees, as that term is defined in Section 10026 of the Code, for any of
16 the other real estate related services offered to others, unless and until JOHN V.
17 KEALEY demonstrates and provide evidence satisfactory to the Commissioner that
18 JOHN V. KEALEY:

- 19 a. has an advance fee agreement which has been submitted to the Commissioner in
20 compliance with Code Section 10085 and Section 2970 of the Regulations;
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22 b. has placed all previously collected advance fees into a trust account for that purpose in
23 compliance with the provisions of Code Section 10146;
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25 c. has complied with the provisions of Code Section 10145 and Sections 2831, 2831.1 and
26 2831.2 of the Regulations with respect to any trust account into which advance fees are
27 deposited; and

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d. has provided an accounting to trust fund owner-beneficiaries from whom advance fees have previously been collected in compliance with Code Section 10146 and Section 2972 of the Regulations.

DATED: 4-25 2011

JEFF DAVI
Real Estate Commissioner

By 

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

cc: ModPro Firm
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Orange, California 92868

ModPro Firm
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Orange, California 92868

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