

1 STATE OF CALIFORNIA
2 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
3 DEPARTMENT OF CORPORATIONS

4 TO: Pacific Equity and Capital, Inc.
5 Pacific Equity and Capital
6 Pacific Equity and Capital Fund, LLC
7 PEAC
8 1299 Fourth Street, Suite 500
9 San Rafael, CA 94901

10 Vincent Tomera
11 10 S. Knoll Road, Suite 4
12 Mill Valley, CA 94941

13 **DESIST AND REFRAIN ORDER**
14 **(For violations of sections 22100 and 50002 of the California Financial Code)**

15 The California Corporations Commissioner finds that:

16 1. Pacific Equity and Capital, Inc., Pacific Equity and Capital, Pacific Equity and Capital
17 Fund, LLC and PEAC (“PEAC”) are businesses located in Northern California whose names were
18 used interchangeably. At no time was PEAC licensed to engage in the business of a finance lender or
19 broker or to engage in the business of making or servicing residential mortgage loans by the
20 Department of Corporations.

21 2. During relevant times Vincent Tomera (“Tomera”) owned, managed or controlled PEAC.
22 On February 2, 1987, the California Department of Real Estate (“DRE”) revoked Tomera’s real
23 estate license. At no time was Tomera licensed to engage in the business of a finance lender or
24 broker or to engage in the business of making or servicing residential mortgage loans by the
25 Department of Corporations.

26 3. PEAC represented itself to California residents as a “privately-owned real estate services
27 company that specializes in facilitating clients in areas including financing, investment, acquisition,
28 divestiture and management.” PEAC states that it originates and services loans secured by real estate
to individuals and businesses. PEAC engaged in the business of making or servicing residential
mortgage loans when it agreed to provide financing through investor clients of PEAC.

1 4. PEAC and Tomera engaged in the business of making loans to California residents but
2 were not issued the license required to do so by the California Corporations Commissioner under
3 the California Finance Lenders Law found in Financial Code section 22100.

4 5. PEAC and Tomera engaged in the business of making or servicing residential mortgage
5 loan to California residents but were not issued the license required to do so by the California
6 Corporations Commissioner under the California Residential Mortgage Lending Act found in
7 Financial Code section 50002.

8 6. PEAC and Tomera are not exempt from the licensing requirements of Financial Code
9 sections 22100 and 50002.

10 Based upon the foregoing findings, the California Corporations Commissioner is of the
11 opinion that Pacific Equity and Capital, Inc., Pacific Equity and Capital, Pacific Equity and Capital
12 Fund, LLC, PEAC and Vincent Tomera have engaged in the business of a finance lender and/or
13 broker in violation of California Financial Code section 22100.

14 Pursuant to California Financial Code section 22712, Pacific Equity and Capital, Inc., Pacific
15 Equity and Capital, Pacific Equity and Capital Fund, LLC, PEAC and Vincent Tomera are hereby
16 ordered to desist and refrain from engaging in the business of a finance lender or broker in the State
17 of California without first obtaining a license from the Commissioner, or otherwise being exempt.

18 Based on the foregoing findings, the California Corporations Commissioner is of the further
19 opinion that Pacific Equity and Capital, Inc., Pacific Equity and Capital, Pacific Equity and Capital
20 Fund, LLC, PEAC and Vincent Tomera have engaged in the business of making or servicing
21 residential mortgage loans in violation of California Financial Code section 50002.

22 Pursuant to California Financial Code section 50320, Pacific Equity and Capital, Inc., Pacific
23 Equity and Capital, Pacific Equity and Capital Fund, LLC, PEAC and Vincent Tomera are hereby
24 ordered to desist and refrain from engaging in the business of making and servicing residential
25 mortgage loans in the State of California without first obtaining a license from the Commissioner, or
26 otherwise being exempt.

27 This Order is necessary, in the public interest, for the protection of consumers and is
28 consistent with the purposes, policies and provisions of the California Finance Lenders Law and

1 California Residential Mortgage Lending Act. This Order shall become effective immediately and
2 remain in full force and effect until further order of the California Corporations Commissioner

3 Dated: May 31, 2011
4 Los Angeles, California

5 PRESTON DuFAUCHARD
6 California Corporations Commissioner

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8 By _____
9 ALAN S. WEINGER
10 Deputy Commissioner
11 Enforcement Division
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