TO: Pacific Equity and Capital, Inc.
Pacific Equity and Capital
Pacific Equity and Capital Fund, LLC
PEAC
1299 Fourth Street, Suite 500
San Rafael, CA  94901

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

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

The California Corporations Commissioner finds that:

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

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

3. PEAC represented itself to California residents as a “privately-owned real estate services company that specializes in facilitating clients in areas including financing, investment, acquisition, 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.
4. PEAC and Tomera engaged in the business of making loans to California residents but were not issued the license required to do so by the California Corporations Commissioner under the California Finance Lenders Law found in Financial Code section 22100.

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

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

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

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

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

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

This Order is necessary, in the public interest, for the protection of consumers and is consistent with the purposes, policies and provisions of the California Finance Lenders Law and
California Residential Mortgage Lending Act. This Order shall become effective immediately and remain in full force and effect until further order of the California Corporations Commissioner.

Dated: May 31, 2011
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By

ALAN S. WEINGER
Deputy Commissioner
Enforcement Division