FILED

May 21, 2012

DEPARTMENT OF REAL ESTATE

By

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

Telephone: (916) 227-0789

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: JIM DAMAN	NO. 11389 SF
	ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the State of California has caused an investigation to be made of the activities of JIM DAMAN aka HOSSEIN DAMANKESHIDEH (DAMAN), including engaging in the business of, acting in the capacity of, advertising or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the California Business & Professions Code (the Code). Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that DAMAN, has violated Section 10130 of the Code by engaging in the business of or acting as a real estate salesperson or broker, within the meaning of Sections 10130 and 10131(d) of the Code without first having obtained a real estate license from the California Department of Real Estate (Department).

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FINDINGS OF FACT

1. At no time mentioned herein was DAMAN licensed by the Department in any capacity.

2. Effective February 14, 2003, Respondent's real estate salesperson license was revoked in case H-8156 SF before the Department of Real Estate, for violation of Sections 490 and 10177(b) of the Code.

3. At all times mentioned herein between on or about July 7, 2010, and continuing up to at least February 29, 2012, DAMAN engaged in the business of, acted in the capacity of, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including soliciting borrowers or lenders, negotiating loans, collecting payments, or performing services for borrowers or lenders, including but not limited to real property commonly known as: 3040 Christine Court, Fremont, CA 94536.

4. On or about July 7, 2010, and continuing up to at least February 29, 2012, DAMAN solicited and/or received an advance-fee for services in connection with a loan secured directly or collaterally by a lien on real property in violation of Section 10085.5(a) of the Code and Section 2945.4 of the California Civil Code, including but not limited to real property commonly known as: 3040 Christine Court Fremont, CA 94536.

5. On or about February 29, 2012, a Department Special Investigator made a call to Respondent for a loan modification. During this call DAMAN solicited and/or demanded an advance fee to perform a loan modification.

CONCLUSIONS OF LAW

Based on the findings of fact contained in paragraphs 1 through 5, DAMAN among other things, solicited and/or performed services for borrowers and/or lenders, including but not limited to soliciting borrowers or lenders for, negotiating loans, and/or collecting payments and claiming, demanding, charging, receiving, collecting, or contracting for an advance fee for such services. Thus, DAMAN violated Section 10085.5 (a) (Payment of Advanced Fee), Section 10130 (Act as Real Estate Salesperson or Broker Without a License) and

10131(d) (Engaged in Mortgage Loan Activities) of the Code and Section 2945.4. (Claim, demand, charge, collect, or receive any fee until after the foreclosure) of the California Civil Code

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, JIM DAMAN aka HOSSEIN DAMANKESHIDEH, whether doing business under your own name, or any other name or fictitious name, IS HEREBY ORDERED to:

1. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the services you offer to others, unless and until he demonstrates and provides evidence satisfactory to the Commissioner that he is properly licensed by the Department as a real estate broker, and that JIM DAMAN aka HOSSEIN DAMANKESHIDEH:

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

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

(C) Has provided an accounting to trust fund owner-beneficiaries pursuant to Section 2972 of the Regulations; and

(D) Is in compliance with California law, as amended effective as of October 11, 2009, with respect to loan modification and/or forbearance services. Under the amended law, you can only collect advance fees for loan modification or other mortgage loan forbearance services related to commercial loans and loans for residential properties containing five or more dwelling units.

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2. Immediately desist and refrain from demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.

DATED: 5/17/2012

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

-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: JIM DAMAN aka HOSSEIN DAMANKESHIDEH
3155 Stone Valley Road
Danville, CA 94526

ATTY RKU/ga