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2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By *Anne Shaver*

8  
9 BEFORE THE  
10 DEPARTMENT OF REAL ESTATE  
11 STATE OF CALIFORNIA

12 \* \* \*

13 To:	)	No. H-10237 SF
	)	
14 FIRST CITY BANCORP MORTGAGE	)	ORDER TO
15 INC. and YOUSEF ATABAKHSH	)	<u>DESIST AND REFRAIN</u>
	)	

16  
17 The Real Estate Commissioner of the State of California  
18 (hereinafter "Commissioner") has caused an investigation to be  
19 made of your activities and based upon the findings herein below  
20 set forth, is of the opinion that you, FIRST CITY BANCORP  
21 MORTGAGE INC. and YOUSEF ATABAKHSH, as a real estate licensee,  
22 have violated Sections 10159.5, 10235, 10140.6, 10235.5, 17539.4,  
23 and 10236.4 of the California Business and Professions Code  
24 (hereinafter "Code") and Sections 2731, 2770.1, 2848, 2847.3,  
25 Title 10, California Code of Regulations (hereinafter the  
26 "Regulations") by knowingly advertising or causing or permitting  
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1 to be advertised statements or representations with regard to  
2 rates, terms, or conditions for making or negotiating loans which  
3 are false, misleading or deceptive.

4 I

5 Beginning on or about June 1, 2007, and continuing  
6 thereafter, FIRST CITY BANCORP MORTGAGE INC., was and are  
7 licensed by the Department of Real Estate (hereinafter  
8 "Department") as a real estate broker corporation.

9 II

10 At all times herein mentioned you, YOUSEF ATABAKHSH,  
11 was and are licensed by the Department as a real estate broker  
12 dba First City Bancorp Mortgage/First City Property Investments.  
13 Beginning on or about June 1, 2007 and continuing thereafter you  
14 have been licensed by the Department as the designated officer  
15 for FIRST CITY BANCORP MORTGAGE INC.  
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17 III

18 On or about July 12, 2006, July 19, 2006, July 26,  
19 2006, and August 2, 2006, you, YOUSEF ATABAKHSH, caused to be  
20 published in the San Francisco Chronicle, advertisements which  
21 included statements or representations with regard to rates,  
22 terms, or conditions for making or negotiating loans which are  
23 false, misleading or deceptive.

24 IV

25 On or about August 11, 2006, Sylvia I. Yrigollen, a  
26 Senior Deputy Commissioner, Mortgage Loan Activities Section, at  
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1 the Department, wrote you, YOUSEF ATABAKHSH, a letter informing  
2 you of the facts noted in Paragraph III above, an explanation of  
3 reasons why the advertisements were false, misleading or  
4 deceptive, and advising you to discontinue using the offending  
5 advertising, immediately.

6 V

7 On or about August 31, 2006, Ms. Yrigollen received a  
8 letter from you, YOUSEF ATABAKHSH, responding to the letter  
9 described in Paragraph IV.

10 VI

11 On or about September 15, 2006, Ms. Yrigollen wrote  
12 you, YOUSEF ATABAKHSH, another letter in response to the letter  
13 described in Paragraph V to acknowledge that letter and to  
14 provide further clarification to assist you in complying with the  
15 Real Estate Law and Regulations.

16 VII

17 On or about November 28, 2006, you, YOUSEF ATABAKHSH,  
18 caused to be published in the San Francisco Chronicle,  
19 advertisements which included statements or representations with  
20 regard to rates, terms, or conditions for making or negotiating  
21 loans which are false, misleading or deceptive.

22 VIII

23 On or about December 6, 2006, Ms. Yrigollen, wrote you,  
24 YOUSEF ATABAKHSH, a letter informing you of the facts noted in  
25 Paragraph VII above, an explanation of reasons why the  
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1 advertisements were false, misleading or deceptive, and advising  
2 you to discontinue using the offending advertising, immediately.

3 IX

4 On or about December 3, 2006, December 17, 2006,  
5 December 31, 2006, and January 21, 2007, you, YOUSEF ATABAKHSH,  
6 caused to be published in the San Francisco Chronicle,  
7 advertisements which included statements or representations with  
8 regard to rates, terms, or conditions for making or negotiating  
9 loans which are false, misleading or deceptive.

10 X

11 On or about February 15, 2007, Ms. Yrigollen, wrote  
12 you, YOUSEF ATABAKHSH, a letter informing you of the facts noted  
13 in Paragraph IX above, an explanation of reasons why the  
14 advertisements were false, misleading or deceptive, and advising  
15 you to discontinue using the offending advertising, immediately.

16 XI

17 On or about March 23, 2007, Ms. Yrigollen received a  
18 letter from Joe Atab, President of FIRST CITY BANCORP MORTGAGE,  
19 INC., responding to the letter described in Paragraph X.

20 XII

21 On or about April 9, 2007, Ms. Yrigollen wrote you,  
22 YOUSEF ATABAKHSH, another letter in response to the letter  
23 described in Paragraph XI to acknowledge that letter and to  
24 provide further clarification to assist you in complying with the  
25 Real Estate Law and Regulations.  
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XIII

1 On or about May 3, 2007, Ms. Yrigollen received a  
2 letter from you, YOUSEF ATABAKHSH responding to the letter  
3 described in Paragraph XII, indicated that all changes has been  
4 made as of the weekend of May 12, 2007.  
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XIV

6 On or about June 10, 2007, you, FIRST CITY BANCORP  
7 MORTGAGE INC. and/or YOUSEF ATABAKHSH, caused to be published in  
8 the San Francisco Chronicle, advertisements which included  
9 statements or representations with regard to rates, terms, or  
10 conditions for making or negotiating loans which are false,  
11 misleading or deceptive.  
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XV

13 On or about June 20, 2007, Ms. Yrigollen, wrote you,  
14 YOUSEF ATABAKHSH, a letter informing you of the facts noted in  
15 Paragraph XIV above, an explanation of reasons why the  
16 advertisements were false, misleading or deceptive, and advising  
17 you to discontinue using the offending advertising, immediately.  
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XVI

20 On or about August 12, 2007, you, FIRST CITY BANCORP  
21 MORTGAGE INC. and/or YOUSEF ATABAKHSH, caused to be published in  
22 the San Francisco Chronicle, advertisements which included  
23 statements or representations with regard to rates, terms, or  
24 conditions for making or negotiating loans which are false,  
25 misleading or deceptive.  
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XVII

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2 On or about August 27, 2007, you, FIRST CITY BANCORP  
3 MORTGAGE INC. and/or YOUSEF ATABAKHSH, caused to be published in  
4 the San Jose Mercury News, advertisements which included  
5 statements or representations with regard to rates, terms, or  
6 conditions for making or negotiating loans which are false,  
7 misleading or deceptive.

8 XVIII

9 On or about August 29, 2007, you, FIRST CITY BANCORP  
10 MORTGAGE INC. and/or YOUSEF ATABAKHSH, caused to be published on  
11 the internet, advertisements which included statements or  
12 representations with regard to rates, terms, or conditions for  
13 making or negotiating loans which are false, misleading or  
14 deceptive.

15 XIX

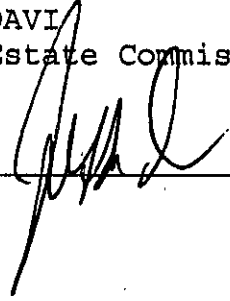
16 In performing the acts described in Paragraphs III,  
17 VII, IX, XIV, XVI, XVII, and XVIII above, you, FIRST CITY BANCORP  
18 MORTGAGE INC. and YOUSEF ATABAKHSH, knowingly advertised or  
19 caused or permitted to be advertised statements or  
20 representations with regard to rates, terms, or conditions for  
21 making or negotiating loans which are false, misleading or  
22 deceptive in violation of Sections 10159.5, 10235, 10140.6,  
23 10235.5, 17539.4, and 10236.4 of the Code and Sections 2731,  
24 2770.1, 2848, 2847.3, of the Regulations.  
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1 NOW THEREFORE, YOU, FIRST CITY BANCORP MORTGAGE INC.  
2 and YOUSEF ATABAKHSH, ARE HEREBY ORDERED TO DESIST AND REFRAIN  
3 from causing to be published advertisements which include  
4 statements or representations with regard to rates, terms, or  
5 conditions for making or negotiating loans which are false,  
6 misleading or deceptive.

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8 DATED: 11-7-07

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10 JEFF DAVIS  
11 Real Estate Commissioner  
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