

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

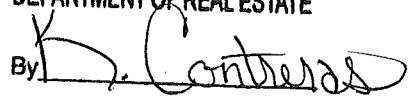
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APR 23 2013

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By



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

11 * * *

12 In the Matter of the Accusation of)
13 AMERICAN FIRST FINANCIAL CORP,) NO. H-11401 SF
14 a Corporation, and) STIPULATION AND AGREEMENT
15 ROSANA EYVAZNEJAD,) IN SETTLEMENT AND ORDER
16 Respondents.)

17 It is hereby stipulated by and between Respondent AMERICAN FIRST
18 FINANCIAL CORP (herein "AFFC") and Respondent ROSANA EYVAZNEJAD (herein
19 "EYVAZNEJAD") (herein collectively "Respondents") and the Complainant, acting by and
20 through Mary F. Clarke, Counsel for the Department of Real Estate (herein "the Department"),
21 as follows for the purpose of settling and disposing of the Accusation filed on June 5, 2012, in
22 this matter:

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
25 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
26 shall instead and in place thereof be submitted solely on the basis of the provisions of this
27 Stipulation and Agreement in Settlement and Order.

1 2. Respondents have received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA, and the Accusation filed by the Department in this
3 proceeding.

4 3. A Notice of Defense was filed on June 14, 2012 by Respondents, pursuant to
5 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
6 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense.
7 Respondents acknowledge that they understand that by withdrawing said Notice of Defense,
8 they will thereby waive their right to require the Real Estate Commissioner (herein "the
9 Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that they will waive other rights afforded to them
11 in connection with the hearing such as the right to present evidence in defense of the allegations
12 in the Accusation and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that the
14 factual allegations pertaining to them in the Accusation filed in this proceeding are true and
15 correct and the Commissioner shall not be required to provide further evidence of such
16 allegations.

17 5. It is understood by the parties that the Commissioner may adopt the Stipulation
18 and Agreement in Settlement and Order as his decision in this matter thereby imposing the
19 penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the
20 below "Order". In the event that the Commissioner in his discretion does not adopt the
21 Stipulation and Agreement in Settlement and Order, it shall be void and of no effect, and
22 Respondents shall retain the right to a hearing and proceeding on the Accusation under all the
23 provisions of the APA and shall not be bound by any admission or waiver made herein.

24 6. The Order or any subsequent Order of the Commissioner made pursuant to this
25 Stipulation and Agreement in Settlement and Order shall not constitute an estoppel, merger, or bar
26 to any further administrative or civil proceedings by the Department with respect to any matters
27 which were not specifically alleged to be causes for accusation in this proceeding.

- 1 (f) as to Paragraph 8(f) and AFFC under Section 2742(c) of the
2 Regulations, in conjunction with Section 10177(d) of the Code;
3 (g) as to Paragraph 8(g) and AFFC under Section 10232.4 of the Code,
4 in conjunction with Section 10177(d) of the Code; and
5 (h) as to Paragraph 9 and EYVAZNEJAD under Sections 10177(g) and
6 (h) and 10159.2 of the Code and Section 2725 of the Regulations, in
7 conjunction with Section 10177(d) of the Code.

8 ORDER

9 I

10 All licenses and licensing rights of AFFC under the Real Estate Law are revoked;
11 provided, however, a restricted corporate real estate broker license shall be issued to AFFC
12 pursuant to Section 10156.5 of the Code if, within 90 days from the effective date of the Decision
13 entered pursuant to this Order, AFFC, prior to and as a condition of the issuance of said
14 restricted corporate broker license makes application for the restricted license and pays to the
15 Department the appropriate fee therefor.

16 The restricted license issued to AFFC shall be subject to all of the provisions of
17 Section 10156.7 of the Code and to the following limitations, conditions, and restrictions
18 imposed under authority of Section 10156.6 of that Code:

19 1. The restricted license issued to AFFC may be suspended prior to hearing by
20 Order of the Commissioner in the event of AFFC's conviction or plea of nolo contendere to a
21 crime which is substantially related to AFFC's fitness or capacity as a real estate licensee.

22 2. The restricted license issued to AFFC may be suspended prior to hearing by
23 Order of the Commissioner on evidence satisfactory to the Commissioner that AFFC has
24 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations
25 of the Real Estate Commissioner, or conditions attaching to the restricted license.

26 3. AFFC shall not be eligible to apply for the issuance of an unrestricted real
27 estate license or for the removal of any of the conditions, limitations or restrictions of a restricted
license until four (4) years have elapsed from the effective date of this Order.

1 4. Pursuant to Section 10148 of the Code, AFFC and EYVAZNEJAD shall,
2 jointly and severally, pay the sum of \$7,602.00 for the Commissioner's cost of the audit which
3 led to this disciplinary action. Respondents shall pay such cost within 60 days of receiving an
4 invoice therefor from the Commissioner. If payment is not timely made as provided for herein,
5 the Commissioner may suspend the restricted license issued to AFFC pending a hearing held in
6 accordance with Section 11500, et seq., of the Government Code. The suspension shall remain
7 in effect until payment is made in full or until a decision providing otherwise is adopted
8 following a hearing held pursuant to this condition.

9 5. AFFC and EYVAZNEJAD shall, jointly and severally, pay the
10 Commissioner's reasonable cost, not to exceed \$7,602.00, of an audit to determine if AFFC is
11 compliant with the Real Estate Law and Regulations. In calculating the amount of the
12 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
13 salary for all persons performing audits of real estate brokers, and shall include an allocation
14 for travel time to and from the auditor's place of work. Respondents shall pay such cost within
15 60 days of receiving an invoice therefor from the Commissioner detailing the activities
16 performed during the audit and the amount of time spent performing those activities. If
17 payment is not timely made as provided for herein, the Commissioner may suspend the
18 restricted license issued to AFFC pending a hearing held in accordance with Section 11500,
19 et seq., of the Government Code. The suspension shall remain in effect until payment is made
20 in full or until a decision providing otherwise is adopted following a hearing held pursuant to
21 this condition.

22 6. AFFC and EYVAZNEJAD shall, jointly and severally, pay the sum of
23 \$3,895.90 for the Commissioner's cost, pursuant to Section 10106(a) of the Code, of the
24 investigation and enforcement which led to this disciplinary action. Said payment shall be in
25 the form of a cashier's check or certified check made payable to the Department of Real Estate.
26 Said check must be received by the Department prior to the effective date of the Order in this
27 matter. If payment is not timely made as provided for herein, the Commissioner may suspend

1 the restricted license issued to EYVAZNEJAD pending a hearing held in accordance with
2 Section 11500, et seq., of the Government Code. The suspension shall remain in effect until
3 payment is made in full or until a decision providing otherwise is adopted following a hearing
4 held pursuant to this condition.

5 7. AFFC and EYVAZNEJAD shall comply with Sections 1500 et seq. of the
6 Code of Civil Procedure (Unclaimed Property Law) as follows: Respondents shall make a
7 Notice Report to the California State Controller's Office, as required by the aforementioned
8 Unclaimed Property Law, prior to November 1, 2013 and shall make a Remittance Report and
9 Remittance Due to the State Controller's Office, as required by the aforementioned Unclaimed
10 Property Law, no later than June 15, 2014; which report and remittance shall include funds due
11 William C. Kreger in the amount of \$2,995.00; Jose L. & Amanda G. Gomez in the amount of
12 \$2,000.00; and Gary W. and Terry L. Jackson in the amount of \$1,995.00, which funds represent
13 advance fees collected and not reimbursed. If Respondents fail to satisfy this condition or if all
14 of the aforementioned parties have not been reimbursed, the Commissioner may order the
15 suspension of the restricted license until Respondents satisfy this condition.

16 II

17 All licenses and licensing rights of EYVAZNEJAD under the Real Estate Law
18 are revoked; provided, however, a restricted real estate broker license shall be issued to
19 EYVAZNEJAD pursuant to Section 10156.5 of the Code if, within 90 days from the effective
20 date of the Decision entered pursuant to this Order, EYVAZNEJAD, prior to and as a condition
21 of the issuance of said restricted license makes application for the restricted license and pays to
22 the Department the appropriate fee therefor.

23 The restricted license issued to EYVAZNEJAD shall be subject to all of the
24 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
25 restrictions imposed under authority of Section 10156.6 of that Code:

26 1. The restricted license issued to EYVAZNEJAD may be suspended prior to
27 hearing by Order of the Commissioner in the event of EYVAZNEJAD's conviction or plea of

1 nolo contendere to a crime which is substantially related to EYVAZNEJAD's fitness or capacity.
2 as a real estate licensee.

3 2. The restricted license issued to EYVAZNEJAD may be suspended prior to
4 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
5 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
7 license.

8 3. EYVAZNEJAD shall not be eligible to apply for the issuance of an
9 unrestricted real estate license or for the removal of any of the conditions, limitations, or
10 restrictions of a restricted license until four (4) years have elapsed from the effective date of this
11 Order.

12 4. Pursuant to Section 10148 of the Code, EYVAZNEJAD and AFFC shall,
13 jointly and severally, pay the sum of \$7,602.00 for the Commissioner's cost of the audit which
14 led to this disciplinary action. Respondents shall pay such cost within 60 days of receiving an
15 invoice therefor from the Commissioner. If payment is not timely made as provided for herein,
16 the Commissioner may suspend the restricted license issued to EYVAZNEJAD pending a
17 hearing held in accordance with Section 11500, et seq., of the Government Code. The
18 suspension shall remain in effect until payment is made in full or until a decision providing
19 otherwise is adopted following a hearing held pursuant to this condition.

20 5. EYVAZNEJAD and AFFC shall, jointly and severally, pay the
21 Commissioner's reasonable cost, not to exceed \$7,602.00, of an audit to determine if AFFC is
22 compliant with the Real Estate Law and Regulations. In calculating the amount of the
23 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
24 for all persons performing audits of real estate brokers, and shall include an allocation for travel
25 time to and from the auditor's place of work. Respondents shall pay such cost within 60 days of
26 receiving an invoice therefor from the Commissioner detailing the activities performed during
27 the audit and the amount of time spent performing those activities. If payment is not timely made

1 as provided for herein, the Commissioner may suspend the restricted license issued to
2 EYVAZNEJAD pending a hearing held in accordance with Section 11500, et seq., of the
3 Government Code. The suspension shall remain in effect until payment is made in full or until
4 a decision providing otherwise is adopted following a hearing held pursuant to this condition.

5 6. EYVAZNEJAD and AFFC shall, jointly and severally, pay the sum of
6 \$3,895.90 for the Commissioner's cost, pursuant to Section 10106(a) of the Code, of the
7 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
8 form of a cashier's check or certified check made payable to the Department of Real Estate. Said
9 check must be received by the Department prior to the effective date of the Order in this matter.
10 If payment is not timely made as provided for herein, the Commissioner may suspend the
11 restricted license issued to EYVAZNEJAD pending a hearing held in accordance with Section
12 11500, et seq., of the Government Code. The suspension shall remain in effect until payment is
13 made in full or until a decision providing otherwise is adopted following a hearing held pursuant
14 to this condition.

15 7. EYVAZNEJAD shall, prior to the effective date of the Order, present
16 evidence satisfactory to the Commissioner that EYVAZNEJAD has taken and successfully
17 completed a trust fund handling course. If EYVAZNEJAD fails to satisfy this condition, the
18 Commissioner may order the suspension of the restricted license until EYVAZNEJAD presents
19 such evidence. The Commissioner shall afford EYVAZNEJAD the opportunity for a hearing
20 pursuant to the APA to present such evidence.

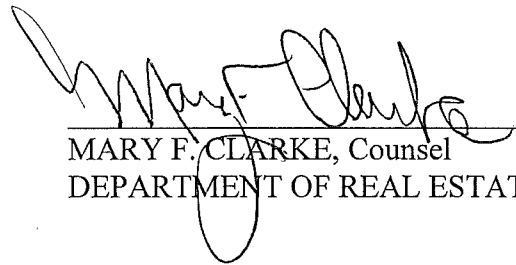
21 8. EYVAZNEJAD shall, within nine (9) months from the effective date of the
22 Order, present evidence satisfactory to the Commissioner that EYVAZNEJAD has taken and
23 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
24 Real Estate Law for renewal of a real estate license. If EYVAZNEJAD fails to satisfy this
25 condition, the Commissioner may order the suspension of the restricted license until
26 EYVAZNEJAD presents such evidence. The Commissioner shall afford EYVAZNEJAD the
27 opportunity for a hearing pursuant to the APA to present such evidence.

1 9. EYVAZNEJAD shall, within six (6) months from the issuance of the
2 restricted license, take and pass the Professional Responsibility Examination administered by
3 the Department, including the payment of the appropriate examination fee. If EYVAZNEJAD
4 fails to satisfy this condition, the Commissioner may order the suspension of the restricted
5 license until EYVAZNEJAD passes the examination.

6 10. EYVAZNEJAD and AFFC shall comply with Sections 1500 et seq. of the
7 Code of Civil Procedure (Unclaimed Property Law), as follows: Respondents shall make a
8 Notice Report to the California State Controller's Office, as required by the aforementioned
9 Unclaimed Property Law, prior to November 1, 2013 and shall make a Remittance Report and
10 Remittance Due to the State Controller's Office, as required by the aforementioned Unclaimed
11 Property Law, no later than June 15, 2014; which report and remittance shall include funds due
12 William C. Kreger in the amount of \$2,995.00; Jose L. & Amanda G. Gomez in the amount of
13 \$2,000.00; and Gary W. and Terry L. Jackson in the amount of \$1,995.00, which funds represent
14 advance fees collected not reimbursed. If Respondents fail to satisfy this condition or if all of the
15 aforementioned parties have not been reimbursed, the Commissioner may order the suspension of
16 the restricted license until Respondents satisfy this condition.

17
18
19 3-12-13

20 DATED

21
22
23 
24 MARY F. CLARKE, Counsel
25 DEPARTMENT OF REAL ESTATE

26 * * *

27 I have read the Stipulation and Agreement in Settlement and Order and its terms
28 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
29 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
30 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
31 those rights, including the right of requiring the Commissioner to prove the allegations in the

1 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
2 and to present evidence in defense and mitigation of the charges.

3 AMERICAN FIRST FINANCIAL CORP
4 Respondent

5 03/08/2013

6 DATED

7 By:



8 ROSANA EYVAZNEJAD
9 Designated Officer - Broker

10 03/08/2013

11 DATED



12 ROSANA EYVAZNEJAD
13 Respondent

14 * * *

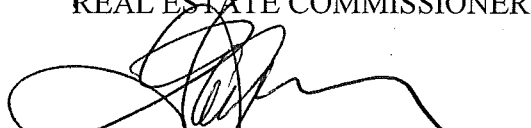
15 The foregoing Stipulation and Agreement in Settlement and Order is hereby
16 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

17 MAY 13 2013

18 IT IS SO ORDERED

4/16/2013

19 REAL ESTATE COMMISSIONER


20 WAYNE S. BELL