

FILED
SEP 9 2005
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, Counsel (SBN 66674)
2 Department of Real Estate
3 320 W. 4TH Street, Suite 350
4 Los Angeles, CA 90013-1105

By K. Mederholt

5 Telephone: (213) 576-6982 (Office)
6 -or- (213) 576-6911 (Direct)
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-30078 LA
)	
12	IMMEDIATE FUNDING INC., and,)	
	STEVE Z. KESSEDJIAN, individually)	
13	and as designated officer of)	<u>STIPULATION</u>
	Immediate Funding. Inc.,)	<u>AND</u>
14)	<u>AGREEMENT</u>
	Respondents.)	
15)	

16 It is hereby stipulated by and between Respondents
17 IMMEDIATE FUNDING INC., a corporate real estate broker, and STEVE
18 Z. KESSEDJIAN, individually and as designated officer of
19 Immediate Funding Inc. (sometimes collectively referred to as
20 "Respondents"), represented by Frank M. Buda, Esq., and the
21 Complainant, acting by and through Elliott Mac Lennan, Counsel
22 for the Department of Real Estate, as follows for the purpose of
23 settling and disposing of the First Amended Accusation
24 ("Accusation") filed on June 26, 2003, in this matter:
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1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents timely filed a Notice of Defense
13 pursuant to Section 11506 of the Government Code for the purpose
14 of requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense the right to cross-examine
23 witnesses.
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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interest of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being admitted
6 or denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 allegations.

10 5. This Stipulation and Respondents decision not to
11 contest the Accusation is made for the purpose of reaching an
12 agreed disposition of this proceeding and is expressly limited to
13 this proceeding and any other proceeding or case in which the
14 Department of Real Estate ("Department"), the state or federal
15 government, or any agency of this state, another state or federal
16 government is involved.

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt this Stipulation as his Decision in
19 this matter thereby imposing the penalty and sanctions on
20 Respondents' real estate licenses and license rights as set forth
21 in the "Order" herein below. In the event that the Commissioner
22 in his discretion does not adopt the Stipulation, it shall be
23 void and of no effect and Respondents shall retain the right to a
24 hearing and proceeding on the Accusation under the provisions of
25 the APA and shall not be bound by any stipulation or waiver made
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27

herein.

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2 7. The Order or any subsequent Order of the Real
3 Estate Commissioner made pursuant to this Stipulation shall not
4 constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department of Real
6 Estate with respect to any matters which were not specifically
7 alleged to be causes for Accusations in this proceeding but do
8 constitute a bar, estoppel and merger as to any allegations
9 actually contained in the Accusations against Respondent herein.

10 8. Respondents understand that by agreeing to this
11 Stipulation, Respondents agree to pay, pursuant to Business and
12 Professions Code Section 10148, the cost of the audit (LA 000473)
13 which led to this disciplinary action. The amount of said cost
14 is \$2,638.35.

15 9. Respondents have received, read, and understand the
16 "Notice Concerning Costs of Subsequent Audit". Respondents
17 further understand that by agreeing to this Stipulation, the
18 findings set forth below in the Determination of Issues become
19 final, and the Commissioner may charge Respondents for the cost
20 of any subsequent audit conducted pursuant to Business and
21 Professions Code Section 10148 to determine if the violations
22 have been corrected. The maximum cost of the subsequent audit
23 will not exceed \$2,638.35.

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DETERMINATION OF ISSUES

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2 By reason of the foregoing, it is stipulated and agreed
3 that the following determination of issues shall be made:

I.

4
5 The conduct of IMMEDIATE FUNDING INC., as described in
6 Paragraph 4, above, is in violation of Section 10145 of the
7 Business and Professions Code ("Code") and Sections 2831, 2831.1,
8 2832, 10232.4 and 10234 of Title 10, Chapter 6 of the California
9 Code of Regulations ("Regulations") and is a basis for the
10 suspension or revocation of Respondent's license and license
11 rights as a violation of the Real Estate Law pursuant to Code
12 Section 10177(d) and 10177(g).

II.

13
14 The conduct of STEVE Z. KESSEDJIAN, as described in
15 Paragraph 4, constitutes a failure to keep Immediate Funding Inc.
16 in compliance with the Real Estate Law during the time that he
17 was the officer designated by a corporate broker licensee in
18 violation of Section 10159.2 of the Code. This conduct is a
19 basis for the suspension or revocation of Respondent's license
20 pursuant to Code Section 10177(h).

III.

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22
23 The conduct of STEVE Z. KESSEDJIAN, as described in
24 Paragraph 4, (for the August 9, 2002, Civil Code Section
25 2941(b)(1) misdemeanor conviction) constitutes a basis for the
26 suspension or revocation of Respondent's license pursuant to Code
27

1 Sections 490 and 10177(b).

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 I.

5 The real estate broker license and licensing rights of
6 Respondent IMMEDIATE FUNDING INC. under the Real Estate Law are
7 revoked; provided, however, a restricted real estate broker
8 license shall be issued to Respondent pursuant to Section 10156.5
9 of the Business and Professions Code, if Respondent:

10 (A) makes application thereof and pays to the
11 Department of Real Estate the appropriate fee for the restricted
12 license within ninety (90) days from the effective date of this
13 Decision. The restricted license issued to Respondent shall be
14 subject to all the provisions of Section 10156.7 of the Business
15 and Professions Code and to the following limitations,
16 conditions, and restrictions as imposed under authority of
17 Section 10156 of the Code; and

18 The restricted license issued to Respondent IMMEDIATE
19 FUNDING INC. shall be subject to all of the provisions of
20 Section 10156.7 of the Code and the following limitations,
21 conditions and restrictions imposed under authority of Section
22 10156.6 of that Code:

23 1. The restricted license issued to Respondent may be
24 suspended prior to hearing by Order of the Real Estate
25 Commissioner in the event of Respondent's conviction or plea of
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1 nolo contendere to a crime which is substantially related to
2 Respondent's fitness or capacity as a real estate licensee.

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

9 3. Respondent shall not be eligible to apply for the
10 issuance of an unrestricted real estate license nor for the
11 removal of any of the conditions, limitations or restrictions of
12 a restricted license until two (2) years have elapsed from the
13 effective date of this Decision.

14 II.

15 So long as IMMEDIATE FUNDING INC. has a restricted real
16 estate license, IMMEDIATE FUNDING INC. shall submit to the
17 Department of Real Estate a Quarterly Trust Fund Position
18 Statement as of the last day of each March, June, September and
19 December. The Position Statement shall be submitted to the
20 Manager of the Department's Crisis Response Team in Los Angeles
21 office not later than 60 days following the last day of each
22 calendar quarter. The Position Statement shall include the
23 information and documents specified below and be verified as true
24 and accurate by Respondent IMMEDIATE FUNDING INC. under penalty
25 of perjury. If said Respondent IMMEDIATE FUNDING INC. has no
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1 trust fund liability as of the last day of the calendar quarter,
2 the Position Statement shall so state.

3 The Position Statement shall consist of the following:

4 (1) A schedule of trust fund accountability with the
5 following information concerning funds held by Respondent
6 IMMEDIATE FUNDING INC. as agent or trustee to the owner(s) of
7 said funds:

- 8 (a) Account number and depositories.
9 (b) Names of principals and beneficiaries.
10 (c) Trust fund liability to (b).

11
12 (2) A report of trust funds in the custody and control of
13 Respondent as of the accounting date consisting of:

14 (a) A copy of Respondent's trust accounts' bank
15 statements (listed above as (1)(a)) showing the balance of funds
16 in the accounts as of the accounting date.

17 (b) A schedule of uncleared checks drawn on the
18 accounts adjusting the accounts to their true balance as of the
19 accounting date.

20 (3) A copy of Respondent's (a) trust funds records
21 maintained pursuant to Section 2831 of the Regulations, (b)
22 separate records maintained pursuant to Section 2831.1 of the
23 Regulations and (c) reconciliation maintained pursuant to Section
24 2831.2 of the Regulations.

25 (4) A statement explaining any discrepancy between the
26 total liability shown under (1) above and the adjusted trust
27 accounts' balances shown under (2) above.

III.

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2 Pursuant to Section 10148 of the Business and
3 Professions Code, Respondent shall pay the Commissioner's
4 reasonable cost for (a) the audit which led to this disciplinary
5 action (LA 000473) and (b) a subsequent audit to determine if
6 Respondent is now in compliance with the Real Estate Law. The
7 cost of the audit which led to this disciplinary action is
8 \$2,638.35. In calculating the amount of the Commissioner's
9 reasonable cost, the Commissioner may use the estimated average
10 hourly salary for all persons performing audits of real estate
11 brokers, and shall include an allocation for travel time to and
12 from the auditor's place of work. Said amount for the prior and
13 subsequent audits shall not exceed \$5,276.67.

14 Respondent IMMEDIATE FUNDING INC. shall pay such cost
15 within 60 days of receiving an invoice from the Commissioner
16 detailing the activities performed during the audit and the
17 amount of time spent performing those activities.

18 The Commissioner may suspend the license of Respondent
19 IMMEDIATE FUNDING INC. pending a hearing held in accordance with
20 Section 11500, et seq., of the Government Code, if payment is not
21 timely made as provided for herein, or as provided for in a
22 subsequent agreement between the Respondent and the Commissioner.
23 The suspension shall remain in effect until payment is made in
24 full or until a Respondent enters into an agreement satisfactory
25 to the Commissioner to provide for payment, or until a decision
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1 providing otherwise is adopted following a hearing held pursuant
2 to this condition.

3 IV.

4 The real estate broker license and licensing rights of
5 Respondent STEVE Z. KESSEDJIAN under the Real Estate Law are
6 revoked; provided, however, a restricted real estate salesperson
7 license shall be issued to Respondent, pursuant to Section
8 10156.5 of the Business and Professions Code, if Respondent makes
9 application therefor and pays to the Department of Real Estate
10 the appropriate fee for the restricted license within ninety (90)
11 days from the effective date of this Decision. The restricted
12 license issued to Respondent shall be subject to all of the
13 provisions of Section 10156.7 of the Code and the following
14 limitations, conditions and restrictions imposed under authority
15 of Section 10156.6 of that Code:

16
17 1. The restricted license issued to Respondent may be
18 suspended prior to hearing by Order of the Real Estate
19 Commissioner in the event of Respondent's conviction or plea of
20 nolo contendere to a crime which is substantially related to
21 Respondent's fitness or capacity as a real estate licensee.

22 2. The restricted license issued to Respondent may
23 be suspended prior to hearing by Order of the Real Estate
24 Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate
26
27

1 Law, the Subdivided Lands Law, Regulations of the Real Estate
2 Commissioner or conditions attaching to the restricted license.

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations or restrictions of
6 a restricted license until two (2) years has elapsed from the
7 effective date of this Decision.

8 4. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by
12 the Department of Real Estate which shall certify:

13 (a) That the employing broker has read
14 the Decision of the Commissioner which
15 granted the right to a restricted license;
16 and

17 (b) That the employing broker will exercise
18 close supervision over the performance by the
19 restricted licensee relating to activities
20 for which a real estate license is required.

21 5. Respondent shall, within nine (9) months from the
22 issuance of this Decision, present evidence satisfactory to the
23 Real Estate Commissioner that Respondent has, since the most
24 recent issuance of an original or renewal real estate license,
25 taken and successfully completed the continuing education
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1 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
2 for renewal of a real estate license. If Respondent fails to
3 satisfy this condition, the Commissioner may order the suspension
4 of the restricted license until the Respondent presents such
5 evidence. The Commissioner shall afford Respondent the
6 opportunity for a hearing pursuant to the Administrative
7 Procedure Act to present such evidence.

8 6. Respondent shall within six (6) months from the
9 issuance of the restricted license, take and pass the
10 Professional Responsibility Examination administered by the
11 Department including the payment of the appropriate examination
12 fee. If Respondent fails to satisfy this condition, the
13 Commissioner may order suspension of the restricted license until
14 Respondent passes the examination.
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18 DATED: 6-29-05

 EJL
ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

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EXECUTION OF THE STIPULATION

We have read the Stipulation, and have discussed it with our counsel. Its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondents, to the Department at the following telephone/fax number: Elliott Mac Lennan at (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of Respondents' actual signature as they appear on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation.

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DATED: 8/11/05

IMMEDIATE FUNDING INC., a corporate
real estate broker;
BY: STEVE Z. KESSEDJIAN, P.O.,
Respondent

DATED: 8/11/05

STEVE Z. KESSEDJIAN individually
and as designated officer of
Immediate Funding Inc., Respondent

DATED: 8-11-05

Frank M. Ruda

FRANK M. RUDA, ESQ.
Attorney for Respondents
Approved as to form

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents IMMEDIATE FUNDING INC.
and STEVE Z. KESSEDJIAN, individually and as designated officer
of Immediate Funding Inc. and shall become effective at 12
o'clock noon on _____, 2005.

IT IS SO ORDERED _____, 2005.

JEFF DAVI
Real Estate Commissioner

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DATED: _____

IMMEDIATE FUNDING INC., a corporate
real estate broker,
BY: STEVE Z. KESSEDJIAN, D.O.,
Respondent

DATED: _____

STEVE Z. KESSEDJIAN individually
and as designated officer of
Immediate Funding Inc., Respondent

DATED: _____

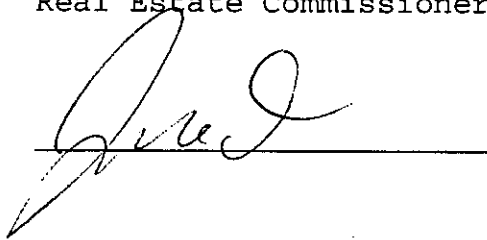
FRANK M. BUDA, ESQ.
Attorney for Respondents
Approved as to form

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents IMMEDIATE FUNDING INC.
and STEVE Z. KESSEDJIAN, individually and as designated officer
of Immediate Funding Inc. and shall become effective at 12
o'clock noon on SEP 29, 2005.

IT IS SO ORDERED 9-1, 2005.

JEFF DAVI
Real Estate Commissioner



Handwritten signature

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 21 2005
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By *K. Mederholt*

IMMEDIATE FUNDING INC., ET AL.,

}
}

Case No. H-30078 LA

OAH No. L-2003060187

Respondent

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Ste. 630, Los Angeles, CA on April 4-6, 2005, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JAN 21 2005

By *ELI*
ELLIOTT MAC LENNAN, Counsel

cc: Immediate Funding Inc.
Steve Z. Kessedjian
Frank M. Buda, Esq./Sacto/OAH/LF

Handwritten initials/signature in top left corner.

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
SEP - 8 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

IMMEDIATE FUNDING INC., ET AL.,

By *K. Kessedjian*

Case No. 30078 LA

OAH No. L-2003060187

Respondent

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Ste. 630, Los Angeles, CA on November 17 & 18, 2004, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

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DEPARTMENT OF REAL ESTATE

Dated: SEP - 8 2004

By *Elliott MacLennan*
ELLIOTT MAC LENNAN, Counsel

cc: Immediate Funding/Steven Z. Kessedjian
Dennis Doss, Esq./Daniel A. Nassie, Esq.
Sacto/OAH/

Sacto Glas

FILED
DEC 19 2003
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of

By *K. Medeholts*

IMMEDIATE FUNDING INC., et al.,

}
}

Case No. H-30078 LA

OAH No. L-2003060187

Respondent

**CONTINUED
NOTICE OF HEARING ON ACCUSATION**

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **June 16 & 17, 2004**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: **DEC 19 2003**

By *Elliott MacLennan*
ELLIOTT MAC LENNAN, Counsel

cc: Immediate Funding Inc.
Steven Z. Kessedjian
Dennis H. Doss, Esq./Sacto/OAH/LM

Acco July

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
JUL 2 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By *R. Kessedjian*

IMMEDIATE FUNDING INC., ET AL.,

}
}

Case No. H-30078 LA

OAH No. L-2003060187

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **December 15 & 16, 2003**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JUL 2 2003

By *E. Lennan*
ELLIOTT MAC LENNAN, Counsel

cc: Immediate Funding Inc./Steven Z. Kessedjian
Dennis H. Doss, Esq..
Sacto/OAH/AS

Handwritten signature

1 ELLIOTT MAC LENNAN, Counsel
2 State Bar No. 66674
3 Department of Real Estate
4 320 West Fourth Street, Suite 350
5 Los Angeles, California 90013-1105
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(213) 576-6911

FILED
JUN 26 2003
DEPARTMENT OF REAL ESTATE
By *K. Medeholt*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-30078 LA
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IMMEDIATE FUNDING INC. and)
13 STEVE Z. KESSEDJIAN, individually) FIRST AMENDED ACCUSATION
and as designated officer of)
14 Immediate Funding Inc.,)
)
15 Respondents.)
)

The Accusation filed on April 23, 2003, is hereby
amended in its entirety as follows:.

The Complainant, Janice Waddell, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against IMMEDIATE FUNDING INC. and STEVE Z. KESSEDJIAN,
individually and as designated officer of Immediate Funding
Inc., alleges as follows:

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///
///

1.

1 The Complainant, Janice Waddell, acting in her
2 official capacity as a Deputy Real Estate Commissioner of the
3 State of California, makes this Accusation against IMMEDIATE
4 FUNDING INC. ("IMI") and STEVE Z. KESSEDJIAN, individually as
5 designated officer of Immediate Funding Inc. ("KESSEDJIAN").
6

2.

7 All references to the "Code" are to the California
8 Business and Professions Code and all references to
9 "Regulations" are to Title 10, Chapter 6, California Code of
10 Regulations.
11

3.

12 IMI and KESSEDJIAN (sometimes hereinafter referred to
13 as Respondents) are presently licensed or have license rights
14 under the Real Estate Law (Part 1 of Division 4 of the Business
15 and Professions Code, hereinafter "Code").
16
17

4.

18 At all time herein mentioned, KESSEDJIAN was licensed
19 by the Department as the designated officer of IMI to qualify it
20 and to act for it as a real estate broker and, as provided by
21 Code Section 10159.2, was responsible for the supervision and
22 control of the activities conducted on behalf of IMI by its
23 officers, managers and employees as necessary to secure full
24 compliance with the provisions of the Real Estate Law including
25 the supervision of the salespersons licensed to the corporation
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1 in the performance of acts for which a real estate license is
2 required. IMI'S corporate real estate broker license was
3 originally issued on November 18, 1999. KESSEDJIAN was
4 originally licensed as a real estate broker on November 12,
5 1997.

6 5.

7 Whenever reference is made in an allegation in the
8 Accusation to an act or omission of IMI, such allegation shall
9 be deemed to mean that the officers, directors, managers,
10 employees, agents and real estate licensees employed by or
11 associated with IMI, including KESSEDJIAN, committed such act or
12 omission while engaged in the furtherance of IMI'S business or
13 operation and while acting within the course and scope of IMI'S
14 corporate authority, agency and employment.
15

16 6.

17 At all times herein mentioned in the City of Encino,
18 California, IMI engaged in the business as a real estate broker
19 within the meaning of Code Section 10131(d). IMI operated as a
20 mortgage and loan broker.

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FIRST CAUSE OF ACCUSATION

(Audit)

7.

On August 9, 2001, the Department completed an audit examination of the books and records of IMI pertaining to its mortgage and loan brokerage activities, requiring a real estate license as described in Paragraph 6. The audit examination covered a period of time beginning on December 1, 2000 to May 31, 2001. The audit examination revealed violations of the Code and the Regulations as set forth below, and more fully discussed in Audit Report LA 000473 and the exhibits and workpapers attached to said audit report.

8.

At all times mentioned, in connection with the activities described in Paragraph 6, above, IMI accepted or received funds in trust (trust funds) from or on behalf of borrowers and lenders, and thereafter made disposition of such funds. Respondent IMI maintained the following trust account during the audit period into which were deposited certain of these funds at:

"Immediate Escrow Inc. ("Trust Account")
Account No. 1 638 0067 9710"
US Bank (formerly "Southern California Bank")
Huntington Beach

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1
2 With respect to the trust funds referred to in
3 Paragraph 8, it is alleged that IMI:

4 (a) IMI recorded a Trust Deed in the amount of \$34,900
5 on 6308 South Condon, Los Angeles, California, against borrowers
6 Michael and Marlene Poellnitz, who sought to refinance their
7 residence through IMI. In fact no loan was ever made or funded
8 nor were there any loan proceeds. IMI is subject to discipline
9 pursuant to Code Sections 10177(g) and/or 10176(i).

10 (b) Failed to maintain an adequate control record in
11 the form of a columnar record in chronological order of all
12 trust funds received for the trust account, as required by Code
13 Section 10145 and Regulation 2831.

14 (c) Failed to maintain an adequate separate record for
15 each beneficiary or transaction, thereby failing to account for
16 all trust funds received, deposited into, and disbursed from the
17 escrow trust account, as required by Code Section 10145 and
18 Regulation 2831.1.

19 (d) Failed to place funds, including escrow receipts,
20 into a trust fund account in the name of the broker as trustee
21 at a bank or other financial, as required by Code Section 10145
22 and Regulation 2832. Said trust account, as described in
23 Paragraph 6, was set up in the name of "Immediate Escrow Inc."
24 and not in IMI's name.
25
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1 (e) Failed to deliver a statement in writing
2 containing all the information required by Code Section 10232.5
3 to various investors/lenders of IMI before the investor/lender
4 Parker for borrower Rutha, became obligated to make the loan or
5 purchase before the receipt by or on behalf of the broker of any
6 funds from that respective investor/lender/purchaser mortgage
7 loan, as required by Code Section 10232.4.

8 (f) Released the invested funds of lender Parker to
9 borrower Rutha without ever recording any trust deed securing
10 such loan or without ever recording the full amount of a trust
11 deed securing such loan in favor of lender Parker, as required
12 by Code Section 10234. The Assignment of Trust Deed was in fact
13 recorded in IMI's name.

14 10.

15 The conduct of Respondent IMI, described in Paragraph
16 9, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
18 9(a)	19 Code Section 10177(g) and/or 20 10176(i)
21 9(b)	22 Code Section 10145 and 23 Regulation 2831
24 9(c)	25 Code Section 10145 and 26 Regulation 2831.1
27 9(d)	Code Section 10145 and Regulation 2832

1 9(e)

Code Section 10232.4

2 9(f)

Code Section 10234

3 Each of the foregoing violations separately constitutes cause
4 for the suspension or revocation of the real estate license and
5 license rights of IMI under the provisions of Code Sections
6 10176(i), 10177(d) and/or 10177(g).

7 11.

8 The overall conduct of Respondent KESSEDJIAN
9 constitutes a failure on his part, as officer designated by a
10 corporate broker licensee, to exercise the reasonable
11 supervision and control over the licensed activities of IMI as
12 required by Code Section 10159.2, and to keep IMI in compliance
13 with the Real Estate Law, and is cause for the suspension or
14 revocation of the real estate license and license rights of
15 KESSEDJIAN pursuant to the provisions of Code Sections 10159.2
16 and 10177(h).

17 12.

18 DEPARTMENT ACTION

19 On October 20, 1999, in Case No. H-28252 LA, an ORDER
20 TO DESIST AND REFRAIN was filed against Respondent STEVE Z.
21 KESSEDJIAN dba Immediate Funding under Section 10086 of the Code
22 (Engaging in Prohibited Activity, Order to Desist and Refrain)
23 for violations of Business and Professions Code Section 10145
24 Sections 2731, 2831, 2831.1, 2832, 2950(d), 2950(h) and 2951 of
25 Title 10, Chapter 6, California Code of Regulations.
26
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SECOND CAUSE OF ACCUSATION

(Criminal Conviction)

13.

On August 9, 2002, in the Municipal Court of Los Angeles, Criminal Judicial District, County of Los Angeles, State of California, Respondent was convicted upon a plea of nolo contendere to one count of California Civil Code Section 2941(b)(1) (deed delivered after payment), a misdemeanor.

14.

This crime by its facts and circumstances is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

15.

This crime constitutes cause for the suspension or revocation of the license and license rights of Respondent under Sections 490 and 10177(b) of the Business and Professions Code.

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1 WHEREFORE, complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and licensing rights of Respondents
5 IMMEDIATE FUNDING INC. and STEVE Z. KESSEDJIAN, individually and
6 as designated officer of Immediate Funding Inc. under the Real
7 Estate Law (Part 1 of Division 4 of the Business and Professions
8 Code) and for such other and further relief as may be proper
9 under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this *24th day of June 2003*

12
13
14 
15 Deputy Real Estate Commissioner
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23

24 cc: Immediate Funding Inc.
25 c/o Steve Z. Kessedjian
26 Janice Waddell
27 Sacto
AS/DKW
Daniel A. Nassie, Esq.

Handwritten signature

1 ELLIOTT MAC LENNAN, Counsel
2 State Bar No. 66674
3 Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

4 (213) 576-6911

FILED
APR 23 2003
DEPARTMENT OF REAL ESTATE

By *R. Stuedeholt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-30078 LA
12)	
13	IMMEDIATE FUNDING INC. and)	
14	STEVE Z. KESSEDJIAN, individually)	<u>A C C U S A T I O N</u>
15	and as designated officer of)	
16	Immediate Funding Inc.,)	
17)	
18	Respondents.)	

17 The Complainant, Janice Waddell, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against IMMEDIATE FUNDING INC. and STEVE Z. KESSEDJIAN,
20 individually and as designated officer of Immediate Funding
21 Inc., alleges as follows:

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1.

1 The Complainant, Janice Waddell, acting in her
2
3 official capacity as a Deputy Real Estate Commissioner of the
4 State of California, makes this Accusation against IMMEDIATE
5 FUNDING INC. ("IMI") and STEVE Z. KESSEDJIAN, individually as
6 designated officer of Immediate Funding Inc. ("KESSEDJIAN").

2.

7
8 All references to the "Code" are to the California
9 Business and Professions Code and all references to
10 "Regulations" are to Title 10, Chapter 6, California Code of
11 Regulations.

3.

12
13 IMI and KESSEDJIAN (sometimes hereinafter referred to
14 as Respondents) are presently licensed or have license rights
15 under the Real Estate Law (Part 1 of Division 4 of the Business
16 and Professions Code, hereinafter "Code").

4.

17
18
19 At all time herein mentioned, KESSEDJIAN was licensed
20 by the Department as the designated officer of IMI to qualify it
21 and to act for it as a real estate broker and, as provided by
22 Code Section 10159.2, was responsible for the supervision and
23 control of the activities conducted on behalf of IMI by its
24 officers, managers and employees as necessary to secure full
25 compliance with the provisions of the Real Estate Law including
26 the supervision of the salespersons licensed to the corporation

1 in the performance of acts for which a real estate license is
2 required. IMI'S corporate real estate broker license was
3 originally issued on November 18, 1999. KESSEDJIAN was
4 originally licensed as a real estate broker on November 12,
5 1997.

6 5.

7 Whenever reference is made in an allegation in the
8 Accusation to an act or omission of IMI, such allegation shall
9 be deemed to mean that the officers, directors, managers,
10 employees, agents and real estate licensees employed by or
11 associated with IMI, including KESSEDJIAN, committed such act or
12 omission while engaged in the furtherance of IMI's business or
13 operation and while acting within the course and scope of IMI's
14 corporate authority, agency and employment.

15 6.

16 At all times herein mentioned in the City of Encino,
17 California, IMI engaged in the business as a real estate broker
18 within the meaning of Code Section 10131(d). IMI operated as a
19 mortgage and loan broker.

20 7.

21 On August 9, 2001, the Department completed an audit
22 examination of the books and records of IMI pertaining to its
23 mortgage and loan brokerage activities, requiring a real estate
24 license as described in Paragraph 6. The audit examination
25 covered a period of time beginning on December 1, 2000 to May
26 31, 2001. The audit examination revealed violations of the Code
27 and the Regulations as set forth below, and more fully discussed

1 in Audit Report LA 000473 and the exhibits and workpapers
2 attached to said audit report.

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4 At all times mentioned, in connection with the
5 activities described in Paragraph 6, above, IMI accepted or
6 received funds in trust (trust funds) from or on behalf of
7 borrowers and lenders, and thereafter made disposition of such
8 funds. Respondent IMI maintained the following trust account
9 during the audit period into which were deposited certain of
10 these funds at:

11 "Immediate Escrow Inc. ("Trust Account")
12 Account No. 1 638 0067 9710"
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16 With respect to the trust funds referred to in
17 Paragraph 8, it is alleged that IMI:

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20 Michael and Marlene Poellnitz, who sought to refinance their
21 residence through IMI. In fact no loan was ever made or funded
22 nor were there any loan proceeds. IMI is subject to discipline
23 pursuant to Code Sections 10177(g) and/or 10176(i).

24 (b) Failed to maintain an adequate control record in
25 the form of a columnar record in chronological order of all
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1 trust funds received for the trust account, as required by Code
2 Section 10145 and Regulation 2831.

3 (c) Failed to maintain an adequate separate record for
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5 all trust funds received, deposited into, and disbursed from the
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11 and Regulation 2832. Said trust account, as described in
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17 Parker for borrower Rutha; became obligated to make the loan or
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6 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
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9 9(b)	Code Section 10145 and 10 Regulation 2831
11 9(c)	Code Section 10145 and 12 Regulation 2831.1
13 9(d)	Code Section 10145 and 14 Regulation 2832
15 9(e)	Code Section 10232.4
16 9(f)	Code Section 10234

17
18
19 Each of the foregoing violations separately constitutes cause
20 for the suspension or revocation of the real estate license and
21 license rights of IMI under the provisions of Code Sections
22 10176(i), 10177(d) and/or 10177(g).
23

24 11.

25 The overall conduct of Respondent KESSEDJIAN
26 constitutes a failure on his part, as officer designated by a
27 corporate broker licensee, to exercise the reasonable

1 supervision and control over the licensed activities of IMI as
2 required by Code Section 10159.2, and to keep IMI in compliance
3 with the Real Estate Law, and is cause for the suspension or
4 revocation of the real estate license and license rights of
5 KESSEDJIAN pursuant to the provisions of Code Sections 10159.2
6 and 10177(h).

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11 KESSEDJIAN dba Immediate Funding under Section 10086 of the Code
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13 for violations of Business and Professions Code Section 10145
14 Sections 2731, 2831, 2831.1, 2832, 2950(d), 2950(h) and 2951 of
15 Title 10, Chapter 6, California Code of Regulations.

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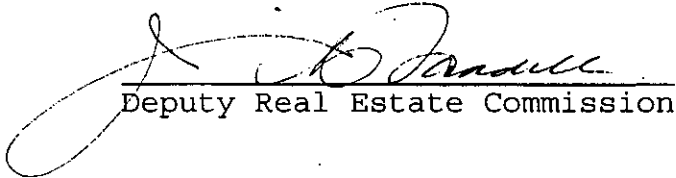
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27

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3 conducted on the allegations of this Accusation and, that upon
4 proof thereof, a decision be rendered imposing disciplinary
5 action against all licenses and licensing rights of Respondents
6 IMMEDIATE FUNDING INC. and STEVE Z. KESSEDJIAN, individually and
7 as designated officer of Immediate Funding Inc. under the Real
8 Estate Law (Part 1 of Division 4 of the Business and Professions
9 Code) and for such other and further relief as may be proper
10 under other applicable provisions of law.

11
12 Dated at Los Angeles, California

13 this *21st day of April, 2003*

14
15 
16 Deputy Real Estate Commissioner

17
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22
23
24
25 cc: Immediate Funding Inc.
26 c/o Steve Z. Kessedjian
27 Maria Suarez
Sacto
AS