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1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

**FILED**  
NOV 22 2010  
DEPARTMENT OF REAL ESTATE

By C. \_\_\_\_\_

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 To:	)	No. H-36929 LA
	)	
12 R&R HOLDINGS, INC., dba Great	)	<u>ORDER TO DESIST</u>
13 Western Financial Services;	)	<u>AND REFRAIN</u>
14 RANDALL MAGDY AWAD;	)	
15 MO AMIR; SAM MASRI; SCOTT	)	(B&P Code Section 10086)
16 HAGHVERDIAN; MICHAEL	)	
17 FERNANDEZ; and KAREN RUANO.	)	

18 The Commissioner ("Commissioner") of the California Department of Real Estate  
19 ("Department") caused an investigation to be made of the activities of R&R HOLDINGS, INC.,  
20 dba Great Western Financial Services; RANDALL MAGDY AWAD; MO AMIR; SAM  
21 MASRI; SCOTT HAGHVERDIAN; MICHAEL FERNANDEZ; and KAREN RUANO. Based  
22 on that investigation the Commissioner has determined that R&R HOLDINGS, INC., dba Great  
23 Western Financial Services; RANDALL MAGDY AWAD; MO AMIR; SAM MASRI; SCOTT  
24 HAGHVERDIAN; MICHAEL FERNANDEZ; and KAREN RUANO have engaged in or are  
25 engaging in acts or are attempting to engage in the business of, acting in the capacity of, and/or  
26 advertising or assuming to act as real estate brokers in the State of California within the meaning  
27 of Business and Professions Code Sections 10131(d) (soliciting, negotiating and performing

1 services for borrowers in connection with loans secured by real property) and 10131.2 (advance  
2 fee handling).

3 In addition, based on that investigation, the Commissioner has determined that  
4 R&R HOLDINGS, INC., dba Great Western Financial Services; RANDALL MAGDY AWAD;  
5 MO AMIR; SAM MASRI; SCOTT HAGHVERDIAN; MICHAEL FERNANDEZ; and KAREN  
6 RUANO have engaged in or are engaging in acts or are attempting to engage practices  
7 constituting violations of the California Business and Professions Code ("Code") and/or Title 10,  
8 California Code of Regulations ("Regulations"). Based on the findings of that investigation, set  
9 forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of  
10 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

#### 11 FINDINGS OF FACT

12 1. R&R HOLDINGS, INC. is presently licensed or has license rights under the  
13 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate corporation. Great Western  
14 Financial Services is a fictitious business name of R&R HOLDINGS, INC.  
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16 2. RANDALL MAGDY AWAD is presently licensed or has license rights under  
17 the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker. RANDALL  
18 MAGDY AWAD was the designated broker officer of R&R HOLDINGS, INC. from April 23,  
19 2007 through August 24, 2009.  
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21 3. MO AMIR, SAM MASRI, SCOTT HAGHVERDIAN, MICHAEL  
22 FERNANDEZ and KAREN RUANO are not now, and have never been, licensed by the  
23 Department in any capacity.

24 4. At the time set forth below R&R HOLDINGS, INC., dba Great Western  
25 Financial Services; RANDALL MAGDY AWAD; MO AMIR; SAM MASRI; SCOTT  
26 HAGHVERDIAN; MICHAEL FERNANDEZ; and KAREN RUANO solicited borrowers and  
27

1 negotiated to do one or more of the following acts for another or others, for or in expectation of  
2 compensation: engaged in the business of, acted in the capacity of, or advertised a loan  
3 modification and negotiation service and advance fee brokerage using the name "Great Western  
4 Financial Services," solicited, offered to negotiate or perform loan modification services with  
5 respect to loans which were secured by liens on real property for compensation or in  
6 expectation of compensation and for fees collected in advance of the transaction.

7           5. On or about September 19, 2008, Great Western Financial Services charged  
8 Oswald F. an advance fee of \$2,800. The advance fee was collected pursuant to the provisions  
9 of an agreement pertaining to loan solicitation, negotiation, and modification services to be  
10 provided by Great Western Financial Services with respect to a loan secured by the real property  
11 located in Norwalk, California. Great Western Financial Services employed or compensated MO  
12 AMIR, an unlicensed person, to solicit and perform services for borrower Oswald F. in  
13 connection with a loan secured by real property.

14           6. On or about October 24, 2008, Great Western Financial Services charged  
15 Donna D. an advance fee of \$2,500. The advance fee was collected pursuant to the provisions of  
16 an agreement pertaining to loan solicitation, negotiation, and modification services to be  
17 provided by Great Western Financial Services with respect to a loan secured by the real property  
18 located in Panorama City, California. Great Western Financial Services employed or  
19 compensated KAREN RUANO, an unlicensed person, to solicit and perform services for  
20 borrower Donna D. in connection with a loan secured by real property.

21           7. On or about December 18, 2008, Great Western Financial Services charged  
22 Denise T. an advance fee of \$1,900. The advance fee was collected pursuant to the provisions of  
23 an agreement pertaining to loan solicitation, negotiation, and modification services to be  
24 provided by Great Western Financial Services with respect to a loan secured by the real property  
25 located in the State of Maryland. Great Western Financial Services employed or compensated  
26 unlicensed persons MICHAEL FERNANDEZ and SAM MASRI, to solicit and perform services  
27 for borrower Denise T. in connection with a loan secured by real property.

1           8. On or about March 12, 2009, Great Western Financial Services charged Ann  
2 R. an advance fee of \$2,000. The advance fee was collected pursuant to the provisions of an  
3 agreement pertaining to loan solicitation, negotiation, and modification services to be provided  
4 by Great Western Financial Services with respect to a loan secured by the real property located  
5 in Reseda, California. Great Western Financial Services employed or compensated SCOTT  
6 HAGHVERDIAN, an unlicensed person, to solicit and perform services for borrower, Ann R., in  
7 connection with a loan secured by real property.

8           9. On or about December 8, 2008, Great Western Financial Services charged  
9 Gabriel G. an advance fee of \$2,000. The advance fee was collected pursuant to the provisions  
10 of an agreement pertaining to loan solicitation, negotiation, and modification services to be  
11 provided by Great Western Financial Services with respect to a loan secured by the real property  
12 located in Indio, California.

13           10. On or about October 9, 2008, Great Western Financial Services charged  
14 Carlos O. an advance fee of \$2,500. The advance fee was collected pursuant to the provisions of  
15 an agreement pertaining to loan solicitation, negotiation, and modification services to be  
16 provided by Great Western Financial Services with respect to a loan secured by the real property  
17 located in the State of Arizona. Great Western Financial Services employed or compensated  
18 KAREN RUANO, an unlicensed person, to solicit and perform services for borrower Carlos O.  
19 in connection with a loan secured by real property.

#### 20                           CONCLUSIONS OF LAW

21           11. Based on the information contained in Paragraphs 1 through 10, above,  
22 R&R HOLDINGS, INC., dba Great Western Financial Services and RANDALL MAGDY  
23 AWAD violated Section 10085 of the Code and Regulation 2970, by not having an approved  
24 advance fee agreement on file with the Department.

25           12. Based on the information contained in Paragraphs 1 through 10, above,  
26 R&R HOLDINGS, INC., dba Great Western Financial Services and RANDALL MAGDY  
27 AWAD violated Code Section 10137 of the Code by employing and/or compensating

1 individuals who were not licensed as a real estate salesperson or as a broker to perform  
2 activities requiring a real estate license.

3 13. Based on the information contained in Paragraphs 1 through 10, above, MO  
4 AMIR, SAM MASRI, SCOTT HAGHVERDIAN, MICHAEL FERNANDEZ and KAREN  
5 RUANO violated Section 10130 of the Code by engaging in the activities without first obtaining  
6 a broker license from the Department.

7 DESIST AND REFRAIN ORDER

8 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated  
9 herein, it is hereby ordered that:

10 (A) R&R HOLDINGS, INC., dba Great Western Financial Services and  
11 RANDALL MAGDY AWAD, immediately desist and refrain from:  
12 employing and/or compensating individuals who are not licensed as a real  
13 estate salesperson or as a broker to perform activities requiring a real  
14 estate license.

15 (B) MO AMIR, SAM MASRI, SCOTT HAGHVERDIAN, MICHAEL  
16 FERNANDEZ and KAREN RUANO immediately desist and refrain  
17 from: performing any acts within the State of California for which a real  
18 estate broker license is required, unless you are so licensed.

19 IT IS FURTHER ORDERED THAT R&R HOLDINGS, INC., dba Great Western  
20 Financial Services and RANDALL MAGDY AWAD immediately desist and refrain from:

- 21 1. charging, demanding, claiming, collecting and/or receiving advance fees, as  
22 that term is defined in Section 10026 of the Code, in any form, and under any  
23 conditions, with respect to the performance of loan modification or any other  
24 form of mortgage loan forbearance services in connection with loans on  
25 residential property containing four or fewer dwelling units (Code Section  
26 10085.6).  
27 2. charging, demanding, claiming, collecting and/or receiving advance fees, as

1 that term is defined in Section 10026 of the Code, for any of the other real  
2 estate related services offered to others, unless and until R&R HOLDINGS,  
3 INC., dba Great Western Financial Services and RANDALL MAGDY  
4 AWAD demonstrate and provide evidence satisfactory to the Commissioner  
5 they:

- 6 (a) have an advance fee agreement which has been submitted to the Department  
7 and which is in compliance with Section 10085 of the Code and Section 2970  
8 of the Regulations;  
9 (b) have placed all previously collected advance fees into a trust account for that  
10 purpose and is in compliance with Section 10146 of the Code; and  
11 (c) have provided an accounting to trust fund owner-beneficiaries from whom  
12 advance fees have previously been collected in compliance with Section  
13 10146 of the Code and Section 2972 of the Regulations.

14 IT IS FURTHER ORDERED THAT MO AMIR, SAM MASRI, SCOTT  
15 HAGHVERDIAN, MICHAEL FERNANDEZ and KAREN RUANO immediately desist and  
16 refrain from:

- 17 1. charging, demanding, claiming, collecting and/or receiving advance fees, as  
18 that term is defined in Section 10026 of the Code, in any form, and under any  
19 conditions, with respect to the performance of loan modifications or any other  
20 form of mortgage loan forbearance service in connection with loans on  
21 residential property containing four or fewer dwelling units (Code Section  
22 10085.6); and  
23 2. charging, demanding, claiming, collecting and/or receiving advance fees, as  
24 that term is defined in Section 10026 of the Code, for any other real estate  
25 related services offered by them to others.  
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1 DATED: 11-18, 2010.

2  
3 JEFF DAVI  
Real Estate Commissioner

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8 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a  
9 real estate broker or real estate salesperson without a license or who advertises using words  
10 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
11 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
12 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)."

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21 cc: R&R Holdings, Inc. dba Great Western Financial Services, Randall Magdy Awad, Mo Amir,  
22 Sam Masri, Scott Haghverdian, Michael Fernandez and Karen Ruano  
23 18757 Burbank Blvd., Suite 100  
Tarzana, CA 91356

24 Randall Magdy Awad  
25 15506 Moorpark St. #320  
26 Encino, CA 91436  
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