

FILED

DEC 13 2011

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: James Demus

4 (213) 576-6982
5 (213) 576-6910 (direct)

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 MARIAN ANTOUN,)

14 Respondents.)

No. H-37735 LA

A C C U S A T I O N

15
16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of
18 Accusation against MARIAN ANTOUN is informed and alleges as
19 follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

24 2.

25 MARIAN ANTOUN, (hereinafter "Respondent") is
26 presently licensed and/or has license rights under the Real
27

1 Estate Law (Part 1 of Division 4 of the Business and
2 Professions Code, hereinafter "Code"), as a real estate
3 salesperson. At the time of the transaction at issue,
4 Respondent was licensed under the employ of Octagon
5 International Business Investments Inc.

6 3.

7 Home Savers Elite (hereinafter "HSE"), is not now and
8 has never been, licensed by the Department in any capacity. On
9 or about November 20, 2008, Respondent filed a fictitious
10 business name statement, which named Respondent as the
11 registered owner of HSE with the Los Angeles County Recorder's
12 Office.

13 5.

14 Respondent engaged in the business of a real estate
15 broker in the State of California within the meaning of Code
16 Sections 10131(d) and 10131.2, including brokering mortgage
17 loans and performing loan modification activities and claiming,
18 demanding, charging, receiving, collecting or contracting for
19 the collection of an advance fee, within the meaning of Code
20 Section 10026, including, but not limited to, the following
21 loan modification activity, with respect to a loan which was
22 secured by a lien on real property.

23 6.

24 On or about January 19, 2009, Helmy Hanna and Magda
25 Eriaan submitted a \$3,000 check to HSE as an advance fee for
26 the negotiation by HSE of a modification of their loan, which
27 was secured by real property located at 5338 Barrett Circle,

1 Buena Park, CA.

2 7.

3 The agreement described in Paragraph 6 above,
4 constitutes an advance fee agreement within the meaning of Code
5 Section 10026. Respondent failed to submit the advance fee
6 agreement referred to in Paragraph 6 to the Commissioner ten
7 days before using it, in violation of Code Section 10085 and
8 Section 2970 of Title 10, California Code of Regulations
9 ("Regulations").

10 8.

11 Under Code Section 10137, no salesperson shall be
12 employed by, or accept compensation from any person other than
13 the broker under who she is at the time employed. At the time
14 of the transaction described in paragraph 6 above, Respondent
15 was employed by Octagon International Business Investments Inc.
16 Respondent was not entitled to receive compensation through HSE.

17 9.

18 The conduct, acts and/or omissions of Respondent, as
19 set forth above, are cause for the suspension or revocation of
20 the licenses and license rights of Respondent, pursuant to
21 Regulation 2970 and Code Sections 10085, 10137, 10177(d) and/or
22 10177(g).

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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 the licenses and license rights of
5 Respondent MARIAN ANTOUN under the Real Estate Law, and for
6 such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California

9 this 6 day of December, 2011.

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11 
12 _____
13 Robin Trujillo
14 Deputy Real Estate Commissioner
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25 cc: MARIAN ANTOUN
26 Robert Stallings Inc.
27 Robin Trujillo
Sacto.