

1 Bureau of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013
(213) 576-6982

FILED

SEP - 4 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CalBRE No. H - 39712 LA
12) OAH No. 2015031091
13 AB AMERICAN DREAM HOMES, INC.;)
SECURELINE REALTY AND FUNDING, INC.;)
14 KONSTANTINE KABILAFKAS,)
individually, and as designated officer of) STIPULATION & AGREEMENT
15 AB American Dream Homes, Inc. and) WITH RESPONDENTS
Secureline Realty and Funding, Inc.;) SECURELINE REALTY AND
16 JULIO CESAR ANDIA; and) FUNDING, INC. AND
TAMARA DADYAN,) TAMARA DADYAN
17 Respondents.)

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19 It is hereby stipulated by and between SECURELINE REALTY AND
20 FUNDING, INC. and TAMARA DADYAN (collectively "Respondents") and their attorney,
21 Larry Ajalat, and the Complainant, acting by and through Lissete Garcia, Counsel for the
22 Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation
23 filed on January 16, 2015, in this matter:

24 1. All issues which were to be contested and all evidence which was to be

1 presented by Complainant and Respondents at a formal hearing on the Accusation, which
2 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
3 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
4 this Stipulation and Agreement ("Stipulation").

5 2. Respondents have received, read, and understand the Statement to
6 Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Bureau of
7 Real Estate ("Bureau") in this proceeding.

8 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the
9 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
10 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
11 acknowledge that they understand that by withdrawing said Notice of Defense they will thereby
12 waive their right to require the Commissioner to prove the allegations in the Accusation at a
13 contested hearing held in accordance with the provisions of the APA and that they will waive
14 other rights afforded to them in connection with the hearing such as the right to present
15 evidence in defense of the allegations in the Accusation and the right to cross-examine
16 witnesses.

17 4. This Stipulation is based on the factual allegations contained in the
18 Accusation filed in this proceeding. In the interest of expedience and economy, Respondents
19 choose not to contest these factual allegations, but to remain silent and understand that, as a
20 result thereof, these factual statements, will serve as a prima facie basis for the disciplinary
21 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
22 further evidence to prove such allegations.

23 5. Respondents understand that by agreeing to this Stipulation, they agree to pay
24 pursuant to Business and Professions Code Section 10106, the investigation and enforcement

1 costs which led to this disciplinary action. The amount of said costs is \$2,821.72.

2 6. It is understood by the parties that the Real Estate Commissioner may adopt
3 the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on
4 Respondents' real estate licenses and license rights as set forth in the below "Order." In the
5 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation
6 shall be void and of no effect, and Respondents shall retain the right to a hearing on the
7 Accusation under all the provisions of the APA and shall not be bound by any stipulation or
8 waiver made herein.

9 7. The Order or any subsequent Order of the Real Estate Commissioner
10 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
11 administrative or civil proceedings by the Bureau with respect to any conduct which was not
12 specifically alleged to be causes for accusation in this proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations and waivers and solely for the purpose of
15 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
16 following determination of issues shall be made:

17 The conduct, acts and/or omissions of Respondents as set forth in the
18 Accusation, constitute cause for the suspension or revocation of all the real estate licenses and
19 license rights of Respondents under the provisions of Sections 10176(a) and 10177(g) of the
20 Business and Professions Code ("Code").

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent SECURELINE REALTY AND FUNDING, INC. (“SECURELINE”) under the Real Estate Law are revoked; provided, however, a restricted corporate real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days of the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a

1 restricted license until at least three (3) years have elapsed from the effective date of this
2 Decision.

3 II.

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

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

17 2. The restricted license issued to Respondent DADYAN may be suspended
18 prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
19 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
20 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching
21 to the restricted license.

22 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
23 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
24

1 restricted license until at least three (3) years have elapsed from the effective date of this
2 Decision.

3 4. Respondent shall submit with any application for license under an employing
4 broker, or any application for transfer to a new employing broker, a statement signed by the
5 prospective employing real estate broker on a form approved by the Bureau of Real Estate
6 which shall certify:

7 (a) That the employing broker has read the Order of the Commissioner which
8 granted the right to a restricted license, and

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

12 5. Respondent DADYAN shall, within six (6) months from the effective date of
13 this Order, take and pass the Professional Responsibility Examination administered by the
14 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
15 this condition, Respondent's real estate license shall automatically be suspended until
16 Respondent passes the examination.

17 6. Respondent DADYAN shall, within nine (9) months from the effective date of
18 this Order, present evidence satisfactory to the Commissioner that Respondent has, since the
19 most recent issuance of an original or renewal real estate license, taken and successfully
20 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
22 Respondent's real estate license shall automatically be suspended until Respondent presents
23 evidence satisfactory to the Commissioner of having taken and successfully completed the
24 continuing education requirements. Proof of completion of the continuing education courses

1 must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
2 CA 95813-7013.

3 7. Respondent DADYAN shall notify the Commissioner in writing within 72
4 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real
5 Estate, Attn: Flag Section, Post Office Box 137013, Sacramento, CA 95813-7013.

6 III.

7 Prior to the issuance of any restricted licenses and as a condition of the issuance
8 of said restricted licenses, Respondents SECURELINE and DADYAN shall jointly or severally
9 pay the sum of \$2,821.72 for the Commissioner's reasonable costs of enforcement and
10 investigation which led to this disciplinary action. Said payment shall be in the form of a
11 cashier's check made payable to the Real Estate Fund. The costs must be delivered to the
12 Bureau of Real Estate, Flag Section, at P.O. Box 1370013, Sacramento, CA 95813-7013, prior
13 to the effective date of this Order.

14 If Respondents fail to satisfy the condition above, the Commissioner shall order
15 the suspension of Respondents' licenses until Respondents present evidence of payment. The
16 Commissioner shall afford Respondents the opportunity for a hearing pursuant to the
17 Administrative Procedure Act to present such evidence that payment was timely made. The
18 suspensions 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 DATED: 8/11/2015


LISSETE GARCIA, Counsel for the
Bureau of Real Estate

22 * * *

23 We have read the Stipulation and Agreement and its terms are understood by us
24

1 and are agreeable and acceptable to us. We understand that we are waiving rights given to us by
2 the California Administrative Procedure Act (including but not limited to Sections 11506,
3 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
4 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
5 allegations in the Accusation at a hearing at which we would have the right to cross-examine
6 witnesses against us and to present evidence in defense and mitigation of the charges.

7 Respondents can signify acceptance and approval of the terms and conditions of
8 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
9 Respondents, to the Bureau at the following telephone/fax number: (213) 576-6917.

10 Respondents agree, acknowledge, and understand that by electronically sending to the Bureau a
11 fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt
12 of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had
13 received the original signed Stipulation and Agreement.

14
15 DATED: _____

On behalf of SECURELINE REALTY AND
FUNDING, INC., Respondent

16
17 DATED: _____

TAMARA DADYAN
Respondent

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19
20 *I have reviewed the Stipulation and Agreement as to form and content and have*
21 *advised my client accordingly.*

22
23 DATED: _____

LARRY AJALAT, Attorney for Respondents
SECURELINE REALTY AND FUNDING, INC.
and TAMARA DAYAN


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 2 the California Administrative Procedure Act (including but not limited to Sections 11506,
 3 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
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 11 fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt
 12 of the facsimile copy by the Bureau shall be as binding on Respondents as if the Bureau had
 13 received the original signed Stipulation and Agreement.

14
 15 DATED: 8/10/15


 (On behalf of) SECURELINE REALTY AND
 FUNDING, INC., Respondent

17 DATED: 8/10/15


 TAMARA DAYAN
 Respondent

18
 19
 20 I have reviewed the Stipulation and Agreement as to form and content and have
 21 advised my client accordingly.

22 DATED: _____

23 _____
 LOREN AJALAT, Attorney for Respondents
 SECURELINE REALTY AND FUNDING, INC.
 and TAMARA DAYAN

24

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 2 the California Administrative Procedure Act (including but not limited to Sections 11506,
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 13 received the original signed Stipulation and Agreement.

14
15 DATED: _____

On behalf of SECURELINE REALTY AND FUNDING, INC., Respondent

16
17 DATED: _____

TAMARA DADYAN
Respondent

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19
20 *I have reviewed the Stipulation and Agreement as to form and content and have*
 21 *advised my client accordingly.*

22 DATED: 8/10/15

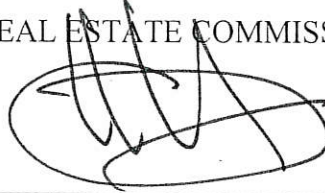
23 
 LARRY AJALAT, Attorney for Respondents
 SECURELINE REALTY AND FUNDING, INC.
 and TAMARA DAYAN

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The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter, and shall become effective at 12 o'clock noon on SEP 24 2015.

IT IS SO ORDERED AUGUST 26, 2015

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner