DEPARTMENT OF REAL ESTATE
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FILED
AUG 6 2009
DEPARTMENT OF REAL ESTATE
By L Henry

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

To: ROB M. ZAKIR dba UNITED SECURITY SERVICES, INC., OMNI REAL ESTATE NETWORK, USMODIFIEDLOAN.COM and/or any other names or fictitious names.	NO. H-3999 SD ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of ROB M. ZAKIR (ZAKIR) doing business as UNITED SECURITY SERVICES, INC. (USSI), OMNI REAL ESTATE NETWORK and/or USMODIFIEDLOAN.COM. Based on that investigation, the Commissioner has determined that ZAKIR, as a real estate licensee, has engaged in acts or practices constituting violations of the California Business and Professions Code (Code), including Section 10130 (engaging in the business of advertising or assuming to act as a real estate broker without first obtaining a real estate license), 10159.5 (failure to file fictitious business name with the Department), 10177(c) (knowingly authorized or aided in the publication of a material false statement concerning designation or certification), and 10177(d) (willfully disregarded or violated the real estate law). Also, ZAKIR's activities are in violation of Title 10, California

Code of Regulations (Regulations), including Sections 2731(a) (failure to file fictitious business name with the Department), 2728.5 (failure to file a branch office with the Department), 2848(a)(1) (using words such as "guaranteed" and "insured" to describe security of funds), 2848(a)(2) (use of ambiguous terms), 2848(a)(12) (implying governmental endorsement), and 2848(a) (13) (falsely representing the number and location of business offices) by knowingly advertising or causing or permitting to be advertised statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are not in compliance with advertising statutes and are also false, misleading or deceptive. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to ZAKIR, those acts are alleged to have been done by ZAKIR, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the names United Security Services, Inc., Omni Real Estate Network, USModifiedloans.com and/or other names or fictitious names unknown at this time.

FINDINGS OF FACT

1. ZAKIR has been licensed by the Department as a real estate salesperson since February 25, 2003 and as a real estate broker since February 18, 2009. ZAKIR is the designated officer for USSI.

2. USSI was originally licensed as a real estate corporation under the name Omni Mortgage Network, Inc. on February 8, 2006. USSI has the following three fictitious business names: Omni Mortgage Network, Omni Real Estate Network, and USModifiedloans.com.

3. On or about October 16, 2008, Sylvia I. Yrigollen (YRIGOLLEN), a Senior Deputy Commissioner, sent a letter to ZAKIR addressing the violations on the USModifiedloans.com website.

4. At that time, USModifiedloans.com was not licensed by the Department, the Department had no record of the address listed on the website, the broker license designation was missing, and the site used the phrases "approved by the DRE," "we guarantee it," and "we are experts at loan modification."

5. On or about October 29, 2008, the Department received a letter from the Respondent indicating that a DBA had been filed, the address had been corrected, and that the words "approved by the DRE" meant he was licensed and "we guarantee it" referred to a money back guarantee. The Respondent informed the Department that the website was no longer active and that those comments would be removed.

6. On or about October 31, 2008, Yrigollen conducted an internet search to verify compliance and found the website was still operational and the violations had not been corrected.

7. The fictitious business name USModifiedloans.com is now listed on USSI's license, the address is not licensed by the Department and is not a valid San Diego address, and the words in violation of the advertising statute continue to be displayed on the USModifiedloans.com website.

CONCLUSIONS OF LAW

8. Based on the findings of fact contained in paragraphs 1 through 7, ZAKIR, acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, and using the name "United Security Services, Inc.," or other names or fictitious names unknown at this time, violated Sections 10130 (engaging in the business of advertising or assuming to act as a real estate broker without first obtaining a real estate license), 10159.5 (failure to file fictitious business name with the Department), 10177(c) (knowingly authorized or aided in the publication of a material false statement concerning designation or certification), and 10177(d) (willfully disregarded or violated the real estate law) of the Code and Sections 2731(a), 2731(a) (failure to file fictitious business name with the Department), 2728.5 (failure to file a branch office with the Department), 2848(a)(1) (using words such as "guaranteed" and "insured"

to describe security of funds), 2848(a)(2) (use of ambiguous terms), 2848(a)(12) (implying governmental endorsement), and 2848(a) (13) (falsely representing the number and location of business offices) of the Regulations.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you,

ROB M. ZAKIR, whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from causing to be published advertisements which include statements or representations with regard to rates, terms, or conditions for making or negotiating loans which are not in compliance with advertising statutes and are false, misleading or deceptive.

DATED: 7-30-09

JEFF DAVI
Real Estate Commissioner

By Barbara J. Bigby
BY: Barbara J. Bigby
Chief Deputy Commissioner

cc: Rob M. Zakir
4730 Plummer Court
San Diego, CA 92130