Facts

Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982

FILED

SEP - 3 2009

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of MOHAMMAD GHAEMI, Respondent.	No. H-35770 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent MOHAMMAD GHAEMI (sometimes referred to as (Respondent), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation (Accusation) filed on March 11, 2009, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative

Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.

3. Respondent timely filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in his defense the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation. In the interest of expedience and economy, Respondent chooses not to contest these allegations, but to remain silent and understands that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary

action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), the state or federal government, or any agency of this state, another state or federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceedings.

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

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically

alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations against Respondent herein.

DETERMINATION OF ISSUES

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

The conduct of MOHAMMAD GHAEMI, as described in Paragraph 4, above, is in violation of Business and Professions Code ("Code") Section 10146 and Sections 2970 and 2972 of Title 10, Chapter 6 of the California Code of Regulations and is a basis for discipline of Respondent's license and license rights as violations of the Real Estate Law pursuant to Code Section 10177(d).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent MOHAMMAD GHAEMI are publicly reproved.

DATED: 6-5-09

ELLIOTT MAC LENNAN, Counsel for the Department of Real Estate

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EXECUTION OF THE STIPULATION

I have read the Stipulation. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I 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 I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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MAILING AND FACSIMILE

Respondent (1) shall mail the original signed signature page of the stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Additionally, Respondent shall also (2) facsimile a copy of signed signature page, to the Department at the following telephone/fax number: (213) 576-6917, Attention: Elliott Mac Lennan. A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation.

Respondent agrees, acknowledges and understands that by electronically sending to the Department a facsimile copy of Respondent's actual signature as it appears on the stipulation that receipt of the facsimile copy by the Department shall be as binding on Respondent as if the Department had received the original signed stipulation.

DATED: 6-17-09

MOHAMMAD GHAEMI, Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MOHAMMAD GHAEMI and shall become effective at 12 o'clock noon on September 23, 2009.

IT IS SO ORDERED 8/17, 2009.

JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

Santos

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED

MAR 11 2009

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of MOHAMMAD GHAEMI, Respondent.	No. H-35770 LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MOHAMMAD GHAEMI aka Mohammad Michael Ghaemi and aka GTS, LLC and doing business as GTS Credit Services, alleges as follows:

1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against MOHAMMAD GHAEMI ("GHAEMI").

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2.

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

3.

At all times mentioned, from on or about September 5, 2008 to date, GHAEMI (hereinafter referred to as "Respondent"), is presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code), as a real estate broker. GHAEMI was originally licensed as a real estate broker July 17, 1999.

4.

At all times mentioned, in City of Irvine, County of Orange, GHAEMI acted as a real estate broker and conducted licensed activities within the meaning of:

A. Code Section 10131(d). From on or about July 17, 1999 to date, GHAEMI engaged in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of transactions; and

B. Code Section 10131.2. From on or about September 5, 2008 to date, GHAEMI engaged in the business of a loan modification and loan restructuring service, and an advance fee

brokerage dba GTS, LLC and dba GTS Credit Services. Respondent performed loan modification services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance and as well at the close of the transactions. Respondents contacted lenders on behalf of distressed homeowners seeking modification of the terms of their home loans, interest and/or principal reduction, foreclosure abatement, loan refinance, and/or short sale services.

4.

In connection with Respondent's licensed activities, GHAEMI acted in violation of the Code and Regulations as follows:

(a) Violated Code Section 10146 by collecting advance fees from the public yet failing to deposit the fees into a real estate broker trust account.

(b) Violated Regulation 2970 by failing to submit to the Commissioner not less than ten calendar days before publication or other use, all materials to be used in advertising, promoting, soliciting and negotiating an agreement calling for the payment of an advance fee including the form of advance fee agreement proposed for use.

(c) Violated Regulation 2972 by failing to provide a complete description of loan modification services to be rendered provided to each would-be homeowner in 10 point type font and an allocation and disbursement of the amount collected as the advance fee; and

(d) Used the fictitious name of "GTS, LLC" and "GTS Credit Services" to conduct loan modification activities without holding a license bearing said fictitious business names, in violation of Code Section 10159.5 and Regulation 2731

5.

The conduct of Respondent GHAEMI described in Paragraph 4, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10146
7(b)	Regulation 2970
7(c)	Regulation 2972
7(d)	Code Section 10159.5 and Regulation 2731

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of GHAEMI, under the provisions of Code Sections 10177(d) and/or 10177(g).

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The overall conduct, acts and/or omissions of Respondent GHAEMI in failing to ensure full compliance with the Real Estate Law is in violation of Code Sections 10177(d), 10177(g) and/or 10177(h).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondents MOHAMMAD GHAEMI, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 18 day of February 2009.

Deputy Real Estate Commissioner

cc: Mohammad Ghaemi D.O.
Robin Trujillo
Sacto.