FILED

JAN 14 2011

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ARIA & ASSOCIATES INC.; and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., Respondents,	No. H-36540 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on December 8, 2010, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent ARIA & ASSOCIATES INC.'s and KAMRAN DJAZAERI's express admissions; (2) affidavits; and (3) other evidence.

FACTUAL FINDINGS

1.

On March 22, 2010, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondents ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, to Respondents' last known mailing addresses on file with the Department on March 24, 2010.

2.

On December 8, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents ARIA & ASSOCIATES INC.'s ("AAI") and KAMRAN DJAZAERI'S ("DJAZAERI") default was entered herein.

3.

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.

LICENSE HISTORY

4.

A. At all times mentioned, AAI was licensed or had license rights issued by the Department of Real Estate (Department) as a real estate broker. On October 14, 2008, AAI was originally licensed as a corporate real estate broker by and through KAMRAN DJAZAERI.

B. At all times mentioned, KAMRAN DJAZAERI was licensed or had license rights issued by the Department as a real estate broker. On March 12, 2008, DJAZAERI was originally licensed as a real estate broker.

C. At all times material herein, AAI was licensed by the Department as a corporate real estate broker by and through DJAZAERI, as designated officers and broker responsible, pursuant to Code Sections 10211 and 10159.2

of the Business and Professions Code for supervising the activities requiring a real estate license conducted on behalf said corporation's officers, agents and employees, including DJAZAERI.

D. AAI is owned by Amin Arhami, who is also AAI's corporate secretary. DJAZAERI is the president and Christina Ahn is the Chief Financial Officer.

BROKERAGE

5.

At all times mentioned, in the City of Irvine, County of Orange, AAI and DJAZAERI acted as real estate brokers conducting licensed activities within the meaning of:

A. Code Section 10131(d). Respondents AAI and DJAZAERI 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 additionally

B. Code Section 10131.2. Respondents AAI engaged in the business of a loan modification and loan restructuring service, and an advance fee brokerage. Respondents 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 advice and services.

6.

On June 25, 2009, the Department completed an audit examination of the books and records of AAI pertaining to the loan modification activities described in Finding 4, which require a real estate license. The audit examination covered a period of time from January 1, 2008 to February 28, 2009. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 080193 and the exhibits and work papers attached to said audit report.

Bank and Trust Accounts

7.

At all times mentioned, in connection with the activities described in Finding 4, above, AAI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including lenders, borrowers and homeowners, to mortgage loan modification transactions handled by AAI. Thereafter AAI made deposits and or disbursements of such trust funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by AAI in the bank and trust accounts as follows:

"Aria & Associates Inc. Trust Account
Account No. 00-83230649"
East West Bank
Los Angeles, CA 90067
(T/A #1)

"Aria & Associates Inc. Trust Account
Account No. 678-4403567"
Wells Fargo Bank
Portland, OR 97228-6995
(B/A #1)

"Aria & Associates Inc. Trust Account

Account No. 991-7649742"
Wells Fargo Bank
Portland, OR 97228-6995
(B/A #2)

VIOLATIONS OF THE REAL ESTATE LAW

8.

In the course of activities described in Finding 4 above, and during the examination period described in Finding 5, Respondents AAI and DJAZAERI, acted in violation of the Code and the Regulations in that they:

(a) Permitted, allowed or caused the disbursement of trust funds from the escrow trust account where the disbursement of funds reduced the total of aggregate funds in the B/A #1 trust account, to an amount which, on February 28, 2009, was $12,852.35 less than the existing aggregate trust fund liability of CFFI to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, in violation of Code Section 10145 and Regulations 2832.1.

(b)(1) Failed to maintain a control record for each beneficiary or transaction, thereby failing to account for all advance fees collected from the aforesaid borrowers and homeowners for loan modification services, in violation of Code Section 10145 and Regulation 2831.

(b)(2) Deposited trust funds in the form of advance fees that had not yet been earned by AAI into B/A #1 and B/A #2 and into AAI's general operating account, in violation of Code Sections 10145, 10176(i) and/or 10177(g).

(c) B/A #1 and B/A #2 were not in the name of the broker as trustee at a bank or other financial institution, nor designated as a trust accounts, in violation of Code Section 10145 and Regulation 2832(a).

(d)(1) Mixed and commingled trust funds and personal funds by depositing advance fees for loan modification services to be rendered for homeowner-borrowers as set forth below, received from said homeowner-borrowers and deposited therein into AAI's general business operating account, instead of depositing said trust funds into a trust account in the name of the broker, in violation of Code Sections 10145, 10176(e)

and/or 10177(g) and Regulation 2832(a), as follows:

Borrower	Date	Deposit Received	Date Amount Deposited
Nicolas Ramirez	10/01/08	$2,250	10/16/08
Nicolas Ramirez	11/17/08	$2,400	11/24/08
Teri Gorrell	12/12/08	$1,200	12/18/08
Sheri Tourtelotte	11/14/08	$900	11/17/08
Sheri Tourtelotte	12/09/08	$900	12/11/08
Miguel Gomez	10/23/08	$5,850	10/27/08
Kevin Lydick	11/26/08	$1,000	12/01/08
Kevin Lydick	11/26/08	$750	12/02/08
Rosalio Figuroa	11/19/08	$1,562	11/24/08
Rosalio Figuroa	12/05/08	$1,562	12/08/08

(d)(2) Converted trust funds and personal funds by depositing advance fees for loan modification services to be rendered for homeowner-borrowers as set forth below, received from said homeowner-borrowers and deposited therein into AAI's general business operating account, instead of depositing said trust funds into a trust account in the name of the broker, in violation of Code Sections 10145, 10176(i) and/or 10177(g) and Regulation 2832(a), as per the (d)(1) above.

(e) Collected advance fees within the meaning of Code Section 10026 from homeowners seeking loan modification services wherein AAI failed to provide the aforesaid borrowers and homeowners with a pre-approved advance fee agreement by the Department. The failure of AAI to submit an advance fee agreement to the Department five days prior to its use, is in violation of Code Section 10085 and Regulation 2970.

(f) Failed to establish and maintain a trust account at a bank or other recognized financial institution in the name of the broker for deposit of advance fees collected by AAI, as required by and in violation of Code Section 10146.

(g) With reference to the lack of an advance fee agreement, AAI failed to provide a complete description of services to be rendered provided to each prospective borrower and homeowner, in 10 point type font; and, an including an allocation and disbursement of the amount

collected as the advance fee, in violation of Code Section 10146 and Regulation 2972.

(h) Used the fictitious name of "American Loan Assistance" and "Aria and Associates", to conduct licensed activities including a loan modification and advanced fee brokerage, without first obtaining from the Department a license bearing said fictitious business names, in violation of Code Section 10159.5 and Regulation 2731.

9.

The overall conduct of Respondents AAI and DJAZAERI constitutes negligence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of said Respondents pursuant to the provisions of Code Section 10177(g).

SUPERVISION AND COMPLIANCE

10.

The overall conduct of Respondent DJAZAERI constitutes a failure on Respondent's part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of AAI as required by Code Section 10159.2 and Regulation 2725, and to keep AAI in compliance with the Real Estate Law, with specific regard to trust fund handling, advance fee handling with respect to conducting loan modification services for homeowners, and is cause for the suspension or revocation of the real estate license and license rights of DJAZAERI pursuant to the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

DETERMINATION OF ISSUES

1.

The conduct of Respondents ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI, as described in Finding 8 and 9, herein above, is in violation of Code Sections 10085, 10145, 10146, and Regulations 2831, 2832.1, 2832(a), 2970, 2972 and is cause for disciplinary action pursuant to Code Sections 10176(a), 10176(e), 10176(i), 10177(d) and 10177(g).

2.

The conduct of Respondent KAMRAN DJAZAERI, as described in Findings 9 and 10, herein above, constitutes negligence or incompetence, and lack of supervision and is cause for disciplinary action pursuant to Code Sections 10177(h), 10177(d) and 10177(g).

3.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The real estate broker license and license rights of Respondent ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on February 3, 2010.

DATED: 12/30/2009

JEFF DAVI
Real Estate Commissioner

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

(213) 576-6982

FILED

DEC -8 2010

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ARIA & ASSOCIATES INC.; and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., Respondents,	No. H-36540 LA

DEFAULT ORDER

Respondents ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, are now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED December 7, 2010

JEFF DAVI
Real Estate Commissioner

Dolores Weeks

By: DOLORES WEEKS
Regional Manager

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

(213) 576-6982

FILED

DEC -8 2010

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ARIA & ASSOCIATES INC.; and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., Respondents,	No. H-36540 LA

DEFAULT ORDER

Respondents ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, are now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED December 7, 2010

JEFF DAVI
Real Estate Commissioner

Dolores Weeks

By: DOLORES WEEKS
Regional Manager

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 24 2010

DEPARTMENT OF REAL ESTATE
BY: [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ARIA & ASSOCIATES INC.; and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., Respondents.	No. H-36540 LA A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation ("Accusation") against ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI, individually and as designated officer of Aria & Associates Inc., alleges as follows:

1.

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI.

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.

LICENSE HISTORY

A. At all times mentioned, ARIA & ASSOCIATES INC. (AAI) was licensed or had license rights issued by the Department of Real Estate (Department) as a real estate broker. On October 14, 2008, AAI was originally licensed as a corporate real estate broker by and through KAMRAN DJAZAERI.

B. At all times mentioned, KAMRAN DJAZAERI ("DJAZAERI") was licensed or had license rights issued by the Department as a real estate broker. On March 12, 2008, DJAZAERI was originally licensed as a real estate broker.

C. At all times material herein, AAI was licensed by the Department as a corporate real estate broker by and through DJAZAERI, as designated officers and broker responsible, pursuant to Code Sections 10211 and 10159.2 of the Business and Professions Code for supervising the activities requiring a real estate license conducted on behalf said corporation's officers, agents and employees, including DJAZAERI.

D. AAI is owned by Amin Arhami, who is also AAI's corporate secretary. DJAZAERI is the president and Christina Ahn is the Chief Financial Officer.

BROKERAGE

4.

At all times mentioned, in the City of Irvine, County of Orange, AAI and DJAZAERI acted as real estate brokers conducting licensed activities within the meaning of:

A. Code Section 10131(d). Respondents AAI and DJAZAERI 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 additionally

B. Code Section 10131.2. Respondents AAI engaged in the business of a loan modification and loan restructuring service, and an advance fee brokerage. Respondents 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 advice and services.

///

(Audit Examination of Loan Modification activities)

5.

On June 25, 2009, the Department completed an audit examination of the books and records of AAI pertaining to the loan modification activities described in Paragraph 4, which require a real estate license. The audit examination covered a period of time from January 1, 2008 to February 28, 2009. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 080193 and the exhibits and work papers attached to said audit report.

Bank and Trust Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, AAI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including lenders, borrowers and homeowners, to mortgage loan modification transactions handled by AAI. Thereafter AAI made deposits and or disbursements of such trust funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by AAI in the bank and trust accounts as follows:

///

///

"Aria & Associates Inc. Trust Account
Account No. 00-83230649"
East West Bank
Los Angeles, CA 90067 (T/A #1)

"Aria & Associates Inc. Trust Account
Account No. 678-4403567"
Wells Fargo Bank
Portland, OR 97228-6995 (B/A #1)

"Aria & Associates Inc. Trust Account
Account No. 991-7649742"
Wells Fargo Bank
Portland, OR 97228-6995 (B/A #2)

VIOLATIONS OF THE REAL ESTATE LAW

7.

In the course of activities described in Paragraph 4 above, and during the examination period described in Paragraph 5, Respondents AAI and DJAZAERI, acted in violation of the Code and the Regulations in that they:

(a) Permitted, allowed or caused the disbursement of trust funds from the escrow trust account where the disbursement of funds reduced the total of aggregate funds in the B/A #1 trust account, to an amount which, on February 28, 2009, was $12,852.35 less than the existing aggregate trust fund liability of CFFI to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, in violation of Code Section 10145 and Regulations 2832.1.

(b)(1) Failed to maintain a control record for each beneficiary or transaction, thereby failing to account for all advance fees collected from the aforesaid borrowers and homeowners for loan modification services, in violation of Code Section 10145 and Regulation 2831.

(b)(2) Deposited trust funds in the form of advance fees that had not yet been earned by AAI into B/A #1 and B/A #2 and into AAI's general operating account, in violation of Code Sections 10145, 10176(i) and/or 10177(g).

(c) B/A #1 and B/A #2 were not in the name of the broker as trustee at a bank or other financial institution, nor designated as a trust accounts, in violation of Code Section 10145 and Regulation 2832(a).

(d)(1) Mixed and commingled trust funds and personal funds by depositing advance fees for loan modification services to be rendered for homeowner-borrowers as set forth below, received from said homeowner-borrowers and deposited therein into AAI's general business operating account, instead of depositing said trust funds into a trust account in the name of the broker, in violation of Code Sections 10145, 10176(e) and/or 10177(g) and Regulation 2832(a), as follows:

///

///

///

///

///

Borrower	Date Received	Deposit Amount	Date Deposited
Nicolas Ramirez	10/01/08	$2,250	10/16/08
Nicolas Ramirez	11/17/08	$2,400	11/24/08
Teri Gorrell	12/12/08	$1,200	12/18/08
Sheri Tourtelotte	11/14/08	$900	11/17/08
Sheri Tourtelotte	12/09/08	$900	12/11/08
Miguel Gomez	10/23/08	$5,850	10/27/08
Kevin Lydick	11/26/08	$1,000	12/01/08
Kevin Lydick	11/26/08	$750	12/02/08
Rosalio Figuroa	11/19/08	$1,562	11/24/08
Rosalio Figuroa	12/05/08	$1,562	12/08/08

(d)(2) Converted trust funds and personal funds by depositing advance fees for loan modification services to be rendered for homeowner-borrowers as set forth below, received from said homeowner-borrowers and deposited therein into AAI's general business operating account, instead of depositing said trust funds into a trust account in the name of the broker, in violation of Code Sections 10145, 10176(i) and/or 10177(g) and Regulation 2832(a), as per the (d)(1) above.

(e) Collected advance fees within the meaning of Code Section 10026 from homeowners seeking loan modification services wherein AAI failed to provide the aforesaid borrowers and homeowners with a pre-approved advance fee agreement by the Department. The failure of AAI to submit an advance fee agreement to the Department five days prior to its use, is in violation of Code Section 10085 and Regulation 2970.

///

///

(f) Failed to establish and maintain a trust account at a bank or other recognized financial institution in the name of the broker for deposit of advance fees collected by AAI, as required by and in violation of Code Section 10146.

(g) With reference to the lack of an advance fee agreement, AAI failed to provide a complete description of services to be rendered provided to each prospective borrower and homeowner, in 10 point type font; and, an including an allocation and disbursement of the amount collected as the advance fee, in violation of Code Section 10146 and Regulation 2972.

(h) Used the fictitious name of "American Loan Assistance" and "Aria and Associates", to conduct licensed activities including a loan modification and advanced fee brokerage, without first obtaining from the Department a license bearing said fictitious business names, in violation of Code Section 10159.5 and Regulation 2731.

///

///

///

///

///

///

///

///

///

DISCIPLINE STATUTES AND REGULATIONS

8.

The conduct of Respondents AAI and DJAZAERI, described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Sections 10145 and Regulation 2832.1
7(b)	Code Sections 10145 and Regulation 2831
7(c)	Code Section 10145, 10176(a) and/or 10177(g) and Regulation 2832(a)
7(d)	Code Section 10145, 10176(e), 10176(i) and/or 10177(g) and Regulation 2832(a)
7(e)	Code Section 10085 and Regulation 2970
7(f)	Code Section 10146

7(g)	Code Sections 10085 and Regulation 2972
7(h)	Code Section 10159.5 and Regulation 2731

The foregoing violations constitutes cause for the suspension or revocation of the real estate license and license rights of AAI and DJAZAERI, under the provisions of Code Sections 10176(e) and 10176(i) for commingling and conversion, 10177(d) for violation of the Real Estate Law and/or 10177(g) for negligence.

NEGLIGENCE

9.

The overall conduct of Respondents AAI and DJAZAERI constitutes negligence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of said Respondents pursuant to the provisions of Code Section 10177(g).

SUPERVISION AND COMPLIANCE

10.

The overall conduct of Respondent DJAZAERI constitutes a failure on Respondent's part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of AAI as required by Code Section 10159.2 and Regulation 2725, and to keep AAI in compliance with the Real Estate Law, with specific regard to

trust fund handling, advance fee handling with respect to conducting loan modification services for homeowners, and is cause for the suspension or revocation of the real estate license and license rights of DJAZAERI pursuant to the provisions of Code Sections 10177(d), 10177(g) and 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 ARIA & ASSOCIATES INC. and KAMRAN DJAZAERI, under the Real Estate Law (Part 1 of vision 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law including restitution pursuant to the Administrative Procedure Act.

Dated at Los Angeles, California
this 22nd day of March 2006

Deputy Real Estate Commissioner

cc: Aria & Associates Inc.
c/o Kamran Djazaeri D.O.
Maria Suarez
Sacto
Audits - Anna Hartoonian