Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED

MAR 16 2012

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NOURY CORPORATION doing business as Pacific Mortgage Broker and Pacific Realtys; and HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation; and KIAN ASHKANIZADEH, Respondents.	No. H-37031 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondents NOURY CORPORATION and HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation (sometimes collectively referred to as "Respondents"), represented by Ghassan O. Hasan, Esq., 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 Amended Accusation ("Accusation") filed on April 26, 2011, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.

3. Respondents 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. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive their 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 they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in their 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, Respondents choose not to contest these allegations, but to remain silent and understand 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"), or another licensing agency of this state, another state or if the federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect and Respondents 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.

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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.

8. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit which led to this disciplinary action. The amount of said cost is $3,758.15.

9. Respondents have received, read, and understand the "Notice Concerning Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final, and the Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and Professions Code Section 10148 to determine if the violations have been corrected. The maximum cost of the subsequent audit will not exceed $3,758.15.

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DETERMINATION OF ISSUES

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

I.

The conduct of NOURY CORPORATION, as described in Paragraph 4, herein above, is in violation of Sections 10085, 10137, 10145, 10146 and 10240 of the Business and Professions Code ("Code") and Sections 2832, 2840, 2970 and 2972 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for discipline of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Section 10177(d) and 10177(g).

II.

The conduct of HOOSHANG NOORI-ALAGHA, as described in Paragraph 4, above, constitutes a failure to keep NOURY CORPORATION in compliance with the Real Estate Law during the time that he was the officer designated by a corporate broker licensee in violation of Code Section 10159.2 of the Business and Professions Code, and is a basis for discipline of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Section 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

The license and licensing rights of Respondents NOURY CORPORATION and HOOSHANG NOORI-ALAGHA, under the Real Estate Law, are suspended for a period of ninety (90) days from the effective date of this Decision.

A. Provided, however, that if Respondents request, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

1. Each Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $166.67 per day for each day of the suspension for a monetary penalty of $5,000 each Respondent.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondents occur within two (2) years from the effective date of the Decision in this matter.

4. If Respondents fail to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any

part of the stayed suspension, in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondents pay the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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6. Respondents NOURY CORPORATION and HOOSHANG NOORI-ALAGHA shall, within six (6) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that (1) restitution of advance fees paid for loan modification services have either been repaid (2) or determined by the Real Estate Commissioner to be satisfied or not applicable, as tabled below:

Table: Loan Modification Applicant Restitution

Borrower-Applicant	Source	Advanced Fees Paid
Atmore	Audit Report	$ 4,000
Maghizian/Molai	Audit Report	$ 2,000
Hedayati/Eghani	Audit Report	$ 4,000
Clarke	Audit Report	$ 4,000
Motamedi	Audit Report	$ 4,750
Mortiz	Audit Report	$ 4,000
Yahyakhan	Audit Report	$ 3,000
Riazi		$15,000
Sub-total	Audit Report	$40,750

Borrower Applicant	Complainants in Accusation-non audit	Advanced Fees Paid
Rahnamai		$ 2,500
Mohsenzadeh		$ 8,000
Strol		$ 4,000
Yonai		$ 4,000
Sub-total		$18,500

Borrower Applicant	Complainants not in Accusation	Advanced Fees Paid
Karamooz		$ 7,000
Okahara		$ 4,000
Babaiyans		$10,500
Sub-total		$21,500
Total Advance Fees		$80,750

If Respondents fail to satisfy this condition, the Commissioner may order the suspension of the Respondents' licenses until Respondents presents such evidence.

To the extent that restitution repayment is applicable:

(1) Respondents shall deliver or mail the restitution payments, if any, by certified mail, return receipt requested, to the borrowers' last address on file with or known to Respondents.

(2) If any of the payments are returned by the Post Office marked "unable to deliver," Respondents shall employ a locator service (that may include or be limited to the Internet or other database retrieval search) to try and locate the aforesaid borrowers. Repayments shall then be made to the addresses recommended by the locator service.

(3) If Respondents are unable to effect restitution after using a locator service, Respondents shall provide reasonable proof satisfactory to the Commissioner of Respondents' efforts to comply with the provisions of this Paragraph. In such case, no further restitution payments shall be required of Respondents.

(4) However, should the Commissioner determine that proof to be unsatisfactory, the Commissioner shall so advise Respondents, and indicate what additional reasonable efforts should be made to effect repayment to the borrowers.

(5) If Respondents fail to satisfy this condition, the Commissioner may order suspension of Respondents' ~~license until~~

Respondents effect compliance herewith.

II.

Pursuant to Section 10148 of the Business and Professions Code, Respondents NOURY CORPORATION and HOOSHANG NOORI-ALAGHA shall pay the Commissioner's reasonable cost for (a) the audit which led to this disciplinary action and (b) a subsequent audit to determine if Respondents are now in compliance with the Real Estate Law. The cost of the audit which led to this disciplinary action is $3,758.15. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Said amount for the prior and subsequent audits shall not exceed $7,516.30.

Respondents NOURY CORPORATION and HOOSHANG NOORI-ALAGHA, or either of them, shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

The Commissioner may suspend the licenses of Respondents pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between said Respondents and the Commissioner. The

suspension shall remain in effect until payment is made in full or until said Respondents enter into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

III.

All licenses and licensing rights of Respondent HOOSHANG NOORI-ALAGHA are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

IV.

Respondent HOOSHANG NOORI-ALAGHA shall within six (6) months from the effective date of the Decision herein, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

V.

Respondent HOOSHANG NOORI-ALAGHA shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of Respondent's license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: 11-7-11

ELLIOTT MAC LENNAN, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

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

MAILING AND FACSIMILE

Respondents (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. Respondents 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. Respondents agree, acknowledge and understand that by electronically sending to the Department a facsimile copy of Respondents' actual signature as it appears on the stipulation that receipt of the facsimile copy

by the Department shall be as binding on Respondents as if the Department had received the original signed stipulation.

DATED: 11-7-11

NOURY CORP.
BY: HOOSHANG NOORI-ALAGHA, as designated officer
Respondent

DATED: 11-7-11

HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation, Respondent

DATED: 11-7-11

GHASSAN O. HASAN, ESQ.,
Attorney for Respondents
Noury Corporation and
Hooshang Noori-Alagha
Approved as to form

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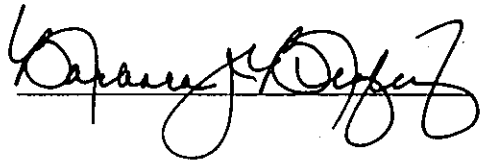
The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents NOURY CORPORATION and HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation and shall become effective at 12 o'clock noon on April 16, 2012.

IT IS SO ORDERED 2/28, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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FILED

MAR 16 2012

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NOURY CORPORATION doing business as Pacific Mortgage Broker and Pacific Realtys; and HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation; and KIAN ASHKANIZADEH, Respondents.	No. H-37031 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent KIAN ASHKANIZADEH, 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 Amended Accusation ("Accusation") filed on April 26, 2011, 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 KIAN ASHKANIZADEH, as described in Paragraph 4, herein above, is in violation of Sections 10130 and 10137 of the Business and Professions Code ("Code") and is a basis for discipline of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Sections 10130, 10137 and 10177(d).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

The restricted real estate salesperson license of Respondent KIAN ASHKANIZADEH under the Real Estate Law is revoked; provided, however, a new restricted real estate salesperson 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 Department of Real Estate the appropriate fee for the restricted license

within ninety (90) days from 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 Code and the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code.

1. The restricted license issued to Respondent 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 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 restricted license until two (2) years has elapsed from the effective date of the issuance of the restricted license.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the

prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

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

II.

All licenses and licensing rights of Respondent KIAN ASHKANIZADEH are suspended for a period of ninety (90) days from the date of issuance of the new restricted salesperson license.

A. Provided, however, that if Respondent requests, said ninety (90) day suspension shall be stayed for two (2) years upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $33.33 per day for each day of the suspension for a total monetary penalty of $3,000.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this

matter.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

III.

Respondent KIAN ASHKANIZADEH shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the

suspension of the restricted salesperson license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: 11-7-11

ELLIOTT MAC LENNAN, Counsel for
Department of Real Estate

* * *

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. 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, acknowledge and understand 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: 11/7/11

KIAN ASHKANIZADEH, Respondent

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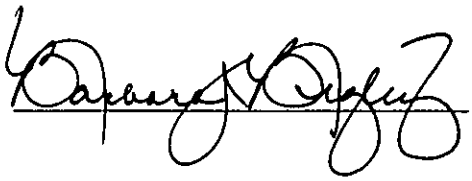
The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent KIAN ASHKANIZADEH, and shall become effective at 12 o'clock noon on April 5, 2012.

IT IS SO ORDERED 2/28, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner



ELLIOTT MACLENNAN, SBN 66674
Department of Real Estate
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Los Angeles, California 90013-1105

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

FILED

APR 26 2011

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NOURY CORPORATION doing business as Pacific Mortgage Broker and Pacific Realtys; and HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation; and KIAN ASHKANIZADEH, Respondents.	No. H-37031 LA FIRST AMENDED ACCUSATION

The Accusation filed on January 25, 2011, is amended in its entirety as follows:

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against NOURY CORPORATION and HOOSHANG NOORI-ALAGHA dba Pacific Mortgage Broker and Pacific Realtys, individually and as designated officer of Noury Corporation, and KIAN ASHKANIZADEH, alleges as follows:

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1.

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

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 Status

A. NOURY CORPORATION ("NC"). At all times mentioned, Respondent NC was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. On October 20, 2005, NC was originally licensed as a corporate real estate broker. Respondent NC was authorized to act by and through Respondent HOOSHANG NOORI-ALAGHA as NC's broker designated pursuant to Business and Professions Code (hereinafter "Code") Sections 10159.2 and 10211 to be responsible for ensuring compliance with the Real Estate Law.

B. HOOSHANG NOORI-ALAGHA. At all times mentioned, Respondent ("HOOSHANG NOORI-ALAGHA") was licensed or had license rights issued by the Department as a real estate broker. On May 8, 2000, NOORI-ALAGHA was originally licensed as a real estate broker. On October 20, 2005, became the designated officer of NC.

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C. KIAN ASHKANIZADEH. At all times mentioned, Respondent ("KIAN") was licensed or had license rights issued by the Department as a restricted real estate salesperson. On June 4, 2009, KIAN was originally licensed as a real estate salesperson. Between June 4, 2009 and November 7, 2010, KIAN was employed by NC. On November 7, 2010, KIAN became Non-Broker Affiliated.

On April 27, 2009, in Case No. H-3951 SD, pursuant to a Statement of Issues filed that resulted in a denial of KIAN's application for licensure with a right to a restricted salesperson license that was issued on June 4, 2009, as set forth in Paragraph 17 below.

D. NOURY CORPORATION is owned entirely by HOOSHANG NOORI-ALAGHA, its President and Treasurer.

Brokerage

4.

At all times mentioned, in the City of Laguna Hills, County of Orange, NC and NOORI-ALAGHA acted as real estate brokers conducting licensed activities within the meaning of:

A. Code Section 10131(a). Respondents' dba Pacific Realtys engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker, including the solicitation for listings of and the negotiation of the sale of real property as the agent of others.

During the audit period, Respondents negotiated two (2) residential sales and purchases totaling $2,335,000.

B. Code Section 10131(d). Respondents dba Pacific Mortgage Broker 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.

During the audit period, Respondents closed approximately thirty (30) mortgage loans totaling $665,000.

C. Code Section 10131(d) and 10131.2. Respondents advertised, solicited and offered to provide loss mitigation and loan modification services to economically distressed homeowners seeking adjustments to the terms and conditions of their home loans including, but not limited to, repayment plans, forbearance plans, partial claims, and reduction in principal or interest, extenuations, foreclosure prevention and short sales.

During the audit period, Respondents conducted and processed twelve (12) loan modifications charging an advance fee ranging from $3,000 to $4,000 per homeowner-borrower, for a total collection of advance fees of $40,750.00.

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FIRST CAUSE OF ACCUSATION
(Audit Examination)

5.

On June 25, 2009, the Department completed an audit examination of the books and records of NC pertaining to the mortgage loan brokerage, loan modification and advance fee activities only described in Paragraph 4, which require a real estate license. The audit examination covered a period of time beginning on May 1, 2006 to April 30, 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 080242 and the exhibits and work papers attached to said audit report.

General and Trust Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, NC accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including lenders, borrowers, homeowners for loan modifications handled by NC. Thereafter NC 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 NC in the bank accounts as follows:

"Noury Corporation dba Pacific Mortgage Broker
and Pacific Realtys
Account No. xxxxxx3081
Comerica Bank (T/A #1)

(Loan Modification trust account)

"Noury Corporation dba Pacific Mortgage Broker
and Pacific Realtys
Account No. xxxxxx7398
Citizens Business Bank (G/A #1)

(Credit Report fee general account)

"Noury Corporation dba Pacific Realty (sic)
Account No. XXXXX2415
Comerica Bank (G/A #2)

(Loan Modification collection for advance fees and Credit Report fee general account)

Audit Violations

7.

In the course of activities described in Paragraphs 4 and 6, above, and during the examination period described in Paragraph 5, Respondents NC, NOORI-ALAGHA and KIAN, acted in violation of the Code and the Regulations in which Respondents:

(a) Prior to March 26, 2009, NC and NOORI-ALAGHA collected advance fees within the meaning of Code Section 10026 from homeowners seeking loan modification services wherein NC did not have and thus failed to provide a pre-approved advance fee agreement from the Department, in violation of Code Section 10085 and Regulation 2970, for the aforesaid homeowner/borrowers. The subsequent March 26, 2009, advance fee agreement on file with the Department and the advance fee agreement actually used by Respondents are not the same.

(b) With reference to the lack of an advance fee agreement prior to March 26, 2009, NC failed to provide a

complete description of services to be rendered provided to each prospective tenant in 10 point type font and failed to provide an allocation and disbursement of the amount collected as the advance fee, in violation of Code Section 10146 and Regulation 2972.

(c) Mixed and commingled trust funds and personal funds by depositing credit report fees received from escrow into NC's non trust fund general operating accounts G/A #1 and G/A #2, and issuing checks from said account to the appraisers or credit companies after the escrow checks were deposited, in violation of Code Sections 10145 and 10176(e) and Regulation 2832.

(d)(1) Failed to retain a true and complete copy of a Department of Real Estate approved Mortgage Loan Disclosure Statement signed by the broker for borrowers Jamaleddin, Gonthier, Bakhaheshi, Safapou, Tafti, Nikniai and Delly, in violation of Code Sections 10240 and 10236.4; and

(d)(2) Failed to retain a true and complete copy of a Department of Real Estate approved Good Faith Estimate signed by the broker for the aforesaid borrowers which included NC's corporate broker license, in violation of Code Sections 10240(c) and 10236.4 and Regulation 2840.

(e)(1) Employed and compensated KIAN, as a loan agent, and loan modification agent who Respondents knew was not licensed by the Department as a real estate broker or as a real estate salesperson employed by a real estate broker, for performing acts for which a real estate license is required, including soliciting mortgage loans and negotiating loan modification transactions,

including but not limited to the borrowers tabled below, in violation of Code Section 10137.

Table: Unlicensed Employment/Compensation of KIAN ASHKANIZADEH

Homeowner-Borrower	Date	Agent	Address
Mohamad Molai	10-28-08	KIAN	18350 Hateras St. #102 Tarzana, California
Theodore Clarke	11-05-08	KIAN	8785 Early Horizon Las Vegas, Nevada
Shapour Motamedi	11-20-08	KIAN	6919 Castle Peak Dr. West Hills, California

(e)(2) KIAN was initially licensed as a restricted salesperson on June 4, 2009, and employed by NC between June 4, 2009 and November 7, 2010. NC thus employed and compensated KIAN, as a loan agent and a loan modification agent during a time when KIAN was not nor had ever been licensed in any capacity with the Department, to wit between October 28, 2008 and November 2008, with respect to the homeowner-borrowers tabled above. KIAN who Respondents knew was not licensed by the Department as a real estate broker or as a real estate salesperson employed by a real estate broker, for performing acts for which a real estate license is required, including soliciting mortgage loans and negotiating loan modification transactions, including but not

limited to the borrowers tabled below, in violation of Code Sections 10130 and 10137.

(f) Misrepresented to sellers that NC held earnest money deposits from buyers Adel/Jalai and Farsio/Amini, in violation of Code Section 10176(a).

Discipline Statutes

8.

The conduct of Respondents NC, NOORI-ALAGHA and KIAN, described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10085 and Regulation 2970
7(b)	Code Section 10146 and Regulation 2972
7(c)	Code Sections 10145 and 10176(e) and Regulation 2832
7(d)	Code Sections 10240, 10240(c) and 10236.4 and Regulation 2840
7(e)(1)	Code Section 10137

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7(e)(2) Code Sections 10130 and 10137 (NC, NOORI-ALAGHA and KIAN)

7(f) Code Section 10176(a)

The foregoing violations constitutes cause for discipline of the real estate license and license rights of NC, and NOORI-ALAGHA and KIAN ASHKANIZADEH, as noted, as aforesaid, under the provisions of Code Sections 10176(a), 10176(e), 10177(d) and/or 10177(g) for negligence.

SECOND CAUSE OF ACCUSATION
(Loan Modification Services)

9.

At all times mentioned herein, Respondents NC and NOORI-ALAGHA engaged in the business of a loan modification and advance fee brokerage requiring a real estate license to operate, within the definition of Code Sections 10131(d) and 10131.2.

General Allegations

10.

During 2008 and continuing thereafter to date, NC and NOORI-ALAGHA, dba Pacific Mortgage Broker solicited economically distressed homeowners facing foreclosure and eviction from their homes, offered loss mitigation and loan modification services, and charged and collected advance fees.

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Specific Allegations

11.

Using the name "Pacific Mortgage Broker" Respondents NC and NOORI-ALAGHA offered loss mitigation and loan modification services to homeowner-borrowers seeking downward adjustments or payment extenuations to their home mortgages. Respondents collected advanced fees from said homeowner-borrowers without possessing a pre-approved advance fee agreement from the Department. Selectively thereafter, Respondents obtained or failed to obtain the loan modification services to the borrowers tabled below:

Table: Loan Modification Services

Homeowner	Date	Status	Advance Fee
Parivash Rahnamai	March 11, 2009	Not obtained	$2,500
Zafar Mohsenzadeh	October 22, 2008	Not obtained	$8,000
Jim Strol	February 14, 2009	Not obtained	$4,000
Parvin Yonai	November 10, 2008	Not obtained	$4,000

Loan Modification Violations and Disciplinary Statutes

12.

The conduct of Respondents NC and NOORI-ALAGHA violated the Code and the Regulations as set forth below with respect to the tabled homeowner-borrowers:

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13.

13(a) Code Section 10176(a) for substantial misrepresentation.

13(b) Code Section 10176(b) for making false promises of a character likely to influence, persuade or induce the tabled homeowner-borrowers.

13(c) Code Section 10177(d) for violation of the Real Estate Law.

13(d) Code Section 10177(g) for negligence.

Negligence

14.

The overall conduct of Respondents NOURY CORPORATION, and HOOSHANG NOORI-ALAGHA constitutes negligence and is 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).

Fiduciary Duty

15.

The conduct, acts and omissions of Respondents NOURY CORPORATION, and HOOSHANG NOORI-ALAGHA constitute a breach of fiduciary duty, in violation of Code Sections 10176(i) and/or 10177(g).

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THIRD CAUSE OF ACTION
(Supervision and Compliance)

16.

The overall conduct of Respondent HOOSHANG NOORI-ALAGHA constitutes a failure on said Respondent's part, as officer and former officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of NC as required by Code Section 10159.2 and Regulation 2725, and to keep NC in compliance with the Real Estate Law, with specific regard to trust fund and credit report fee handling, mortgage and loan brokering and unlicensed loan modification services, and is cause for discipline of the real estate license and license rights of all Respondents pursuant to the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

PRIOR DEPARTMENTAL ACTION

17.

On April 27, 2009, in Case No. H-3951 SD, pursuant to a Statement of Issues filed that resulted in a denial of KIAN's application for licensure with a right to a restricted salesperson license pursuant to a Stipulation and Waiver effective on May 21, 2009, that was issued on June 4, 2009, as referenced in Paragraph 3.C., above, for violations of Code Sections 10177(b) and 490 of the Real Estate Law.

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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 NOURY CORPORATION, HOOSHANG NOORI-ALAGHA and KIAN ASHKANIZADEH, 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 of credit report fees and advanced fees paid for unearned loan modifications, and for costs of audit.

Dated at Los Angeles, California
this 26 day of April 2011.

Deputy Real Estate Commissioner

cc: Noury Corporation
c/o Hooshang Noori-Alagha D.O.
Kian Ashkanizadeh
Robin Trujillo
Sacto
Audits - Gina King
Audits - Gina King

ELLIOTT MACLENNAN, 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

JAN 25 2011

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NOURY CORPORATION doing business as Pacific Mortgage Broker and Pacific Realtys; and HOOSHANG NOORI-ALAGHA, individually and as designated officer of Noury Corporation, Respondents.	No. H-37031 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 NOURY CORPORATION and HOOSHANG NOORI-ALAGHA dba Pacific Mortgage Broker and Pacific Realtys, individually and as designated officer of Noury Corporation, 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.

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. NOURY CORPORATION ("NC"). At all times mentioned, Respondent NC was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. On October 20, 2005, NC was originally licensed as a corporate real estate broker. Respondent NC was authorized to act by and through Respondent HOOSHANG NOORI-ALAGHA as NC's broker designated pursuant to Business and Professions Code (hereinafter "Code") Sections 10159.2 and 10211 to be responsible for ensuring compliance with the Real Estate Law.

B. HOOSHANG NOORI-ALAGHA. At all times mentioned, Respondent ("HOOSHANG NOORI-ALAGHA") was licensed or had license rights issued by the Department as a real estate broker. On May 8, 2000, NOORI-ALAGHA was originally licensed as a real estate broker. On October 20, 2005, became the designated officer of NC.

C. NOURY CORPORATION is owned entirely by HOOSHANG NOORI-ALAGHA, its President and Treasurer.

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Brokerage

4.

At all times mentioned, in the City of Laguna Hills, County of Orange, NC and NOORI-ALAGHA acted as real estate brokers conducting licensed activities within the meaning of:

A. Code Section 10131(a). Respondents' dba Pacific Realtys engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker, including the solicitation for listings of and the negotiation of the sale of real property as the agent of others.

During the audit period, Respondents negotiated two (2) residential sales and purchases totaling $2,335,000.

B. Code Section 10131(d). Respondents dba Pacific Mortgage Broker 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.

During the audit period, Respondents closed approximately thirty (30) mortgage loans totaling $665,000.

C. Code Section 10131(d) and 10131.2. Respondents advertised, solicited and offered to provide loss mitigation and loan modification services to economically distressed homeowners seeking adjustments to the terms and conditions of their home loans including, but not limited to, repayment plans, forbearance

plans, partial claims, and reduction in principal or interest, extenuations, foreclosure prevention and short sales.

During the audit period, Respondents conducted and processed twelve (12) loan modifications charging an advance fee ranging from $3,000 to $4,000 per homeowner-borrower, for a total collection of advance fees of $40,750.00.

FIRST CAUSE OF ACCUSATION

(Audit Examination)

5.

On June 25, 2009, the Department completed an audit examination of the books and records of NC pertaining to the mortgage loan brokerage, loan modification and advance fee activities only described in Paragraph 4, which require a real estate license. The audit examination covered a period of time beginning on May 1, 2006 to April 30, 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 080242 and the exhibits and work papers attached to said audit report.

General and Trust Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, NC accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including lenders, borrowers, homeowners for loan modifications handled by NC. Thereafter NC 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 NC in the bank accounts as follows:

"Noury Corporation dba Pacific Mortgage Broker
and Pacific Realtys
Account No. 1894033081
Comerica Bank (T/A #1)

(Loan Modification trust account)

"Noury Corporation dba Pacific Mortgage Broker
and Pacific Realtys
Account No. 32017398
Citizens Business Bank (G/A #1)

(Credit Report fee general account)

"Noury Corporation dba Pacific Realty (sic)
Account No. 1894022415
Comerica Bank (G/A #2)

(Loan Modification collection for advance fees and Credit Report fee general account)

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Audit Violations

7.

In the course of activities described in Paragraphs 4 and 6, above, and during the examination period described in Paragraph 5, Respondents NC and NOORI-ALAGHA acted in violation of the Code and the Regulations in which Respondents:

(a) Prior to March 26, 2009, NC and NOORI-ALAGHA collected advance fees within the meaning of Code Section 10026 from homeowners seeking loan modification services wherein NC did not have and thus failed to provide a pre-approved advance fee agreement from the Department, in violation of Code Section 10085 and Regulation 2970, for the aforesaid homeowner/borrowers. The subsequent March 26, 2009, advance fee agreement on file with the Department and the advance fee agreement actually used by Respondents are not the same.

(b) With reference to the lack of an advance fee agreement prior to March 26, 2009, NC failed to provide a complete description of services to be rendered provided to each prospective tenant in 10 point type font and failed to provide an allocation and disbursement of the amount collected as the advance fee, in violation of Code Section 10146 and Regulation 2972.

(c) Mixed and commingled trust funds and personal funds by depositing credit report fees received from escrow into NC's non trust fund general operating accounts G/A #1 and G/A #2, and issuing checks from said account to the appraisers or credit

companies after the escrow checks were deposited, in violation of Code Sections 10145 and 10176(e) and Regulation 2832.

(d)(1) Failed to retain a true and complete copy of a Department of Real Estate approved Mortgage Loan Disclosure Statement signed by the broker for borrowers Jamaleddin, Gonthier, Bakhaheshi, Safapou, Tafti, Nikniai and Delly, in violation of Code Sections 10240 and 10236.4; and

(d)(2) Failed to retain a true and complete copy of a Department of Real Estate approved Good Faith Estimate signed by the broker for the aforesaid borrowers which included NC's corporate broker license, in violation of Code Sections 10240(c) and 10236.4 and Regulation 2840.

(e) Employed and compensated Kian Ashkani, as a loss mitigation and loan modification agent who Respondents knew was not licensed by the Department as a real estate broker or as a real estate salesperson employed by a real estate broker, for performing acts for which a real estate license is required, including soliciting mortgage loans and negotiating loan modification transactions, including but not limited to, borrower Molai, in violation of Code Section 10137.

(f) Misrepresented to sellers that NC held earnest money deposits from buyers Adel/Jalai and Farsio/Amini, in violation of Code Section 10176(a).

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Discipline Statutes

8.

The conduct of Respondents NC and NOORI-ALAGHA described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10085 and Regulation 2970
7(b)	Code Section 10146 and Regulation 2972
7(c)	Code Sections 10145 and 10176(e) and Regulation 2832
7(d)	Code Sections 10240, 10240(c) and 10236.4 and Regulation 2840
7(e)	Code Section 10137
7(f)	Code Section 10176(a)

The foregoing violations constitutes cause for discipline of the real estate license and license rights of NC and NOORI-ALAGHA, as aforesaid, under the provisions of Code Sections 10176(a), 10176(e), 10177(d) and/or 10177(g) for negligence.

SECOND CAUSE OF ACCUSATION

(Loan Modification Services)

9.

At all times mentioned herein, Respondents NC and NOORI-ALAGHA engaged in the business of a loan modification and advance fee brokerage requiring a real estate license to operate, within the definition of Code Sections 10131(d) and 10131.2.

General Allegations

10.

During 2008 and continuing thereafter to date, NC and NOORI-ALAGHA, dba Pacific Mortgage Broker solicited economically distressed homeowners facing foreclosure and eviction from their homes, offered loss mitigation and loan modification services, and charged and collected advance fees.

Specific Allegations

11.

Using the name "Pacific Mortgage Broker" Respondents NC and NOORI-ALAGHA offered loss mitigation and loan modification services to homeowner-borrowers seeking downward adjustments or payment extenuations to their home mortgages. Respondents collected advanced fees from said homeowner-borrowers without possessing a pre-approved advance fee agreement from the Department. Selectively thereafter, Respondents obtained or failed to obtain the loan modification services to the borrowers tabled below:

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Table: Loan Modification Services

Homeowner	Date	Status	Advance Fee
Parivash Rahnamai	March 11, 2009	Not obtained	$2,500
Zafar Mohsenzadeh	October 22, 2008	Not obtained	$8,000
Jim Strol	February 14, 2009	Not obtained	$4,000
Parvin Yonai	November 10, 2008	Not obtained	$4,000

Loan Modification Violations and Disciplinary Statutes

12.

The conduct of Respondents NC and NOORI-ALAGHA violated the Code and the Regulations as set forth below with respect to the tabled homeowner-borrowers:

13.

13(a) Code Section 10176(a) for substantial misrepresentation.

13(b) Code Section 10176(b) for making false promises of a character likely to influence, persuade or induce the tabled homeowner-borrowers.

13(c) Code Section 10177(d) for violation of the Real Estate Law.

13(d) Code Section 10177(g) for negligence.

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Negligence

14.

The overall conduct of Respondents NOURY CORPORATION, and HOOSHANG NOORI-ALAGHA constitutes negligence and is 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).

Fiduciary Duty

15.

The conduct, acts and omissions of Respondents NOURY CORPORATION, and HOOSHANG NOORI-ALAGHA constitute a breach of fiduciary duty, in violation of Code Sections 10176(i) and/or 10177(g).

THIRD CAUSE OF ACTION

(Supervision and Compliance)

16.

The overall conduct of Respondent HOOSHANG NOORI-ALAGHA constitutes a failure on said Respondent's part, as officer and former officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of NC as required by Code Section 10159.2 and Regulation 2725, and to keep NC in compliance with the Real Estate Law, with specific regard to trust fund and credit report fee handling, mortgage and loan brokering and unlicensed loan modification services, and is cause for discipline of the real estate license and license rights of all Respondents 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 NOURY CORPORATION, HOOSHANG NOORI-ALAGHA and SYLVIA DELAROSA, 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 of credit report fees and advanced fees paid for unearned loan modifications, and for costs of audit.

Dated at Los Angeles, California
this 7 day of January 2011.

Deputy Real Estate Commissioner

cc: Noury Corporation
c/o Hooshang Noori-Alagha D.O.
Robin Trujillo
Sacto
Tiffany Williams
Audits - Gina King