

FILED

JUN - 8 2010

DEPARTMENT OF REAL ESTATE

R. Henry

DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0789

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Bar Order Against:)
) DRE NO. H-4119 SD
)
AMIR SANI, an individual, and)
) BAR ORDER
PEOPLES FIRST FINANCIAL, INC.,) (B&P Code § 10087)
)
Respondents.)
_____)

TO: PEOPLES FIRST FINANCIAL, INC.
10179 Huennekens St., #200
San Diego, CA 92121

AMIR SANI
10179 Huennekens St., #200
San Diego, CA 92121

Pursuant to Section 10087(b) of the California Business and Professions Code (hereinafter "the Code"), you are hereby notified of the intention of the California Real Estate Commissioner (hereinafter "Commissioner") to issue a Bar Order pursuant to Section 10087(a) of the California Business and Professions Code.

Pursuant to the authority granted by Section 10087 of the Code, and after review and consideration of the following facts, the Commissioner makes the following:

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1 FINDINGS OF FACT

2 1. On or about January 13, 2009, the Commissioner, in Department of Real
3 Estate Case Number H-3896 SD, issued an Order to Desist and Refrain, a true and correct copy
4 is attached hereto as Exhibit "1" and is incorporated herein by reference. Respondent PEOPLES
5 FIRST FINANCIAL, INC., was ordered to cease claiming, demanding, charging, receiving,
6 collecting and contracting to received fees in advance of performing mortgage loan modification
7 services for loans secured by real property using an advance fee contract and other materials
8 used in obtaining an advanced fee agreement before the same had been submitted to the
9 Department of Real Estate for review.

10 2. On or about June 2, 2009, Joseph Aiu, Deputy Real Estate Commissioner
11 for the California Department of Real Estate, caused to be filed an accusation against
12 respondents, PEOPLES FIRST FINANCIAL INC., AMIR SANI and others in Department of
13 Real Estate Case Number H-3968 SD, a true and correct copy of the accusation is attached
14 hereto as Exhibit "2" and is incorporated herein by reference.¹ The accusation alleged, among
15 other allegations, that:

16 (a) PEOPLES FIRST FINANCIAL INC., and AMIR SANI engaged in the
17 business, acted in the capacity of, advertised or assumed to act as a real estate broker conducting
18 mortgage loan brokerage and/or loan modification business with the public wherein each of them
19 solicited lenders and borrowers for or negotiated loans or advance fees, collected payments
20 and/or performed services for borrowers or lenders or note owners in connection with loans
21 secured directly or collaterally by liens on real property for or in expectation of compensation;

22 (b) PEOPLES FIRST FINANCIAL INC., and AMIR SANI failed to cause the
23 advance fee contract and all materials used in obtaining the advance fee agreement to be
24 submitted to the Department of Real Estate prior to use as required under then Section 10085 of
25 the Code and Section 2970 of title 10 of the California Code of Regulations ("Regulations");
26

27 ¹ Davi Jean Nelson was named in the accusation as a respondent. However, Mr. Nelson settled with the Department
and is not a party to this bar order.

1 (c) PEOPLES FIRST FINANCIAL INC., and AMIR SANI, in violation of
2 Section 10146 of the Code, failed to immediately deliver into a neutral escrow depository or into
3 a trust account advanced fees which were received by Respondents and;

4 (e) PEOPLES FIRST FINANCIAL INC., and AMIR SANI failed to furnish
5 each principal borrower with a verified accounting of the advance fees received by Respondents
6 as required by Section 1046 of the Code and Section 2972 of the Regulations.

7 (f) Respondent AMIR SANI, as the designated broker/officer of PEOPLES
8 FIRST FINANCIAL, failed to exercise reasonable supervision over the operations of PEOPLES
9 FIRST FINANCIAL thus permitting the acts, events and omissions enumerated in the accusation
10 to occur.

11 3. On or about August 10, 2009, after receiving proper service of the
12 Department's Accusation and having failed to file a Notice of Defense or otherwise appear, the
13 Department filed its August 4, 2009 *Default Order* against Respondents PEOPLES FIRST
14 FINANCIAL, INC., and AMIR SANI. On August 19, 2009, with an effective date of September
15 16, 2009, the Commissioner of the Department of Real Estate issued his default decision in Case
16 Number H-3968 SD revoking the licenses and license rights of Respondents PEOPLES FIRST
17 FINANCIAL, INC., and AMIR SANI. The Commissioner's *Decision* was filed within the
18 records of the Department of Real Estate on or about August 26, 2009. A true and correct copy
19 of the Commissioner's *Decision* is attached hereto as Exhibit "3" and is incorporated herein by
20 reference. Having been properly served with the Commissioner's *Decision* and *Default Order*,
21 Respondents' PEOPLES FIRST FINANCIAL, INC., and AMIR SANI time to seek to set aside
22 or otherwise appeal the Commissioner's August 19, 2009 decision has expired.

23 CONCLUSIONS OF LAW

24 Based on the findings set forth above, the Commissioner has determined that:

25 (A) A Bar Order is in the public interest;

26 (B) Respondent has knowingly committed violations of the Real Estate Law;

27 and,

1 (C) Respondent's violations of the Real Estate Law have caused material
2 damage to the public.

3 NOW, THEREFORE, IT IS ORDERED, pursuant to the authority of Sections
4 10086 and 10087 of the Code, AMIR SANI and PEOPLES FIRST FINANCIAL, INC., are
5 hereby barred and prohibited for a period of thirty-six (36) months from the effective date of this
6 Bar Order, from engaging in any of the following activities in the State of California:

- 7 (A) Holding any position of employment, management, or control in a real
8 estate business;
- 9 (B) Participating in any business activity of a real estate salesperson or a real
10 estate broker;
- 11 (C) Engaging in any real estate related business activity on the premises where
12 a real estate salesperson or real estate broker is conducting business; and,
13 Participating in any real estate related business activity of a finance lender,
14 residential mortgage lender, bank, credit union, escrow company, title
15 company, or underwritten title company.

16 NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING

17 Pursuant to Section 10087 of the Code, you have the right to request a hearing
18 under the California Administrative Procedure Act (Chapter 4.5 – commencing with Section
19 11400 of the Government Code). If you desire a hearing, you must submit a written request
20 within fifteen (15) days after the mailing or service of this "Notice of Intention to Submit Bar
21 Order; and Bar Order." The request may be in any form provided it is in writing, includes your
22 current return address, and indicates that you want a hearing, is signed by you or on your behalf,
23 and is delivered or mailed to the Department of Real Estate, P. O. Box 187007, Sacramento,
24 California, 95818-7007, Attention Legal Section, or is delivered personally to the offices of the
25 Department of Real Estate, 2201 Broadway, Sacramento, California.

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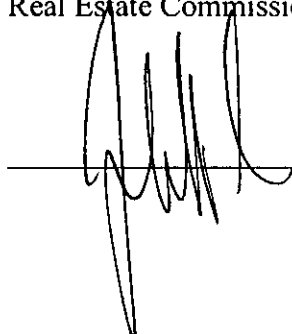
1 If no hearing is requested within said fifteen (15) day time period, your failure to
2 request a hearing shall constitute a waiver of the right to a hearing.

3 THIS BAR ORDER IS EFFECTIVE IMMEDIATELY.

4 It is so ordered on 6-8-2010.

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6 JEFF DAVI
Real Estate Commissioner

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