

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0781

FILED

APR - 9 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-10394 SF

12 AZIZ INDUSTRIES, REAL ESTATE)
13 EXPERTS, NADIM AKHTAR AZIZ, and)
14 AYAZ HUSSAIN QUREISHY,)
15 Respondents.)

STIPULATION AND
AGREEMENT

16 It is hereby stipulated by and between AZIZ INDUSTRIES, REAL ESTATE
17 EXPERTS, and NADIM AKHTAR AZIZ, (hereinafter "Respondents") represented by Eric A.
18 Gravink, and the Complainant, acting by and through Truly Sughrue, Counsel for the
19 Department of Real Estate, as follows for the purpose of settling and disposing the Accusation
20 filed on May 8, 2008 in this matter:

21
22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
24 was to be held in accordance with the provisions of the Administrative Procedure Act
25 (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the
26 provisions of this Stipulation and Agreement.
27

1 2. Respondents have received, read and understand the Statement to
2 Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in
3 this proceeding.

4 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge that they understand that by withdrawing said Notice of Defense they will thereby
8 waive their rights to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA, and that they will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in defense of the allegations in the Accusation and the right to cross-examine witnesses.
12

13 4. This stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expediency and economy, Respondents choose not to contest these
15 factual allegations, but to remain silent and understand that, as a result thereof, these factual
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
17 forth below. The Real Estate Commissioner shall not be required to provide further evidence to
18 prove such allegations.
19

20 5. This Stipulation and Respondents decision not to contest the Accusation
21 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Department of Real
23 Estate (herein "the Department"), the state or federal government, an agency of this state, or an
24 agency of another state is involved.
25

26 6. Respondents understand that by agreeing to this Stipulation and
27

1 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business and
2 Professions Code, the cost of the audit which resulted in the determination that Respondents
3 committed the trust fund violation(s) found in Paragraph II and III, below, of the Determination
4 of Issues. The amount of said costs is \$7,547.10.

5 7. Respondents further understand that by agreeing to this Stipulation and
6 Agreement in Settlement, the findings set forth below in the Determination of Issues become
7 final, and that the Commissioner may charge said Respondents for the costs of any audit
8 conducted pursuant to Section 10148 of the California Business and Professions Code to
9 determine if the violations have been corrected. The maximum costs of said audit shall not
10 exceed \$7,547.10.
11

12 8. It is understood by the parties that the Real Estate Commissioner may
13 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
14 and sanctions on the real estate licenses and license rights of Respondents as set forth in the
15 below "Order". In the event that the Commissioner in his discretion does not adopt the
16 Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the
17 right to a hearing and proceeding on the Accusations under all the provisions of the APA and
18 shall not be bound by any admission or waiver made herein.
19

20 9. The Order or any subsequent Order of the Real Estate Commissioner made
21 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
22 further administrative or civil proceedings by the Department of Real Estate with respect to any
23 matters which were not specifically alleged to be causes for accusation in this proceeding.
24

25 10. In lieu of proceeding in this matter in accordance with the provisions of
26 the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions
27

1 Code), AZIZ INDUSTRIES and REAL ESTATE EXPERTS wish to voluntarily surrender their
2 corporate real estate broker licenses issued by the Department of Real Estate (hereinafter
3 "Department"), pursuant to Business and Professions Code (hereinafter "the Code") Section
4 10100.2. NADIM AKHTAR AZIZ (hereinafter "AZIZ") is the designated broker-officer of AZIZ
5 INDUSTRIES and REAL ESTATE EXPERTS, designated pursuant to Section 10211 of the
6 Code, and is authorized to sign this declaration on behalf of AZIZ INDUSTRIES and REAL
7 ESTATE EXPERTS. AZIZ is represented by Eric A. Gravink, and is acting on behalf of AZIZ
8 INDUSTRIES and REAL ESTATE EXPERTS.
9

10 9. AZIZ understands that by so voluntarily surrendering AZIZ
11 INDUSTRIES and REAL ESTATE EXPERTS licenses, AZIZ INDUSTRIES and REAL
12 ESTATE EXPERTS may be relicensed as a broker corporation only by petitioning for
13 reinstatement pursuant to Section 11522 of the Government Code. AZIZ also understands that
14 by so voluntarily surrendering AZIZ INDUSTRIES and REAL ESTATE EXPERTS licenses,
15 Respondents agree to the following:
16

17 A. The filing of this Stipulation and Agreement shall be deemed as
18 Respondents' AZIZ INDUSTRIES and REAL ESTATE EXPERTS declaration and petition for
19 voluntary surrender.
20

21 B. It shall also be deemed to be an understanding and agreement by AZIZ
22 INDUSTRIES and REAL ESTATE EXPERTS that they waive all rights AZIZ INDUSTRIES
23 and REAL ESTATE EXPERTS have to require the Commissioner to prove the allegations
24 contained in the Accusation filed in this matter at a hearing held in accordance with the
25 provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and
26 that AZIZ INDUSTRIES and REAL ESTATE EXPERTS also waives other rights afforded to
27

1 AZIZ INDUSTRIES and REAL ESTATE EXPERTS in connection with the hearing such as the
2 right to discovery, the right to present evidence in defense of the allegations in the Accusation
3 and the right to cross-examine witnesses.

4 10. AZIZ on behalf of AZIZ INDUSTRIES and REAL ESTATE EXPERTS
5 further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order,
6 all affidavits and all relevant evidence obtained by the Department in this matter prior to the
7 Commissioner's acceptance, and all allegations contained in the Accusation filed in the
8 Department Case No. H-10394 SF, may be considered by the Department to be true and correct
9 for the purpose of deciding whether to grant relicensure or reinstatement pursuant to
10 Government Code Section 11522.

11 11. AZIZ on behalf of AZIZ INDUSTRIES and REAL ESTATE EXPERTS
12 freely and voluntarily surrender all AZIZ INDUSTRIES and REAL ESTATE EXPERTS
13 licenses and license rights under the Real Estate Law.
14
15

16 * * *

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations and waivers and solely for the purpose of
19 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
20 following determination of issues shall be made:
21

22 I

23 The acts and omissions of AZIZ as described in the First and Second Cause of
24 Action of the Accusation are grounds for the suspension or revocation of AZIZ's licenses and
25 license rights under Sections 10130 and 10137 of the Code in conjunction with Section
26 10177(d) of the Code.
27

II

The acts and omissions of AZIZ INDUSTRIES as described in the Third Cause of Action of the Accusation are grounds for the suspension or revocation of AZIZ INDUSTRIES licenses and license rights under the following sections of the Code and Regulations:

- (a) As to Paragraphs XXIII under Section 10240 of the Code in conjunction with Section 10177(d) of the Code;
- (b) As to Paragraph XXVI(c) under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (c) As to Paragraph XXVI(d) under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) As to Paragraph XXVI(e) under Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) As to Paragraph XXVII under Section 10236.4 of the Code in conjunction with Section 10177(d) of the Code;
- (f) As to Paragraph XXVIII under Section 10160 of the Code and Section 2753 of the Regulations in conjunction with Section 10177(d) of the Code; and,
- (g) As to Paragraph XXIX under Section 2726 of the Regulations in conjunction with Section 10177(d) of the Code.

III

The acts and omissions of REAL ESTATE EXPERTS as described in the Third Cause of Action of the Accusation are grounds for the suspension or revocation of REAL

1 ESTATE EXPERTS licenses and license rights under the following sections of the Code and
2 Regulations:

- 3 (a) As to Paragraphs XXIII under Section 10240 of the Code in conjunction with
4 Section 10177(d) of the Code;
5 (b) As to Paragraph XXVII under Section 10236.4 of the Code in conjunction with
6 Section 10177(d) of the Code;
7 (c) As to Paragraph XXX under Section 2715 of the Regulations in conjunction with
8 Section 10177(d) of the Code.
9

10 IV

11 The acts and/or omissions of AZIZ as described in the Fourth Cause of Action of
12 the Accusation is cause for the suspension or revocation of AZIZ license and/or license rights
13 under Section 10177(h) of the Code.
14

15 * * *

16 ORDER

17 I

18 All licenses and licensing rights of AZIZ under the Real Estate Law are revoked;
19 provided, however, a restricted real estate broker license shall be issued to Respondent pursuant
20 to Section 10156.5 of the Business and Professions Code if Respondent makes application
21 therefore and pays to the Department of Real Estate the appropriate fee for the restricted license
22 within 90 days from the effective date of this Decision. The restricted license issued to AZIZ
23 shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code
24 and to the following limitations, conditions and restrictions imposed under authority of Section
25 10156.6 of that Code:
26
27

1 1. The restricted license issued to AZIZ may be suspended prior to hearing by
2 Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo
3 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
4 estate licensee.

5 2. The restricted license issued to AZIZ may be suspended prior to hearing by
6 Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
7 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
8 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
9 license.
10

11 3. AZIZ shall not be eligible to apply for the issuance of an unrestricted real
12 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted
13 license until four (4) years have elapsed from the effective date of this Decision.
14

15 4. AZIZ shall, prior to and as a condition of the issuance of said restricted
16 license, submit proof satisfactory to the Commissioner of having taken and completed the
17 continuing education course on trust fund accounting and handling specified in Paragraph (3) of
18 subdivision (a) of Section 10170.5 of the Business and Professions Code from an approved
19 continuing education course provider. Said course may have been completed within one hundred
20 and twenty (120) days prior to the effective date of the order herein.
21

22 5. AZIZ shall, within nine (9) months from the effective date of this Order,
23 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
24 most recent issuance of an original or renewal real estate license, taken and successfully
25 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
26 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
27

1 Commissioner may order the suspension of the restricted license until Respondent presents such
2 evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the
3 Administrative Procedure Act to present such evidence.

4 6. Pursuant to Section 10148 of the Business and Professions Code, AZIZ
5 shall pay the sum of \$7,547.10 for the Commissioner's cost of the audit which led to this
6 disciplinary action. Respondent shall pay such cost within sixty (60) days of receiving an invoice
7 therefore from the Commissioner. The Commissioner may suspend the Respondent's license
8 pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if
9 payment is not timely made as provided for herein, or as provided for in a subsequent agreement
10 between the Respondent and the Commissioner. The suspension shall remain in effect until
11 payment is made in full or until Respondent enters into an agreement satisfactory to the
12 Commissioner to provide for payment, or until a decision providing otherwise is adopted
13 following a hearing held pursuant to this condition.

14 7. Pursuant to Section 10148 of the Business and Professions Code, AZIZ
15 shall pay the Commissioner's reasonable cost, not to exceed \$7,547.10, for an audit to determine
16 if Respondent has corrected the trust fund violation(s) found in Paragraphs II and III of the
17 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the
18 Commissioner may use the estimated average hourly salary for all persons performing audits of
19 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
20 of work. Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore
21 from the Commissioner detailing the activities performed during the audit and the amount of
22 time spent performing those activities. The Commissioner may suspend Respondent's license
23 pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if
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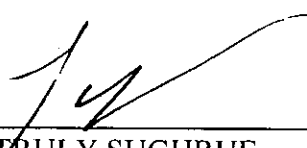
Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

II

AZIZ INDUSTRIES and REAL ESTATE EXPERTS petition for voluntary
surrender of their corporate real estate broker licenses is accepted as of the effective date of this
Order as set forth below, based upon the understanding and agreement expressed in Respondents' Declaration incorporated herein as part of this Stipulation and Agreement. Respondents' license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

26-March-09
DATED


TRULY SUGHRUE
Counsel for Complainant

I have read the Stipulation and Agreement, discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am

1 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
2 intelligently and voluntarily waive those rights, including the right of requiring the
3 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
4 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
5 the charges.

AZIZ INDUSTRIES
Respondent

3/26/09

DATED

By:

NADIM AKHTAR AZIZ,
Designated Broker/Officer

REAL ESTATE EXPERTS
Respondent

3/26/09

DATED

By:

NADIM AKHTAR AZIZ,
Designated Broker/Officer

3/26/09

DATED

NADIM AKHTAR AZIZ
Respondent

*I have reviewed the Stipulation and Agreement as to form and content and have
advised my client accordingly.*

1 3-26-09
2 DATED

ERIC A. GRAVINK
Attorney for Respondents

3
4 ***

5 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
6 shall become effective at 12 o'clock noon on APR 30 2009

7
8 IT IS SO ORDERED 4-8, 2009.

9 JEFF DAVIS
10 Real estate Commissioner
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FILED

JUL - 7 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
AZIZ INDUSTRIES,)
REAL ESTATE EXPERTS,)
NADIM AKHTAR AZIZ, and)
AYAZ HUSSAIN QUREISHY,)
Respondent.)

No. H-10394 SF

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 June 18, 2008, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent AYAZ HUSSAIN QUREISHY (hereinafter "Respondent") express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On May 5, 2008, E.J. Haberer II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on May 8, 2008.

On June 18, 2008, no Notice of Defense having been filed by Respondent herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate salesperson.

III

At no time mentioned herein was Mohammed Kashif, Asad Jafri, and Ali Syed licensed by the Department either as a real estate salesperson or as a real estate broker.

IV

At all times mentioned herein Respondent, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate licensee in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on behalf of others for compensation or in expectation of a compensation.

V

At all times mentioned herein, QUREISHY employed and compensated Mohammed Kashif, Asad Jafri, and Ali Syed, unlicensed individuals, to perform the acts and conduct the activities described in Paragraph IV, above, including, but not limited to, the activities described in Paragraphs VI through VIII, below.

VI

In course of the activities and employment described in Paragraph IV above, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Mohammed Kashif and Ali Syed, acting for and on behalf of another or others, for or in expectation of compensation, solicited loans secured directly or collaterally by liens on real property, including, but not limited to, the real property located at: 1921 83rd Avenue, Oakland, California.

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VII

In course of the activities and employment described in Paragraph IV, above, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Asad Jafri, acting for and on behalf of another or others, for or in expectation of compensation, solicited loans secured directly or collaterally by liens on real property, including, but not limited to, the real property located at: (1) 6039 2nd Avenue, Los Angeles, California; and, (2) 530 Lime Street, Inglewood, California.

VIII

In course of the activities and employment described in Paragraph IV, above, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Ali Syed, acting for and on behalf of another or others, for or in expectation of compensation, solicited loans secured directly or collaterally by liens on real property, including, but not limited to, the real property located at: 3414 Deer Hill Road, Lafayette, California.

IX

In acting as described above, Respondent violated and/or willfully failed to comply with Sections 10130 and 10137 of the Code.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

II

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

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ORDER

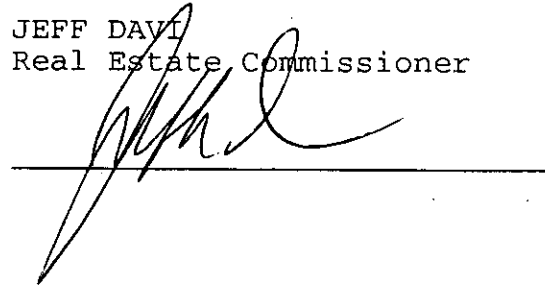
All licenses and licensing rights of respondent,
AYAZ HUSSAIN QUREISHY, under the provisions of Part I of Division
4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon
on ~~JUL 28 2008~~ 2008.

DATED: _____

7-1-08

JEFF DAVIS
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read 'Jeff Davis', is written over a horizontal line.

FILED

JUN 18 2008.

DEPARTMENT OF REAL ESTATE

By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-10394 SF

AZIZ INDUSTRIES,)
REAL ESTATE EXPERTS,)
NADIM AKHTAR AZIZ, and)
AYAZ HUSSAIN QUREISHY,)

DEFAULT ORDER

Respondents.)

Respondent, AYAZ HUSSAIN QUREISHY, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

June 18, 2008

JEFF DAVI

Real Estate Commissioner

By:

Steven J. Ellis
STEVEN J. ELLIS

Regional Manager

FILED

MAY - 8 2008

DEPARTMENT OF REAL ESTATE

By H. Mar

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

9 In the Matter of the Accusation of:)

10 AZIZ INDUSTRIES,)
11 REAL ESTATE EXPERTS,)
12 NADIM AKHTAR AZIZ, and)
13 AYAZ HUSSAIN QUREISHY,)

No. H-10394-SF

ACCUSATION

Respondents.)

14 The Complainant, E.J. HABERER II, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Accusation
16 against AZIZ INDUSTRIES, REAL ESTATE EXPERTS, NADIM AKHTAR AZIZ
17 and AYAZ HUSSAIN QUREISHY, (hereinafter, collectively
18 "Respondents"), is informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

20 I

21 The Complainant, E.J. HABERER II, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

24 II

25 Respondents are presently licensed and/or have license
26 rights under the Real Estate Law, Part 1 of Division 4 of the
27 Business and Professions Code (hereinafter "the Code").

1 III

2 At all times mentioned herein AZIZ INDUSTRIES was and
3 is licensed by the State of California Department of Real Estate
4 (hereinafter "the Department") as a real estate broker
5 corporation.

6 IV

7 At all times mentioned herein REAL ESTATE EXPERTS was
8 and is licensed by the Department as a real estate broker
9 corporation.

10 V

11 At all times mentioned herein NADIM AKHTAR AZIZ
12 (hereinafter "AZIZ"), was and is licensed by the Department
13 individually as a broker. At all times herein mentioned, AZIZ
14 was and is licensed as the designated officer-broker of AZIZ
15 INDUSTRIES and REAL ESTATE EXPERTS. As said designated officer-
16 broker, AZIZ was and/or now is responsible pursuant to Section
17 10159.2 of the Code for the supervision of the activities of the
18 officers, agents, real estate licensees and employees of AZIZ
19 INDUSTRIES and REAL ESTATE EXPERTS for which a real estate
20 license was and/or is required.

21 VI

22 At all times mentioned herein AYAZ HUSSAIN QUREISHY
23 (hereinafter "QUREISHY") was and is licensed by the Department
24 individually as a real estate salesperson.

25 ///

26 ///

27 ///

VII

At no times mentioned herein was Mohammed Kashif, Asad Jafri, Ali Syed, or Alexander Vincent Mitchell individually licensed by the Department either as real estate brokers or as real estate salespersons.

VIII

Whenever reference is made in an allegation in this Accusation to an act or omission of AZIZ INDUSTRIES and/or REAL ESTATE EXPERTS, such allegation shall be deemed to mean that the officers, directors, employees, agents and/or real estate licensees employed by or associated with AZIZ INDUSTRIES and/or REAL ESTATE EXPERTS committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondent(s), and while acting within the course and scope of their authority and employment.

IX

At all times mentioned herein AZIZ INDUSTRIES and REAL ESTATE EXPERTS engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate licensee in the State of California within the meaning of:

(a) Section 10131(b) of the Code, for or in expectation of compensation, leased or rented, offered to lease or rent, solicited prospective tenants, collected rents on, and/or managed real properties in California; and/or,

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///

1 (b) Section 10131(d) of the Code, for or in expectation of
2 compensation, operated and conducted a mortgage loan brokerage
3 business with the public by soliciting lenders and borrowers for
4 loans secured directly or collaterally by liens on real property
5 or a business opportunity.

6 FIRST CAUSE OF ACTION

7 X

8 Each and every allegation in Paragraphs I through IX,
9 inclusive, above, are incorporated by this reference as if fully
10 set forth herein.

11 XI

12 At all times mentioned herein, within the last three
13 years, AZIZ INDUSTRIES and/or REAL ESTATE EXPERTS, AZIZ, and
14 QUREISHY employed and compensated Mohammed Kashif, Asad Jafri,
15 and Ali Syed, unlicensed individuals, to perform the acts and
16 conduct the activities described in Paragraph XI(b), above,
17 including, but not limited to, the activities described in
18 Paragraphs XII through XIV, below.

19 XII

20 In course of the activities and employment described in
21 Paragraph IX(b), above, without first being licensed by the
22 Department either as a real estate salesperson or as a real
23 estate broker, Mohammed Kashif and Ali Syed, acting for and on
24 behalf of another or others, for or in expectation of
25 compensation, solicited loans secured directly or collaterally by
26 liens on real property, including, but not limited to, the real
27 property located at: 1921 83rd Avenue, Oakland, California.

XIII

In course of the activities and employment described in Paragraph IX(b), above, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Asad Jafri, acting for and on behalf of another or others, for or in expectation of compensation, solicited loans secured directly or collaterally by liens on real property, including, but not limited to, the real property located at: (1) 6039 2nd Avenue, Los Angeles, California; and, (2) 530 Lime Street, Inglewood, California.

XIV

In course of the activities and employment described in Paragraph IX(b), above, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Ali Syed, acting for and on behalf of another or others, for or in expectation of compensation, solicited loans secured directly or collaterally by liens on real property, including, but not limited to, the real property located at: 3414 Deer Hill Road, Lafayette, California.

XV

In acting as described above, Respondents violated and/or willfully failed to comply with Sections 10130 and 10137 of the Code.

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1 XVI

2 The facts alleged in Paragraphs X through XV are
3 grounds for the suspension or revocation of the licenses and
4 license rights of Respondents under Section 10177(d) in
5 conjunction with Sections 10130 and 10137 of the Code.

6 SECOND CAUSE OF ACTION

7 XVII

8 Each and every allegation in Paragraphs I through XVI,
9 inclusive, above, are incorporated by this reference as if fully
10 set forth herein.

11 XVIII

12 At all times mentioned herein, within the last three
13 years, AZIZ INDUSTRIES and AZIZ employed and compensated
14 Alexander Vincent Mitchell, an unlicensed individual, to perform
15 the acts and conduct the activities described in Paragraph XI(b),
16 above, including, but not limited to, the activities described in
17 Paragraph XIX, below.

18 XIX

19 In course of the activities and employment described in
20 Paragraph IX(b), above, without first being licensed by the
21 Department either as a real estate salesperson or as a real
22 estate broker, Alexander Vincent Mitchell, acting for and on
23 behalf of another or others, for or in expectation of
24 compensation, solicited loans secured directly or collaterally by
25 liens on real property, including, but not limited to, the real
26 property located at: 3012 Berlin Way, Oakland, California.

27 ///

1 XX

2 In acting as described above, AZIZ INDUSTRIES and AZIZ
3 violated and/or willfully failed to comply with Sections 10130
4 and 10137 of the Code.

5 XXI

6 The facts alleged in Paragraphs XVII through XX are
7 grounds for the suspension or revocation of the licenses and
8 license rights of AZIZ INDUSTRIES and AZIZ under Section 10177(d)
9 in conjunction with Sections 10130 and 10137 of the Code.

10 THIRD CAUSE OF ACTION

11 XXII

12 Each and every allegation in Paragraphs I through XXI,
13 inclusive, above, are incorporated by this reference as if fully
14 set forth herein.

15 XXIII

16 In connection with the mortgage loan brokerage business
17 described in Paragraph IX(b), AZIZ INDUSTRIES and REAL ESTATE
18 EXPERTS violated and/or willfully failed to comply with Section
19 10240 of the Code by:

20 (a) Failing to cause to be delivered to the borrowers the
21 written Mortgage Loan Disclosure Statement as required by
22 Section 10241 of the Code; and/or,

23 (b) Failing to obtain the signature of the borrowers on
24 written Mortgage Loan Disclosure Statements; and/or,

25 (c) Failing to retain on file for a period of three years
26 a true and correct copy of written Mortgage Loan Disclosure
27 Statements signed by the borrowers.

1 XXIV

2 In connection with the property management business
3 described in Paragraph IX(a), AZIZ INDUSTRIES accepted or
4 received funds in trust (hereinafter "trust funds") from, or on
5 behalf of, owners and/or tenants in connection with the leasing,
6 renting, and collection of rents on real property or
7 improvements thereon, as alleged herein, and thereafter made
8 periodic disbursements of said trust funds.

9 XXV

10 The aforesaid trust funds accepted or received by, or
11 on behalf of, AZIZ INDUSTRIES were deposited, or caused to be
12 deposited, into one or more bank accounts (hereinafter "trust
13 funds accounts") maintained by AZIZ INDUSTRIES for the handling
14 of trust funds, including but not limited to the following:

15	<u>ACCOUNT TITLE / NUMBER</u>	<u>BANK</u>
16	Aziz Industries, d.b.a. Realty	Washington Mutual Bank
17	World Paradigm Realtors or Paradigm	P.O. Box 2395
18	Home Loans, Trust Account.	Chatsworth , CA 91313-2395
19	<u>Account No. 429-007383-5</u>	
	(hereinafter "Trust #1")	

20 XXVI

21 Within the last three years, in connection with the
22 collection and disbursement of said trust funds, AZIZ
23 INDUSTRIES:

- 24 (a) Failed to maintain separate deposit records accounting
25 for the trust funds in Trust #1 in such manner that,
26 as of March 31, 2006, there was \$2,001.58 of
27 unaccounted trust funds;

- 1 (b) Failed to obtain prior written consent from each of
2 the principals for the reduction of the aggregate
3 balance of trust funds in Trust #1 to an amount less
4 than the existing aggregate trust fund liability to
5 the owners of said funds in violation of Section
6 2832.1 of the Regulations;
- 7 (c) Failed to maintain a written control record of all
8 trust funds received into and disbursed from Trust #1
9 containing all information as required by Section 2831
10 of the Regulations;
- 11 (d) Failed to reconcile the balance of separate
12 beneficiary or transaction records with the control
13 records of trust funds received and disbursed, at
14 least once a month, and/or failed to maintain a record
15 of such reconciliations as required by Section 2831.2
16 of the Regulations;
- 17 (e) Failed to deposit trust funds into Trust #1 within
18 three business days of receipt as required by Section
19 2832 of the Regulations.
20

21 XXVII

22 In connection with the mortgage loan brokerage
23 business described in Paragraph IX(b), AZIZ INDUSTRIES and REAL
24 ESTATE EXPERTS failed to disclose in the Mortgage Loan
25 Disclosure Statements all of the information required by Section
26 10236.4 of the Code.
27

XXVIII

AZIZ INDUSTRIES failed to retain the real estate salesperson license certificates at its main office as required by Section 10160 of the Code and Section 2753 of the Regulations. Said salespersons include, but are not limited to, Afsheen Ahmad and Sameera Aziz.

XXIX

AZIZ INDUSTRIES employed real estate salespersons to engage in activities requiring a real estate license without first having entered into the broker-salesperson license relationship agreement with such salesperson, as required by Section 2726 of the Regulations.

XXX

REAL ESTATE EXPERTS failed to notify the Department Commissioner within the next business day that REAL ESTATE EXPERTS had closed its main office located at 40795 Las Palmas Avenue, Fremont, California, and opened a new main office located at 4432 Technology Drive, Fremont, California, as required by Section 2715 of the Regulations.

XXXI

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of AZIZ INDUSTRIES under the following sections of the Code and the Regulations:

///

- 1
- 2 (a) As to Paragraphs XXIII under Section 10240 of the Code
- 3 in conjunction with Section 10177(d) of the Code;
- 4 (b) As to Paragraph XXVI(a) under Section 10145 of the
- 5 Code in conjunction with Section 10177(d) of the Code;
- 6 (c) As to Paragraph XXVI(b) under Section 2832.1 of the
- 7 Regulations in conjunction with Section 10177(d) of
- 8 the Code;
- 9 (d) As to Paragraph XXVI(c) under Section 2831 of the
- 10 Regulations in conjunction with Section 10177(d) of
- 11 the Code;
- 12 (e) As to Paragraph XXVI(d) under Section 2831.2 of the
- 13 Regulations in conjunction with Section 10177(d) of
- 14 the Code;
- 15 (f) As to Paragraph XXVI(e) under Section 2832 of the
- 16 Regulations in conjunction with Section 10177(d) of
- 17 the Code;
- 18
- 19 (g) As to Paragraph XXVII under Section 10236.4 of the
- 20 Code in conjunction with Section 10177(d) of the Code;
- 21 (h) As to Paragraph XXVIII under Section 10160 of the Code
- 22 and Section 2753 of the Regulations in conjunction
- 23 with Section 10177(d) of the Code; and,
- 24 (i) As to Paragraph XXIX under Section 2726 of the
- 25 Regulations in conjunction with Section 10177(d) of
- 26 the Code.
- 27

XXXII

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of REAL ESTATE EXPERTS under the following sections of the Code and the Regulations:

- (a) As to Paragraphs XXIII under Section 10240 of the Code in conjunction with Section 10177(d) of the Code;
- (b) As to Paragraph XXVII under Section 10236.4 of the Code in conjunction with Section 10177(d) of the Code;
- (c) As to Paragraph XXX under Section 2715 of the Regulations in conjunction with Section 10177(d) of the Code.

FOURTH CAUSE OF ACTION

XXXIII

Each and every allegation in Paragraphs I through XXXII, inclusive, above, are incorporated by this reference as if fully set forth herein.

XXXIV

AZIZ failed to exercise reasonable supervision over the acts of AZIZ INDUSTRIES and REAL ESTATE EXPERTS in such a manner as to allow the acts and events described above to occur.

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XXXV

The acts and/or omissions of AZIZ described in Paragraph XXXII constitute failure on the part of AZIZ, as designated broker-officer for AZIZ INDUSTRIES and REAL ESTATE EXPERTS, to exercise reasonable supervision and control over the licensed activities of AZIZ INDUSTRIES and REAL ESTATE EXPERTS required by Section 10159.2 of the Code.

XXXVI

The facts alleged in Paragraphs XXXIV and XXXV, are grounds from the suspension or revocation of the licenses and license rights of Respondent AZIZ under Sections 10177(g) and/or 10177(h) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

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 all licenses and license rights of Respondents 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 provisions of law.


E.J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 5th day of May, 2008.