

FILED

JAN 12 2012

Department of Real Estate
BY: CSA

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

IZT MORTGAGE, INC.,

Respondent.

No. H-10727 SF

No. 508-0314-002

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 12, 2011, Respondent IZT MORTGAGE, INC., petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent IZT MORTGAGE, INC.,'s petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent IZT MORTGAGE, INC., on December 12, 2011, (attached as Exhibit "A" hereto).

Respondent IZT MORTGAGE, INC.,'s license certificate and pocket card shall be sent to the below-listed address so that they reach the Department on or before the effective date of this Order:

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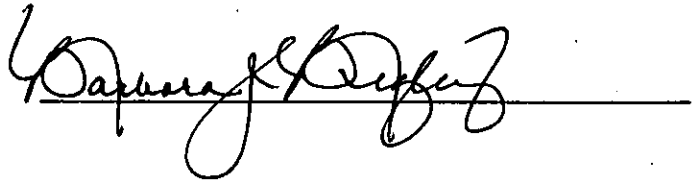
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DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on FEB - 2 2012

DATED: 1/12/12

BARBARA J. BIGBY
Acting Real Estate Commissioner

A handwritten signature in dark ink, appearing to read "Barbara J. Bigby", is written over a horizontal line.

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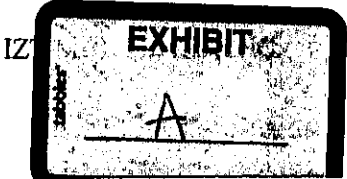
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
) NO. H- 10727 SF
)
IZT MORTGAGE, INC., a California Corporation,)
and IRINA TRAJANOVICH,)
)
Respondents.)
_____)

DECLARATION

My name is IRINA TRAJANOVICH, and I am currently an officer of IZT
MORTGAGE, INC., a California Corporation, which is licensed as a real estate broker and/or
has license rights with respect to said license. I am authorized and empowered to sign this
declaration on behalf of IZT MORTGAGE, INC., which is acting in pro per in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the
Administrative Procedure Act (Sections 11400 et seq., of the Government Code), IZT
MORTGAGE, INC., wishes to voluntarily surrender its real estate license(s) issued by the
Department of Real Estate ("Department"), pursuant to Business and Professions Code Section
10100.2.



1 IZT MORTGAGE, INC., understands that by so voluntarily surrendering its
2 license(s), it may be relicensed as a broker only by petitioning for reinstatement pursuant to
3 Section 11522 of the Government Code. IZT MORTGAGE, INC., also understands that by so
4 voluntarily surrendering its license(s), it agrees to the following:

5 1. IZT MORTGAGE, INC., admits that all allegations contained in the
6 Accusation filed in this matter are true and correct.

7 2. The filing of this Declaration shall be deemed as the petition of IZT
8 MORTGAGE, INC., for voluntary surrender.

9 3. It shall also be deemed to be an understanding and agreement by IZT
10 MORTGAGE, INC., that it waives all rights it has to require the Commissioner to prove the
11 allegations contained in the Accusation filed in this matter at a hearing held in accordance with
12 the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.),
13 and that it also waives other rights afforded to it in connection with the hearing such as the right
14 to discovery, the right to present evidence in defense of the allegations in the Accusation and the
15 right to cross-examine witnesses.

16 4. IZT MORTGAGE, INC., further agrees that upon acceptance by the
17 Commissioner of this voluntary surrender, as evidenced by an appropriate order, all affidavits
18 and all relevant evidence obtained by the Department in this matter prior to the Commissioner's
19 acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-
20 10727 SF, may be considered by the Department to be true and correct for the purpose of
21 deciding whether to grant re-licensure or reinstatement pursuant to Government Code Section
22 11522.

23 5. IZT MORTGAGE, INC., further agrees that upon acceptance by the
24 Commissioner of this voluntary surrender, as evidenced by an appropriate order, any petition to
25 seek reinstatement of the license or for re-licensure pursuant to Government Code Section 11522,
26 will require proof of restitution to victims, including, but not limited to, Sabadell United Bank
27

1 and J. P. Morgan Chase Bank, who filed complaints with the Department, before a license may
2 be reinstated whether such victims were named in the Accusation or not.

3 6. IZT MORTGAGE, INC., freely and voluntarily surrenders all of its
4 licenses and license rights under the Real Estate Law.

5 I declare under penalty of perjury under the laws of the State of California that
6 the above is true and correct and that this declaration was executed the 12 day of
7 December, 2011, at Los Angeles, California.

8
9 IZT MORTGAGE, INC.,

10
11 By: 

12 IRINA TRAJANOVICH

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14 _____
15 (Title)
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FILED

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

January 11, 2012

DEPARTMENT OF REAL ESTATE

By  _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
)
IZT MORTGAGE, INC., a California Corporation,)
and IRINA TRAJANOVICH,)
)
Respondents.)
_____)

NO. H- 10727 SF

STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent IRINA TRAJANOVICH, acting by and through her attorney, Joshua Rosenthal, and the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Amended Accusation filed on February 22, 2010, in this matter ("the Accusation"):

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.

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

No. H-10727 SF

IRINA TRAJANOVICH

1 of Real Estate in this proceeding.

2 3. On July 31, 2009, Respondent TRAJANOVICH filed a Notice of Defense
3 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
4 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
5 Notice of Defense. Respondent acknowledges that Respondent understands that by withdrawing
6 said Notice of Defense Respondent will thereby waive Respondent's right to require the
7 Commissioner to prove the allegations in the Accusation at a contested hearing held in
8 accordance with the provisions of the APA and that Respondent will waive other rights afforded
9 to Respondent in connection with the hearing such as the right to present evidence in defense of
10 the allegations in the Accusation and the right to cross-examine witnesses.

11 4. Respondent, pursuant to the limitations set forth below, hereby admits
12 that the factual allegations in the Accusation pertaining to Respondent are true and correct and
13 stipulates and agrees that the Real Estate Commissioner shall not be required to provide further
14 evidence of such allegations.

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

22 6. This Stipulation and Agreement shall not constitute an estoppel, merger
23 or bar to any further administrative or civil proceedings by the Department of Real Estate with
24 respect to any matters which were not specifically alleged to be causes for accusation in this
25 proceeding.

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

5 3. Respondent shall not be eligible to apply for the issuance of an
6 unrestricted real estate license nor for the removal of any of the
7 conditions, limitations or restrictions of a restricted license until three (3)
8 years have elapsed from the effective date of this Decision.

9 4. Respondent shall submit with any application for license under an
10 employing broker, or any application for transfer to a new employing
11 broker, a statement signed by the prospective employing real estate broker
12 on a form approved by the Department of Real Estate which shall certify:

13 (a) That the employing broker has read the Decision of the

14 Commissioner which granted the right to a restricted license; and,

15 (b) That the employing broker will exercise close supervision over the

16 performance by the restricted licensee relating to activities for
17 which a real estate license is required.

18 5. Respondent shall, within nine (9) months from the effective date of the
19 Decision, present evidence satisfactory to the Real Estate Commissioner
20 that Respondent has, since the most recent issuance of an original or
21 renewal real estate license, taken and successfully completed the
22 continuing education requirements of Article 2.5 of Chapter 3 of the Real
23 Estate Law for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may order the suspension of the
25 restricted license until the Respondent presents such evidence. The
26 Commissioner shall afford Respondent the opportunity for a hearing
27 pursuant to the Administrative Procedure Act to present such evidence.

1 6. Respondent shall, within six (6) months from the effective date of this

2 Decision, take and pass the Professional Responsibility Examination
3 administered by the Department including the payment of the appropriate
4 examination fee. If Respondent fails to satisfy this condition, the
5 Commissioner may order suspension of Respondent's license until
6 Respondent passes the examination.

7 7. The restricted license issued to Respondent is suspended for a period of

8 sixty (60) days from the date of issuance of said restricted license;

9 provided, however, that if Respondent petitions, thirty (30) days of said
10 suspension (or a portion thereof) shall be stayed upon condition that:

11 (a.) Respondent pays a monetary penalty pursuant to Section 10175.2

12 of the Business and Professions Code at the rate of \$100.00 for
13 each day of the suspension for a total monetary penalty of
14 \$3,000.00.

15 (b.) Said payment shall be in the form of a cashier's check or

16 certified check made payable to the Recovery Account of the
17 Real Estate Fund. Said check must be delivered to the
18 Department prior to the effective date of the Decision in this
19 matter.

20 (c.) No further cause for disciplinary action against the real estate

21 license of Respondent occurs within three (3) years from the
22 effective date of the Decision in this matter.

23 (d.) If Respondent fails to pay the monetary penalty in accordance

24 with the terms and conditions of the Decision, the Commissioner
25 may, without a hearing, order the immediate execution of all or
26 any part of the stayed suspension in which event the Respondent
27 shall not be entitled to any repayment nor credit, prorated or

1 otherwise, for money paid to the Department under the terms of
2 this Decision.

3 (e.) If Respondent pays the monetary penalty and if no further cause
4 for disciplinary action against the real estate license of
5 Respondent occurs within three (3) years from the effective date
6 of the Decision, the stay hereby granted shall become permanent.

7 8. Thirty (30) days of said sixty (60) day suspension shall be stayed upon
8 condition that:

9 (a) No final subsequent determination be made, after hearing or upon
10 stipulation, that cause for disciplinary action against Respondent
11 occurred within three (3) years of the effective date of the
12 Decision herein.

13 (b) Should such a determination be made, the Commissioner may, in
14 his or her discretion, vacate and set aside the stay order, and order
15 the execution of all or any part of the stayed suspension, in which
16 event the Respondent shall not be entitled to any repayment nor
17 credit, prorated or otherwise, for money paid to the Department
18 under the terms of this Decision.

19 (c) If no order vacating the stay is issued, and if no further cause for
20 disciplinary action against the real estate license of Respondent
21 occurs within three (3) years from the effective date of the
22 Decision, then the stay hereby granted shall become permanent.

23
24 12/20/11
25 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

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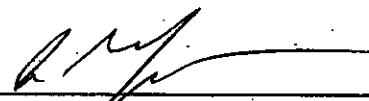
No. H-10727 SF

IRINA TRAJANOVICH

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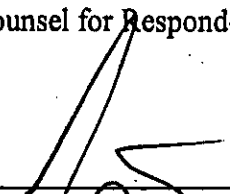
2 I have read the Stipulation and Agreement and its terms are understood by me
3 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
4 the California Administrative Procedure Act (including but not limited to Sections 11506,
5 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
7 allegations in the Accusation at a hearing at which I would have the right to cross-examine
8 witnesses against me and to present evidence in defense and mitigation of the charges.

9
10 12/12/2011
11 DATED


12 IRINA TRAJANOVICH
Respondent

13 Approved as to form and content by counsel for Respondent.

14
15 12/19/11
16 DATED

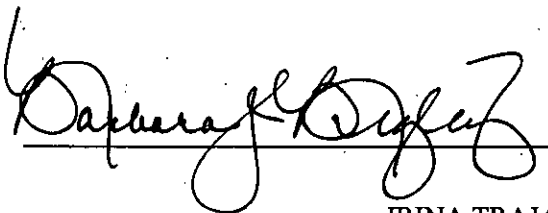

17 IRINA TRAJANOVICH JOSHUA A. ROSENTHAL
Attorney for Respondent

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19
20 The foregoing Stipulation and Agreement is hereby adopted by me as my
21 Decision in this matter as to Respondent IRINA TRAJANOVICH and shall become effective at
22 12 o'clock noon on FEB - 1 2012, 20

23 IT IS SO ORDERED 1/9, 20 12.

24 BARBARA BIGBY
Acting Real Estate Commissioner

25
26 
27 IRINA TRAJANOVICH

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1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0789

FILED

JUL 15 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-10727 SF
13)
14 IZT MORTGAGE, INC., a California Corporation,)
15 and IRINA TRAJANOVICH,)
16 Respondents.)

16 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of
17 the State of California, for Accusation against Respondent IZT MORTGAGE, INC., a
18 California Corporation, doing business under the fictitious name of AMERITECH
19 MORTGAGE, and Respondent IRINA TRAJANOVICH, is informed and alleges as follows:

20 I

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

23 II

24 Respondents IZT MORTGAGE, INC., and IRINA TRAJANOVICH are
25 presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of
26 the California Business and Professions Code (hereafter "the Code").

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1 III

2 At all times herein mentioned, Respondent IZT MORTGAGE, INC., (hereafter
3 "Respondent IZT") was and is licensed by the Department of Real Estate (hereinafter "the
4 Department") as a corporate real estate broker.

5 IV

6 At all times herein mentioned, Respondent IRINA TRAJANOVICH (hereinafter
7 "Respondent TRAJANOVICH") was and is licensed by the Department as an individual real
8 estate broker.

9 V

10 At all times herein mentioned, Respondent TRAJANOVICH was licensed by the
11 Department as the designated broker/officer of Respondent IZT until January 16, 2009. As said
12 designated Broker/Officer, Respondent TRAJANOVICH was at all times mentioned herein
13 responsible pursuant to Sections 10159.2 and 10177(h) of the Code for the supervision of the
14 activities of the officers, agents, real estate licensees and employees of Respondent
15 AMERICHoice for which a real estate license is required.

16 VI

17 Whenever reference is made in an allegation in this Accusation to an act or
18 omission of Respondent IZT, such allegation shall be deemed to mean that the officers,
19 directors, employees, agents and real estate licensees employed by or associated with
20 Respondent IZT committed such act or omission while engaged in the furtherance of the
21 business or operations of Respondent IZT and while acting within the course and scope of their
22 corporate authority and employment.

23 VII

24 Within the three year prior to the filing of this Accusation and at all times herein
25 mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or
26 assumed to act as a real estate broker within the State of California within the meaning of
27 Section 10131(d) of the Code, including the operation of and conduct of a mortgage loan

1 brokerage business with the public wherein lenders and borrowers were solicited for loans to be
2 secured directly or collaterally by liens on real property, wherein such loans were arranged,
3 negotiated, processed, and consummated on behalf of others for compensation or in expectation
4 of compensation, and wherein such loans were serviced and payments thereon were collected on
5 behalf of others.

6 VIII

7 Within the three-year period prior to the filing of this Accusation:

8 (a) On or about March 16, 2007, Respondents submitted to Washington Mutual
9 Bank (now Chase Bank) loan applications on behalf of Jose Luis Navarro, for loans,
10 respectively, of \$744,000.00 and \$92,907.00, to be secured by real property at 2248 Euclid
11 Avenue, East Palo Alto, California, to refinance existing mortgages on said real property,
12 containing representations, contrary to fact, as Respondents knew or should have known at the
13 time through the exercise of reasonable diligence, that said borrower intended to occupy said
14 real property as his primary residence, and by concealing from said lender the fact, as
15 Respondents knew or should have known at the time through the exercise of reasonable
16 diligence, that Jose Luis Navarro was simultaneously applying for and obtaining loans from
17 Lydian Mortgage, respectively, of \$850,000.00 and \$106,250.00 to finance the purchase of and
18 to be secured by real property at 37249 Aleppo Drive, Newark, California, and that said
19 borrower was claiming to occupy 37249 Aleppo Drive as his primary residence; and,

20 (b) On or about March 16, 2007, Respondents submitted to Lydian Mortgage
21 loan applications on behalf of Jose Luis Navarro for loans, respectively, of \$850,000.00 and
22 \$106,250.00, to be secured by real property at 37249 Aleppo Drive, Newark, California, for the
23 purpose of purchasing said property, containing representations, contrary to fact, as Respondents
24 knew or should have known at the time through the exercise of reasonable diligence, that said
25 borrower had an income of \$27,000.00 per month when said borrower was simultaneously
26 claiming on a loan application to Washington Mutual Bank that his income was \$21,500.00 per
27 month.

1 IX

2 The acts and omissions of Respondent IZT and Respondent TRAJANOVICH
3 described in Paragraph VIII, above, constitute misrepresentation, fraud, deceit, and dishonest
4 dealing.

5 X

6 The facts alleged in Paragraphs VIII and IX, above, are grounds for the
7 suspension or revocation of the licenses and licensing rights of Respondent IZT and Respondent
8 TRAJANOVICH under Sections 10176(a), 10176(i), 10177(d), 10177(g), and/or 10177(j) of the
9 Code.

10 SECOND CAUSE OF ACTION

11 XI

12 There is hereby incorporated in this Fourth, separate and distinct, Cause of
13 Action, all of the allegations contained in Paragraphs I through XI, inclusive, of the Accusation
14 with the same force and effect as if herein fully set forth.

15 XII

16 At all times above mentioned, Respondent TRAJANOVICH was responsible, as
17 the designated broker officer of Respondent IZT, for the supervision and control of the activities
18 conducted on behalf of the corporation by its officers and employees. Respondent
19 TRAJANOVICH failed to exercise reasonable supervision and control over the mortgage
20 brokering activities of Respondent IZT. In particular, Respondent TRAJANOVICH permitted,
21 ratified, and/or caused the conduct described in the First Cause of Action, above, to occur, and
22 failed to take reasonable steps, including but not limited to the review of loan applications,
23 preventing misrepresentations and false statements on loan applications, the supervision of
24 employees, and the implementation of policies, rules, procedures, and systems to ensure the
25 compliance of the corporation with the Real Estate Law.

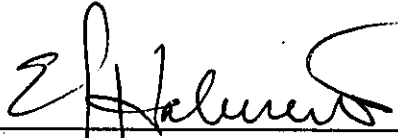
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1 XIII

2 The above acts and/or omissions of Respondent TRAJANOVICH constitute
3 grounds for the suspension or revocation of the licenses and licensing rights of Respondent
4 under the provisions of Section 10177(h) of the Code and/or Section 10159.2 of the Code in
5 conjunction with Section 10177(d) of the Code.

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

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14 E. J. HABERER, II,
15 Deputy Real Estate Commissioner

16 Dated at Oakland, California,

17 this 13th day of July, 2009.
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