

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

APR 13 2011

DEPARTMENT OF REAL ESTATE

By *L. Frost*

In the Matter of the Accusation of)
)
PRO CAPITAL MORTGAGE, INC.,) NO. H-10548 SF
GREG KEVIN DANSKA,)
NANCY KEYGHOBADI,)
MICHELLE JIAOJING WONG and)
HA THI DO,)
)
Respondents.)

In the Matter of the Accusation of)
)
PRO CAPITAL MORTGAGE, INC.,) NO. H-10746 SF
a California corporation, dba ISTAR)
REAL ESTATE, GREG KEVIN DANSKA,) OAH NO. 2010101149
and NANCY KEYGHOBADI,)
)
Respondents.)

DECISION

The Proposed Decision dated March 7, 2011, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on MAY 03 2011

IT IS SO ORDERED

4/8/11

JEFF DAVI
Real Estate Commissioner

Barbara J. Bigby

BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

PRO CAPITAL MORTGAGE, INC.,
GREG KEVIN DANSKA,
NANCY KEYGHOBADI,
MICHELLE JIAOJING WONG and
HA THI DO,

Respondents.

Case No. H-10548 SF

In the Matter of the Accusation of:

PRO CAPITAL MORTGAGE, INC.,
a California corporation,
dba ISTAR REAL ESTATE,
GREG KEVIN DANSKA, and
NANCY KEYGHOBADI,

Respondents.

Case No. H-10746 SF

OAH No. 2010101149

PROPOSED DECISION

These matters were consolidated for hearing and heard by Administrative Law Judge Nancy L. Rasmussen, State of California, Office of Administrative Hearings, on February 4, 2011, in Oakland, California.

Department of Real Estate Counsel Michael B. Rich represented complainant E. J. Haberer II, Deputy Real Estate Commissioner, State of California.

Prior to the hearing, respondents Michelle Jiaojing Wong and Ha Thi Do were dismissed from the case and respondents Greg Kevin Danska and Pro Capital Mortgage, Inc., settled with complainant.

There was no appearance by or on behalf of the remaining respondent, Nancy Keyghobadi. The hearing proceeded as a default.

The matter was submitted on February 4, 2011.

FACTUAL FINDINGS

License History and Background

1. Respondent Pro Capital Mortgage, Inc. (PCMI), and Nancy Keyghobadi are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

2. At all times relevant to the allegations in this case, PCMI was licensed by the Department of Real Estate as a corporate real estate broker.

3. Nancy Keyghobadi was licensed by the department as a real estate salesperson on January 7, 2005. At all times relevant to the allegations in this case, her employing broker was PCMI. Keyghobadi's salesperson license will expire on January 6, 2013.

4. PCMI engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker within the meaning of Business and Professions Code section 10131, subdivisions (a) and (d). PCMI negotiated the purchase and sale of real property, solicited borrowers and lenders, negotiated loans, collected payments, or performed services for borrowers and lenders in connection with loans secured directly or collaterally by liens on real property, for compensation or in expectation of compensation.

Huezo Transactions

5. Nancy Keyghobadi engaged in a scheme to defraud lenders by aiding Maria Huezo in making offers to purchase multiple parcels of real property and applying to fund those purchases by falsely representing on the purchase documents and to the lenders her income and/or employment and her intent to occupy each property as an "owner occupant."

6. For each of the eight Sacramento properties set forth below, Keyghobadi performed services for Huezo and for various lenders in the purchase of the property and in negotiating loans to finance the purchase. In each transaction, Huezo falsely represented that she intended to occupy the property as her primary residence.

Address of Property	Offer to Purchase	Loan App. or Good Faith Est.	Close of Escrow	Huezo's Income on Loan App.
5846 Nina Way	1/16/06	12/28/05	2/24/06	\$8,300/mo.
4085 8 th Avenue	1/18/06	12/29/05	2/17/06	\$6,345/mo.
4609 11 th Avenue	1/19/06	12/30/05	3/1/06	\$6,345/mo.
3200 Marshall Way	1/13/06	2/20/06	2/22/06	\$6,600/mo.
3656 Reel Circle	1/19/06	12/30/05	2/23/06	\$6,600/mo.
4232 12 th Avenue	1/19/06	2/13/06	2/21/06	\$6,345/mo.
3209 33 rd Street	1/18/06	12/30/05	3/9/06	\$6,600/mo.
4548 10 th Avenue	1/19/06	12/30/05	5/1/06	\$9,500/mo.

7. The acts or omissions of Keyghobadi in the Huezo transactions constitute misrepresentation, fraud, deceit and dishonest dealing.

Walker Transactions

8. Nancy Keyghobadi engaged in a scheme to defraud lenders by submitting loan applications to finance the purchase of multiple parcels of real property by Rickie Travon Walker, when Walker was falsely representing to the lenders his intent to occupy each property as an "owner occupant."

9. For each of the four properties set forth below, Keyghobadi performed services for Walker and for various lenders in negotiating loans to finance the purchase of the property by Walker. In each transaction, Walker falsely represented that he intended to occupy the property as his primary residence. Keyghobadi concealed from the lenders the fact that Walker was simultaneously applying for and obtaining mortgage loan obligations to other lenders to purchase other properties that he was claiming as his primary residence.

Address of Property	Offer to Purchase	Loan Apps.	Close of Escrow	Lender and Loan Amounts
10652 Acalanes Drive Oakland	8/23/06	11/20/06	11/30/06	Argent Mortgage Co., LLC \$392,000, \$98,000
398 34 th Street Richmond	9/24/06	9/8/06	10/31/06	Chase Bank USA \$382,500, \$67,500
7953 Sunkist Drive Oakland	8/28/06	9/8/06	11/7/06	PMAC Lending Services \$516,000, \$129,000
7601 Center Parkway Sacramento	9/16/06	11/9/06	11/28/06	Unified Capital Group \$332,000, \$83,000

10. The acts or omissions of Keyghobadi in the Walker transactions constitute misrepresentation, fraud, deceit and dishonest dealing.

LEGAL CONCLUSIONS

Huezo Transactions

1. Cause to suspend or revoke the real estate license of respondent Nancy Keyghobadi exists under Business and Professions Code section 10176, subdivision (a) (substantial misrepresentation); section 10176, subdivision (c) (continued and flagrant course of misrepresentation); section 10176, subdivision (i) (fraud or dishonest dealing); and section 10177, subdivision (j) (fraud or dishonest dealing).

Walker Transactions

2. Cause to suspend or revoke the real estate license of respondent Nancy Keyghobadi exists under Business and Professions Code section 10176, subdivision (a) (substantial misrepresentation); section 10176, subdivision (i) (fraud or dishonest dealing); and section 10177, subdivision (j) (fraud or dishonest dealing).¹

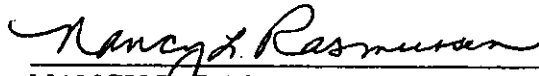
License Discipline

3. It would be contrary to the public interest to allow respondent Nancy Keyghobadi to keep her real estate license.

ORDER

All licenses and licensing rights of respondent Nancy Keyghobadi under the Real Estate Law are revoked.

DATED: March 7, 2011



NANCY D. RASMUSSEN
Administrative Law Judge
Office of Administrative Hearings

¹ The accusation in which the Walker transactions were alleged did not charge a violation of section 10176, subdivision (c) (continued and flagrant course of misrepresentation).

FILED

FEB 03 2011

DEPARTMENT OF REAL ESTATE

By L. Mast

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
PRO CAPITAL MORTGAGE, INC., a California)
California, GREG KEVIN DANSKA, and)
NANCY KEYGHOBADI,)
)
Respondents.)

NO. H-10548 SF

In the Matter of the Accusation of)
)
PRO CAPITAL MORTGAGE, INC., a California)
California, dba ISTAR REAL ESTATE,)
GREG KEVIN DANSKA, and)
NANCY KEYGHOBADI,)
)
Respondents.)

NO. H-10746 SF

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 6, 2008, an Accusation under Case No. H-10548 SF was filed in this matter against Respondent PRO CAPITAL MORTGAGE, INC., a California Corporation.
On August 6, 2009, an Accusation under Case No. H-10746 SF was filed in this matter against Respondent PRO CAPITAL MORTGAGE, INC., a California Corporation.

1 On February 1, 2011, Respondent petitioned the Commissioner to voluntarily
2 surrender its corporate real estate broker license(s) pursuant to Section 10100.2 of the Business
3 and Professions Code.

4 IT IS HEREBY ORDERED that petition of Respondent PRO CAPITAL
5 MORTGAGE, INC., for voluntary surrender of its corporate real estate broker license is
6 accepted as of the effective date of this Order as set forth below, based upon the understanding
7 and agreement expressed in Respondent's Declaration dated February 1, 2011 (attached as
8 Exhibit "A" hereto). Respondent's license certificate(s) and any branch office license
9 certificate(s) shall be sent to the below listed address so that such will reach the Department on
10 or before the effective date of this Order:

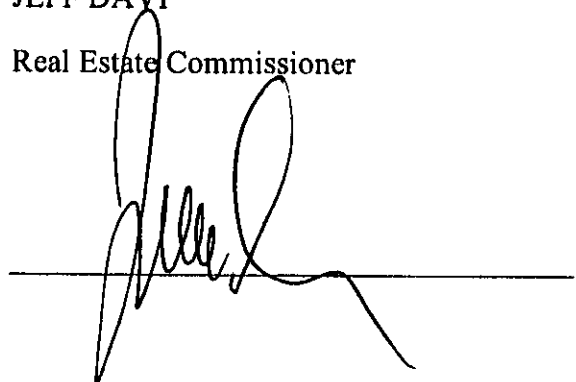
11
12 DEPARTMENT OF REAL ESTATE
13 Attn: Licensing Flag Section
14 P. O. Box 187000
15 Sacramento, CA 95818-7000

16 This Order shall become effective at 12 o'clock noon on FEB 23 2011

17
18 DATED: 2/3, 2011

19
20 JEFF DAVI
21 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) NO. H-10548 SF
PRO CAPITAL MORTGAGE, INC., a California)
California, GREG KEVIN DANSKA, and)
NANCY KEYGHOBADI,)
)
Respondents.)

In the Matter of the Accusation of)
) NO. H-10746 SF
PRO CAPITAL MORTGAGE, INC., a California)
California, dba ISTAR REAL ESTATE,)
GREG KEVIN DANSKA, and)
NANCY KEYGHOBADI,)
)
Respondents.)

DECLARATION

My name is Nancy Keyghobadi, and I am currently an officer of PRO CAPITAL MORTGAGE, INC., 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 PRO CAPITAL MORTGAGE, INC., which is represented in this matter by Duane R. Menting, Attorney at Law.

H-10548 SF and H-10746 SF

PRO CAPITAL MORTGAGE, INC.

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

6 PRO CAPITAL MORTGAGE, INC., understands that by so voluntarily
7 surrendering its license(s), it may be relicensed as a broker only by petitioning for reinstatement
8 pursuant to Section 11522 of the Government Code. PRO CAPITAL MORTGAGE, INC., also
9 understands that by so voluntarily surrendering its license(s), it agrees to the following:

10 1. PRO CAPITAL MORTGAGE, INC., admits that all allegations contained
11 in the Accusation filed in this matter are true and correct.

12 2. The filing of this Declaration shall be deemed as the petition of PRO
13 CAPITAL MORTGAGE, INC., for voluntary surrender.

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

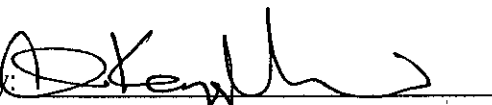
21 4. PRO CAPITAL MORTGAGE, INC., further agrees that upon acceptance
22 by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant
23 evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and
24 all allegations contained in the Accusation filed in the Department Case Nos. H-10548 SF and
25 H-10746 SF, may be considered by the Department to be true and correct for the purpose of
26 deciding whether to grant relicensure or reinstatement pursuant to Government Code Section
27 11522.

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5. PRO CAPITAL MORTGAGE, INC., surrenders all of its licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed 2-1-2011, 2011, at Larkspur, California.

PRO CAPITAL MORTGAGE, INC.,

By: 
Nancy Keyghobadi

Secretary
(Title)

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

FILED

JAN 19 2011

DEPARTMENT OF REAL ESTATE
By *A. Frost*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 PRO CAPITAL MORTGAGE, INC., a California) No. H-10548 SF
13 corporation, GREG KEVIN DANSKA, and) STIPULATION AND AGREEMENT
14 NANCY KEYGHOBADI,)
15 Respondents.)

16 In the Matter of the Accusation of)
17 PRO CAPITAL MORTGAGE, INC., a California) No. H-10746 SF
18 corporation, dba ISTAR REAL ESTATE,) STIPULATION AND AGREEMENT
19 GREG KEVIN DANSKA, and)
20 NANCY KEYGHOBADI,)
21 Respondents.)

22
23 It is hereby stipulated by and between Respondent GREG KEVIN DANSKA
24 (hereinafter "Respondent" or "Respondent DANSKA"), acting by and through his attorneys,
25 Roger J. Brothers and Ericka L. Ackeret and the Complainant, acting by and through Michael
26 B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of settling and
27 disposing of the Accusation under Department Case Number H-10548 SF filed on November 6,

1 2008, and the Accusation under Department Case Number H-10746 SF filed on August 6,
2 2009, in this matter (hereinafter "the Accusations"):

3 1. All issues which were to be contested and all evidence which was to be
4 presented by Complainant and Respondents at a formal hearing on the Accusations, which
5 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
6 (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the
7 provisions of this Stipulation and Agreement.

8 2. Respondent has received, read and understands the Statement to
9 Respondent, the Discovery Provisions of the APA and the Accusations filed by the Department
10 of Real Estate in this proceeding.

11 3. On November 20, 2008, in Case Number H-10548 SF, and on August 24,
12 2010, in Case Number H-10746 SF, Respondent DANSKA, respectively, filed Notices of
13 Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a
14 hearing on the allegations in the Accusations. Respondent hereby freely and voluntarily
15 withdraws said Notices of Defense. Respondent DANSKA acknowledges that Respondent
16 understands that by withdrawing said Notice of Defense, Respondent will thereby waive
17 Respondent's right to require the Commissioner to prove the allegations in the Accusations at a
18 contested hearing held in accordance with the provisions of the APA and that Respondent will
19 waive other rights afforded to Respondent in connection with the hearing such as the right to
20 present evidence in defense of the allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. Respondent DANSKA, pursuant to the limitations set forth below, hereby
23 admits that the factual allegations in the Accusations pertaining to Respondent are true and
24 correct and stipulates and agrees that the Real Estate Commissioner shall not be required to
25 provide further evidence of such allegations.

26 5. It is understood by the parties that the Real Estate Commissioner may adopt
27 the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's respective real estate licenses and license rights as set forth in the
2 "Order" below. In the event that the Commissioner in his discretion does not adopt the
3 Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the
4 right to a hearing and proceeding on the Accusations under all the provisions of the APA and
5 shall not be bound by any admission or waiver made herein.

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

10 7. Respondent understands that by agreeing to this Stipulation and
11 Agreement in Settlement, Respondent agrees to pay, pursuant to Section 10148 of the Business
12 and Professions Code, the cost of the audit that led to the disciplinary action under Department
13 Case Number H-10746 SF. The amount of said costs for Respondent DANSKA is \$3,763.50.

14 8. Respondent DANSKA has received, read, and understands the "Notice
15 Concerning Costs of Audits." Respondent further understands that by agreeing to this
16 Stipulation and Agreement in Settlement, the findings set forth below in the
17 DETERMINATION OF ISSUES are final and Respondent waives his right of appeal by
18 petition for writ of mandamus or otherwise. Because Respondent will no longer be the
19 designated broker officer for PRO CAPITAL MORTGAGE, INC., the Commissioner will not
20 charge Respondent DANSKA for the costs of any subsequent audit conducted pursuant to
21 Section 10148 of the Business and Professions Code to determine if the violations have been
22 corrected.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and waivers and solely for
25 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
26 that the following Determination of Issues shall be made:

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The acts and omissions of Respondent DANSKA, as described in the Accusations under Department Case Number H-10548 SF and H-10746 SF are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10177(h) and 10159.2(a) of the Code, and Section 2725 of Chapter 6, Title 10, California Code of Regulations (hereinafter "Regulations) in conjunction with 10177(d) of the Code.

ORDER

I

The real estate broker license and all license rights of Respondent GREG KEVIN DANSKA under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent GREG KEVIN DANSKA 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 Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted real estate broker license issued to Respondent DANSKA under the Real Estate Law is suspended for a period of ninety (90) days from the date said restricted license is issued to Respondent by the Department; provided, however, that forty-five (45) days of said suspension shall be stayed for three (3) years upon the following terms and conditions:

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

B. That no final subsequent determination be made, after hearing or

1 upon stipulation, that cause for disciplinary action occurred within three (3) years
2 of the date said restricted license is issued to Respondent by the Department.
3 Should such a determination be made, the Commissioner may, in his discretion,
4 vacate and set aside the stay order and re-impose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay imposed herein
6 shall become permanent.

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

11 3. The restricted license issued to Respondent DANSKA may be suspended
12 prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
13 Commissioner that Respondent has violated any provision of the California Real Estate Law,
14 the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
15 attaching to the restricted license.

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

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

1 6. Respondent DANSKA shall, within six (6) months from the effective date
2 of this Decision, take and pass the Professional Responsibility Examination administered by the
3 Department including the payment of the appropriate examination fee. If Respondent fails to
4 satisfy this condition, the Commissioner may order indefinite suspension of Respondent's
5 license until Respondent passes the examination at which time the indefinite suspension
6 provided in this paragraph shall be stayed.

7 7. Respondent shall, prior to and as a condition of the issuance of the
8 restricted license, submit proof satisfactory to the Commissioner of having taken and
9 successfully completed the continuing education course on trust fund accounting and handling
10 specified in subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of
11 satisfaction of this requirement includes evidence that Respondent has successfully completed
12 the trust fund accounting and handling continuing education course within 120 days prior to the
13 effective date of the Decision in this matter.

14 8. Pursuant to Section 10148 of the Business and Professions Code,
15 Respondent DANSKA shall pay the sum of \$3,763.50 for the Commissioner's reasonable cost
16 for the audit which led to the disciplinary action in Department Case Number H-10746 SF. In
17 calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
18 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
19 include an allocation for travel time to and from the auditor's place of work. Respondent
20 DANSKA shall pay such cost within sixty (60) days of receiving an invoice from the
21 Commissioner detailing the activities performed during the audit and the amount of time spent
22 performing those activities. The Commissioner may suspend the restricted license issued to
23 Respondent pending a hearing held in accordance with Section 11500, et seq., of the
24 Government Code, if payment is not timely made as provided for herein, or as provided for in a
25 subsequent agreement between the Respondent and the Commissioner. The suspension shall
26 remain in effect until payment is made in full or until Respondent enters into an agreement
27

1 satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise
2 is adopted following a hearing held pursuant to this condition.

3 9. Any restricted real estate broker license issued to Respondent DANSKA
4 may be suspended or revoked for a violation by Respondent of any of the conditions attaching to
5 the restricted license.

6
7
8 1/6/2011
9 DATED

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

10
11 ***

12 I have read the Stipulation and Agreement and its terms are understood by me
13 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
14 the California Administrative Procedure Act (including but not limited to Sections 11506,
15 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
16 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
17 allegations in the Accusation at a hearing at which I would have the right to cross-examine
18 witnesses against me and to present evidence in defense and mitigation of the charges.

19
20 1/4/11
21 DATED

Kevin Danska
KEVIN GREG DANSKA

22
23 Approved as to content and as to form by counsel for Respondent.

24
25 1/4/2011
26 DATED

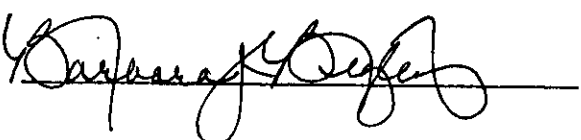
Roger J. Brothers
Roger J. Brothers
(Print Name)

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in these matters as to Respondent GREG KEVIN DANSKA effective at 12 o'clock
noon on FEB 08 2011

IT IS SO ORDERED 1/14/11

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

Flag

1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P. O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6
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FILED
AUG 06 2009
DEPARTMENT OF REAL ESTATE
By L. Frost

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	
)	NO. H-10746 SF
)	
13 PRO CAPITAL MORTGAGE, INC., a California)	
corporation, dba ISTAR REAL ESTATE,)	<u>ACCUSATION</u>
14 GREG KEVIN DANSKA, and)	
15 NANCY KEYGHOBADI,)	
)	
)	
16 Respondents.)	
)	

18 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
19 the State of California, for Causes of Accusation against PRO CAPITAL MORTGAGE, INC., a
20 California corporation, formerly known as TRI-STAR INVESTMENT GROUP, INC., doing
21 business under the fictitious name of ISTAR REAL ESTATE, and against GREG KEVIN
22 DANSKA and NANCY KEYGHOBADI, is informed and alleges as follows:

23 1

24 Respondent PRO CAPITAL MORTGAGE, INC. (hereinafter "Respondent
25 PCMI"), Respondent GREG KEVIN DANSKA (hereinafter "Respondent DANSKA") and
26 Respondent NANCY KEYGHOBADI (hereinafter "Respondent KEYGHOBADI") are

27 ///

1 presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of
2 the California Business and Professions Code (hereinafter "the Code").

3 2

4 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
5 the State of California, makes this Accusation against Respondents in his official capacity.

6 3

7 At all times herein mentioned, Respondent PCMI was and is licensed by the
8 Department of Real Estate (hereinafter "the Department") as a corporate real estate broker.

9 4

10 At all times herein mentioned, Respondent DANSKA was and is licensed by the
11 Department as an individual real estate broker.

12 5

13 At all times herein mentioned, Respondent DANSKA was and is licensed by the
14 Department as the designated broker/officer of Respondent PCMI. As said designated
15 broker/officer, Respondent DANSKA was at all times mentioned herein responsible pursuant to
16 Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real
17 estate licensees and employees of Respondent PCMI for which a real estate license is required.

18 6

19 At all times herein mentioned, Respondent KEYGHOBADI was and is licensed
20 by the Department as an individual real estate salesperson.

21 7

22 At all times herein mentioned, Respondent KEYGHOBADI was acting in the
23 employ of Respondent PCMI as a licensed real estate salesperson.

24 8

25 Whenever reference is made in an allegation in this Accusation to an act or
26 omission of Respondent PCMI, such allegation shall be deemed to mean that the officers,
27 directors, employees, agents and real estate licensees employed by or associated with

1 Respondent PCMI committed such act or omission while engaged in the furtherance of the
2 business or operations of Respondent PCMI and while acting within the course and scope of
3 their corporate authority and employment.

4 9

5 At all times herein mentioned, Respondent PCMI engaged in the business of,
6 acted in the capacity of, advertised, or assumed to act as a real estate broker within the meaning
7 of Section 10131(d) of the Code, soliciting borrowers or lenders for or negotiating loans or
8 collecting payments or performing services for borrowers or lenders or note owners in
9 connection with loans secured directly or collaterally by liens on real property or on a business
10 opportunity.

11 FIRST CAUSE OF ACTION

12 10

13 There is hereby incorporated in this First, separate and distinct, Cause of Action,
14 all of the allegations contained in Paragraphs 1 through 9, inclusive, of the Accusation with the
15 same force and effect as if herein fully set forth.

16 11

17 Within the three year period prior to the filing of this Accusation, Respondent
18 PCMI employed Edwin Anthony Convento, Leonijla Suliguin, Dorothy Lee Shaw, David E.
19 Yim, Rhodora Bulosan Quitlong, Vatey P. Roth, Luis M. Alzanora, Christopher Reynosa,
20 Marco James Russell, Carl Denell Kirkland, Jocelyn Cargonilla, Lynda Salamanca Rodriguez,
21 Kathleen Bragias Quiaot, Elizabeth Elenes, Douglas Michael Koski, Maria C. Lukan, Robert
22 Joseph Templin, Richard Sunil Varma, Alvaro Versace, and Tonya A. Ybarra as licensed real
23 estate salesperson employees without having actual possession of the license certificates of said
24 employees and/or failed to make said license certificates available for inspection by the
25 designated representative of the Real Estate Commissioner in violation of Section 10160 of the
26 Code and Chapter 6, Title 10, California Code of Regulations, Section 2753 (hereinafter
27 "Regulations").

1
2 Within the three year period prior to the filing of this Accusation and at all times
3 herein mentioned, Respondent PCMI employed Douglas Michael Koski and Richard Sunil
4 Varma as licensed salesperson employees without a written employment agreement for each in
5 violation of Section 2726 of the Regulations.

6
7 The acts and/or omissions of Respondent PCMI as alleged above constitute cause
8 for the suspension or revocation of the licenses and license rights of Respondent under the
9 following provisions:

- 10 (a) As alleged in Paragraph 11, under the provisions of Section 10160 in
11 conjunction with Section 10165 and Section 10177(d) of the Code and
12 Section 2753 of the Regulations in conjunction with Section 10177(d) of
13 the Code; and,
14 (b) As alleged in Paragraph 12, under Section 2726 of the Regulations in
15 conjunction with Section 10177(d) of the Code.

16 SECOND CAUSE OF ACTION

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18 There is hereby incorporated in this Second, separate and distinct, Cause of
19 Action, all of the allegations contained in Paragraphs 1 through 13, inclusive, of the Accusation
20 with the same force and effect as if herein fully set forth.

21
22 Within the three year period prior to the filing of this Accusation and at all times
23 herein mentioned, in connection with the loan brokerage business described in Paragraph 4,
24 above, Respondent PCMI failed to provide and/or failed to retain for a period of three (3) years
25 the "Mortgage Loan Disclosure Statement", as signed and dated by the borrowers and/or by the
26 broker, as required by Section 10240 of the Code, and/or containing all required information in

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1 conformance with Section 10241 of the Code, including, but not limited to, the following
2 transactions:

<u>Borrowers</u>	<u>Property</u>	<u>Loan Amount</u>	<u>Close Date</u>
Kwong Kwo Lin Chyong Yau Yeh	2101 Edgewood Drive Palo Alto, California	\$450,000	6/19/07
Chris Nightengale Nicole Nightengale	10028 Flower Street Delhi, California	\$337,000	6/18/07

7
8 16

9 The acts and/or omissions of Respondent PCMI as alleged in Paragraph 15,
10 above, constitute grounds for the revocation or suspension of Respondent's licenses and/or
11 license rights under Sections 10148, 10240 and 10241 of the Code in conjunction with Section
12 10177(d) of the Code.

13 THIRD CAUSE OF ACTION

14 17

15 There is hereby incorporated in this Third, separate and distinct, Cause of Action,
16 all of the allegations contained in Paragraphs 1 through 16, inclusive, of the Accusation with the
17 same force and effect as if herein fully set forth.

18 18

19 Within the three year period prior to the filing of this Accusation, Respondent
20 PCMI and Respondent KEYGHOBADI:

21 (a) On or about November 20, 2006, submitted loan applications to Argent
22 Mortgage Company, LLC, to make loans in the sum of \$392,000.00 and \$98,000.00 secured by
23 real property at 10652 Acalanes Drive, Oakland, California, to finance the purchase of said real
24 property by Rickie Travon Walker, which represented to the lender, contrary to fact, as
25 Respondents knew or should have known at the time through the exercise of reasonable
26 diligence, that said borrower intended to occupy said real property as his primary residence, and
27 by concealing from said lender the fact, as Respondents knew or should have known at the time

1 through the exercise of reasonable diligence, that Rickie Travon Walker was simultaneously
 2 applying for and obtaining and/or had obtained mortgage loan obligations to other lenders to
 3 finance the purchase of other real properties that said borrower was also claiming as his primary
 4 residence, as follows:

5 Lender	6 Property	7 Loan Amounts	8 Loan Application	9 Purchase Contract	10 Escrow Close
11 Chase Bank USA	12 398-34th Street 13 Richmond, California	14 \$382,000 15 \$ 67,500	16 9/8/06 17 9/8/06	18 9/24/06	19 10/31/06
20 PMAC Lending 21 Services	22 7953 Sunkist Drive 23 Oakland, California	24 \$516,000 25 \$129,000	26 9/8/06 27 9/8/06	28 8/28/06	29 11/7/06
30 United Capital 31 Group	32 7601 Center Parkway 33 Sacramento, California	34 \$332,000 35 \$ 83,000	36 11/9/06 37 11/9/06	38 9/16/06	39 11/28/06

40 (b) On or about September 8, 2006, submitted loan applications to PMAC
 41 Lending Services to make loans in the sum of \$516,000.00 and \$129,000.00 secured by real
 42 property at 7953 Sunkist Drive, Oakland, California, to finance the purchase of said real
 43 property by Rickie Travon Walker, which represented to the lender, contrary to fact, as
 44 Respondents knew or should have known at the time through the exercise of reasonable
 45 diligence, that said borrower intended to occupy said real property as his primary residence, and
 46 by concealing from said lender the fact, as Respondents knew or should have known at the time
 47 through the exercise of reasonable diligence, that Rickie Travon Walker was simultaneously
 48 applying for and obtaining and/or had obtained mortgage loan obligations to other lenders to
 49 finance the purchase of other real properties that said borrower was also claiming as his primary
 50 residence, as follows:

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Lender	Property	Loan Amounts	Loan Application	Purchase Contract	Escrow Close
Chase Bank USA	398-34th Street Richmond, California	\$382,000 \$ 67,500	9/8/06 9/8/06	9/24/06	10/31/06
Argent Mortgage Company, LLC	10652 Acalanes Drive Oakland, California	\$392,000 \$ 98,000	11/20/06 11/20/06	8/23/06	11/30/06
United Capital Group	7601 Center Parkway Sacramento, California	\$332,000 \$ 83,000	11/9/06 11/9/06	9/16/06	11/28/06

(c) On or about September 8, 2006, submitted loan applications to Chase Bank USA, to make loans in the sum of \$382,000.00 and \$67,500.00 secured by real property at 398 - 34th Street, Richmond, California, to finance the purchase of said real property by Rickie Travon Walker, which represented to the lender, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that said borrower intended to occupy said real property as his primary residence, and by concealing from said lender the fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that Rickie Travon Walker was simultaneously applying for and obtaining and/or had obtained mortgage loan obligations to other lenders to finance the purchase of other real properties that said borrower was also claiming as his primary residence, as follows:

Lender	Property	Loan Amounts	Loan Application	Purchase Contract	Escrow Close
Argent Mortgage Company, LLC	10652 Acalanes Drive Oakland, California	\$392,000 \$ 98,000	11/20/06 11/20/06	8/23/06	11/30/06
PMAC Lending Services	7953 Sunkist Drive Oakland, California	\$516,000 \$129,000	9/8/06 9/8/06	8/28/06	11/7/06
United Capital Group	7601 Center Parkway Sacramento, California	\$332,000 \$ 83,000	11/9/06 11/9/06	9/16/06	11/28/06

(d) On or about November 9, 2006, submitted loan applications to United Capital Group to make loans in the sum of \$332,000.00 and \$83,000.00 secured by real property

1 at 7601 Center Parkway, Sacramento, California, to finance the purchase of said real property by
 2 Rickie Travon Walker, which represented to the lender, contrary to fact, as Respondents knew
 3 or should have known at the time through the exercise of reasonable diligence, that said
 4 borrower intended to occupy said real property as his primary residence, and by concealing from
 5 said lender the fact, as Respondents knew or should have known at the time through the exercise
 6 of reasonable diligence, that Rickie Travon Walker was simultaneously applying for and
 7 obtaining and/or had obtained mortgage loan obligations to other lenders to finance the purchase
 8 of other real properties that said borrower was also claiming as his primary residence, as
 9 follows:

10 Lender	Property	11 Loan Amounts	Loan Application	Purchase Contract	Escrow Close
12 Chase Bank USA	398-34th Street Richmond, California	\$382,000 \$ 67,500	9/8/06 9/8/06	9/24/06	10/31/06
14 PMAC Lending Services	7953 Sunkist Drive Oakland, California	\$516,000 \$129,000	9/8/06 9/8/06	8/28/06	11/7/06
16 Argent Mortgage Company, LLC	10652 Acalanes Drive Oakland, California	\$392,000 \$ 98,000	11/20/06 11/20/06	8/23/06	11/30/06

17 19

18 The acts and omissions of Respondent PCMI and Respondent KEYGHOBADI
 19 as described in Paragraph 18, above, constitute misrepresentation, fraud, deceit, and dishonest
 20 dealing.

21 20

22 The facts alleged in Paragraphs 18 and 19, above, are grounds for the suspension
 23 or revocation of the licenses of Respondent PCMI and Respondent KEYGHOBADI under
 24 Sections 10176(a), 10176(i), 10177(d), 10177(g), and/or 10177(j) of the Code.

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1 FOURTH CAUSE OF ACTION

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3 There is hereby incorporated in this Fourth, separate and distinct, Cause of
4 Action, all of the allegations contained in Paragraphs 1 through 20, inclusive, of the Accusation
5 with the same force and effect as if herein fully set forth.

6 22

7 At all times above mentioned, Respondent DANSKA was responsible, as the
8 designated broker officer of Respondent PCMI, for the supervision and control of the activities
9 conducted on behalf of the corporation by its officers and employees. Respondent DANSKA
10 failed to exercise reasonable supervision and control over the mortgage brokering real property
11 sales activities of Respondent PCMI. In particular, Respondent DANSKA permitted, ratified
12 and/or caused the conduct described in the First, Second, and Third Causes of Action, above, to
13 occur, and failed to take reasonable steps, including, but not limited to the review of loan
14 applications and transactional documents, supervision of employees, maintenance of written
15 employment contracts, obtaining and maintaining salesperson license certificates, and the
16 implementation of policies, rules, procedures, and systems to ensure the compliance of the
17 corporation with the Real Estate Law.

18 23

19 The above acts and/or omissions of Respondent DANSKA constitute grounds for
20 disciplinary action under the provisions of Section 10177(h) of the Code and/or Section 10159.2
21 of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the
22 Code.

23 WHEREFORE, Complainant prays that a hearing be conducted on the
24 allegations of this Accusation and that upon proof thereof a decision be rendered imposing
25 disciplinary action against all license(s) and license rights of Respondents under the Real Estate

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1 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further
2 relief as may be proper under other provisions of law.

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6 _____
7 JOE M. CARRILLO
8 Deputy Commissioner

9 Dated at Sacramento, California
10 this 6 day of August, 2009
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