


**FILED**

FEB 24 2012

Department of Real Estate

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of )  
 )  
AFSHIN SARBAZ, )  
 )  
Respondent. )  
 )  
 )

No. H-11245 S.F.

**ORDER STAYING EFFECTIVE DATE**

On February 7, 2012, a Decision was rendered in the above-entitled matter to become effective on February 27, 2012.

On February 23, 2012, Respondent petitioned for reconsideration of the Decision of February 7, 2012.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed for a period of thirty (30) days. The Decision of February 7, 2012, shall become effective at 12 o'clock noon on March 28, 2012.

DATED: 2/24/12

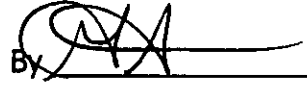
BARBARA J. BIGBY  
Acting Real Estate Commissioner



**FILED**

**February 7, 2012**

DEPARTMENT OF REAL ESTATE

By  \_\_\_\_\_

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

MGM GLOBAL, INC. and  
AFSHIN SARBAZ

Respondents.

) H-11245 SF  
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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 January 9, 2012, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

A.

On January 9, 2012, no Notice of Defense having been filed herein by or on behalf of Respondents MGM GLOBAL, INC. and AFSHIN SARBAZ within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

1

On October 27, 2011, 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 regular and certified mail, to Respondent's last known mailing addresses on file with the Department of Real Estate (hereinafter "Department") on November 4, 2011.

2

At all times mentioned herein MGM GLOBAL, INC. (hereinafter "MGM") was licensed by the Department as a corporate real estate broker.

3

At all times mentioned herein SARBAZ AFSHIN (hereinafter "AFSHIN") was licensed by the Department as a real estate salesperson.

4

At no time mentioned herein was Shervin Sarbaz (hereinafter "Shervin"), licensed by the Department as a real estate broker or real estate salesperson.

5

At no time mentioned here did MGM have a designated officer on file with the Department.

6

At all times mentioned herein between on or about May 6, 2010, and continuing up to at least October of 2011, MGM engaged in and hired AFSHIN and Shervin, to engage in, the business of, acted in the capacity of, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including solicitation of borrowers for or negotiation of loans or performance of services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property, including but not limited to direct solicitation as described above of individual mortgage borrowers whose names are set forth below.

7

Whenever reference is made in an allegation in this Accusation to an act or omission of MGM, such allegation shall be deemed to also mean that MGM committed such act or omission while engaged in furtherance of the business or operation of MGM and while acting within the course and scope of his employment.

8

At no time mentioned herein did Respondents or Shervin have a no objection letter regarding their contract for advance fees as required by Section 10085 of the Code.

9

From and since May 2010, Respondents and Shervin solicited homeowners to hire them to conduct modifications of loans secured by their residences.

10

On or about May 6, 2010, through August 13, 2010, AFSHIN on behalf of himself and MGM collected three advance fee payments totaling \$6,200.00 from Cyrus M. to perform a loan modification on that certain real property commonly known as 620 Quail Crest Drive, Walnut Creek, California (QUAIL CREST PROPERTY).

11

Respondents failed to obtain a loan modification for the QUAIL CREST PROPERTY.

12

Respondents failed to refund the fees to Cyrus M.

#### DETERMINATION OF ISSUES

1

The acts of MGM and SARBAZ, described above, constitute violations of Sections 10085 (No Objection Letter), 10085.5 (Advanced Fees), and are grounds for discipline under Sections 10177(d) (Willful/Disregard Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

2

The acts of MGM, described above constitute violations of Section 10137 (Employing/Compensating Unlicensed Persons), and are grounds for discipline under Sections 10177(d) (Willful/Disregard Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

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

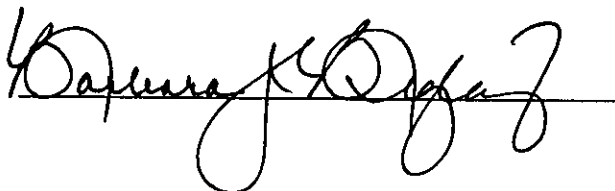
ORDER

All licenses and licensing rights of Respondents MGM GLOBAL, INC. and AFSHIN SARBAZ 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 FEB 27 2012.

DATED: 2/6/12.

BARBARA BIGBY  
Acting Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'Barbara Bigby', is written over a horizontal line.

**FILED**

JAN 09 2012

Department of Real Estate  
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Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007  
  
Telephone: (916) 227-0789

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA


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In the Matter of the Accusation of	)	
	)	NO. H-11245 SF
MGM GLOBAL, INC., and	)	
AFSHIN SARBAZ,	)	<u>DEFAULT ORDER</u>
	)	
Respondents.	)	

Respondents, MGM GLOBAL, INC., and AFSHIN SARBAZ, 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 DECEMBER 22, 2011

BARBARA J. BIGBY  
Acting Real Estate Commissioner

By:   
PHILLIP IHDE  
Regional Manager

**FILED**

**November 4, 2011**

1 RICHARD K. UNO, Counsel (SBN 98275)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-0789  
6 (916) 227-2380 (Direct)  
7

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	
12		)	NO. H-11245 SF
13	MGM GLOBAL, INC. and,	)	
14	AFSHIN SARBAZ,	)	<u>ACCUSATION</u>
15	Respondents.	)	

16 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of  
17 the State of California, for Accusation against Respondents MGM GLOBAL, INC. (MGM), and  
18 AFSHIN SARBAZ (AFSHIN), (herein collectively "Respondents) is informed and alleges as  
19 follows:

20 1

21 The Complainant makes this Accusation against Respondents in his official  
22 capacity.

23 2

24 At all times mentioned herein MGM GLOBAL, INC. (MGM) was licensed by the  
25 Department as a corporate real estate broker.

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At all times mentioned herein AFSHIN was licensed by the Department as a corporate real estate salesperson.

4

At no time mentioned herein was Shervin Sarbaz (Shervin), licensed by the Department as a real estate broker or real estate salesperson.

5

At no time mentioned here did MGM have a designated officer on file with the Department.

6

At all times mentioned herein between on or about May 6, 2010, and continuing up to at least October of 2011, MGM engaged in and hired AFSHIN and Shervin, to engage in, the business of, acted in the capacity of, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including solicitation of borrowers for or negotiation of loans or performance of services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property, including but not limited to direct solicitation as described above of individual mortgage borrowers whose names are set forth below.

7

Whenever reference is made in an allegation in this Accusation to an act or omission or MGM, such allegation shall be deemed to also mean that MGM committed such act or omission while engaged in furtherance of the business or operation of MGM and while acting within the course and scope of his employment.

8

At no time mentioned herein did Respondents or Shervin have a no objection letter regarding their contract for advance fees as required by Section 10085 of the Code.

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///

From and since May 2010, Respondents and Shervin solicited homeowners to hire them to conduct modifications of loans secured by their residences.

On or about May 6, 2010, through August 13, 2010, AFSHIN on behalf of himself and MGM collected three advance fee payments totalling \$6,200.00 from Cyrus M. to perform a loan modification on that certain real property commonly known as 620 Quail Crest Drive, Walnut Creek, California (QUAIL CREST PROPERTY).

Respondents failed to obtain a loan modification for the QUAIL CREST PROPERTY.

Respondents failed to refund the fees to Cyrus M.


The acts of Respondents and Shervin, described above, constitute violations of Sections 10085 (No Objection Letter), 10085.5 (Advanced Fees), and are grounds for discipline under Sections 10177(d) (Willful/Disregard Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code. The acts of MGM, described above constitute violations of Section 10137 (Employing/Compensating Unlicensed Persons), and are grounds for discipline under Sections 10177(d) (Willful/Disregard Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code. The acts of Shervin, described above, constitute violations of Section 10130 (Unlicensed Activity) of the Code and are grounds for discipline under Sections 10177(d) (Willful/Disregard Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

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

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9 \_\_\_\_\_  
E. J. HABERER, II  
Deputy Real Estate Commissioner

10 Dated at Oakland, California,  
11 this 27<sup>th</sup> day of October, 2011.