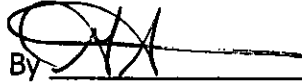


December 9, 2011

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

DEPARTMENT OF REAL ESTATE

By 

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6
7 **BEFORE THE DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9 * * *

10 To:)	
)	NO. H-11261 SF
11)	
12 MGM GLOBAL, INC,)	
13 AFSHIN SARBAZ and,)	<u>ORDER TO DESIST AND REFRAIN</u>
14 SHERVIN SARBAZ)	(B&P Code Section 10086)

15 The Real Estate Commissioner of the State of California (Commissioner) has
16 caused an investigation to be made of the activities of MGM GLOBAL, INC. (MGM),
17 AFSHIN SARBAZ (AFSHIN), and SHERVIN SARBAZ (SHERVIN) (herein collectively
18 "Respondents") including engaging in the business of, acting in the capacity of, advertising, or
19 assuming to act as a real estate broker in the State of California within the meaning of Section
20 10131(d) of the California Business & Professions Code (the Code). Based upon the findings of
21 that investigation, as set forth below, the Commissioner has determined and is of the opinion that
22 Respondents, have violated the Code by engaging in the business of or acting as a real estate
23 salesperson or broker, within the meaning of Sections 10085 (No Objection Letter), and 10085.5
24 (Charging An Advance Fee), that SHERVIN has violated Sections 10130 (Act As a Real Estate
25 Broker or Salesman without a License) and 10131(d) (soliciting borrowers for services in
26 connection with loans secured by real property) of the Code without first having obtained a real
27 estate license from the California Department of Real Estate (Department) and that MGM has

1 employed and compensated SHERVIN to perform acts which require a Real Estate License, in
2 violation of Sections 10137 and 10138 of the Code. Whenever acts referred to below are
3 attributed to MGM, those acts are alleged to have been done by MGM, acting by itself, or by
4 and/or through one or more agents, associates, and/or co-conspirators, and using other names or
5 fictitious names unknown at this time (the related entities).

6 FINDINGS OF FACT

7 1. At all times mentioned herein, MGM was licensed by the Department as a
8 corporate real estate broker.

9 2. At all times mentioned herein, AFSHIN was licensed by the Department as a
10 real estate salesperson.

11 3. At no time mentioned herein was SHERVIN, licensed by the Department as
12 a real estate broker or salesperson, as appropriate.

13 4. At no time mentioned here did Respondents have any Advanced Fee
14 Materials approved by the Department.

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

23 6. On or about May 6, 2010, through August 13, 2010, AFSHIN collected three
24 advance fee payments totaling \$6,200.00 from Cyrus M. to perform a loan modification on that
25 certain real property commonly known as 620 Quail Crest Drive, Walnut Creek, California.
26 MGM and AFSHIN failed to obtain a loan modification on this property and also failed to refund
27 any of the fees to Cyrus M.

1 CONCLUSIONS OF LAW

2 Based on the Findings of Fact contained in Paragraphs 1 through 6, Respondents,
3 among other things, solicited and/or performed services for borrowers, including but not limited
4 to Cyrus M., in connection with loans secured directly or collaterally by liens on real property or
5 on a business opportunity, for or in expectation of a compensation and claimed, demanded,
6 charged, received, collected or contracted for an advanced fee for such services. Thus,
7 Respondents violated Sections 10131(d) (Mortgage Loan Activity) 10085 (No Objection Letter),
8 10085.5 (Advance Fees for Loan Modifications) of the Code, MGM violated Section 10137
9 (Hiring Unlicensed Persons) of the Code and SHERVIN violated Section 10130 (Unlicensed
10 Activity) of the Code.

11 DESIST AND REFRAIN ORDER

12 Now, therefore MGM GLOBAL, INC., AFSHIN SARBAZ and SHERVIN
13 SARBAZ, their employees, agents, official successors and assigns, ARE HEREBY ORDERED
14 to immediately desist and refrain from:

15 (1) Charging, demanding, contracting for or receiving advance fees, as that term
16 is defined in Section 10026 of the Code, for any of the services you offer to others, unless and
17 until you demonstrate and provide evidence satisfactory to the Commissioner that you are
18 properly licensed by the Department and that MGM GLOBAL, INC. AFSHIN SARBAZ and
19 SHERVIN SARBAZ:

20 (a) Have an advance fee agreement which has been submitted to the
21 Department and which is in compliance with Sections 2970 and 2972 of the
22 Regulations;

23 (b) Have placed all previously collected advance fees into a trust account
24 for that purpose and are in compliance with Section 10146 (deposit of advance
25 fees into trust account) of the Code; and

26 (c) Have provided an accounting to trust fund owner-beneficiaries
27 pursuant to Section 2972 of the Regulations.

1 (2) Demanding, claiming, collecting and/or receiving advance fees, as that term
2 is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to
3 the performance of loan modification or any other form of mortgage loan forbearance services in
4 connection with loans on residential property containing four or fewer dwelling units.

5 Now, therefore MGM GLOBAL, INC., its employees, agents, official successors
6 and assigns ARE HEREBY ORDERED TO immediately desist and refrain from:

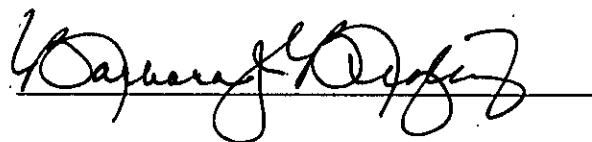
7 (1) Employing and/or compensating unlicensed persons for performing acts
8 which require a real estate license until those persons are properly licensed as real estate
9 salespersons or real estate brokers.

10 Now, therefore SHERVIN SARBAZ, IS HEREBY ORDERED TO immediately
11 desist and refrain from:

12 (1) Performing any and all acts within the State of California for which a real
13 estate broker license is required, unless and until he obtains a real estate broker license.

14 DATED: 12/7/11

15 BARBARA J. BIGBY
16 Acting Real Estate Commissioner

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21 **Notice:** Business and Professions Code Section 10139 provides that, "Any person
22 acting as a real estate broker or real estate salesperson without a license or who advertises using
23 words indicating that he or she is a real estate broker without being so licensed shall be guilty of
24 a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
25 imprisonment in the county jail for a term not to exceed six months, or by both fine and
26 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
27 (\$60,000)..."

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cc: SHERVIN SARBAZ
Agent for Service of Process for
MGM GLOBAL, INC.
224 Cypress Hills Court
Danville, CA 94526

AFSHIN SARBAZ
5751 Reynolds Place
Concord, CA 94583

SHERVIN SARBAZ
100 Park Place, #200
San Ramon, CA 94583