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FILED

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DEPARTMENT OF REAL ESTATE

By R. Kropf

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-12408 SF
13 SECURED CAPITAL LENDING, INC.,)
14 and VICTORIA BOYADJIAN,)
15 Respondents.) ACCUSATION

16 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against SECURED CAPITAL LENDING, INC.
18 (SCL) and VICTORIA BOYADJIAN (BOYADJIAN), collectively Respondents, is informed and
19 alleges as follows:

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21 The Complainant makes this Accusation in her official capacity.

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23 At all times herein mentioned, SCL was and is presently licensed and/or has
24 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
25 Professions Code (the Code) by the Department of Real Estate (the Department) as a corporate
26 real estate broker.

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All times herein mentioned, BOYADJIAN was and is presently licensed and/or has license rights as a real estate broker.

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At all times herein mentioned, BOYADJIAN was licensed by the Department as the designated officer of SCL. As the designated officer, BOYADJIAN was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees, and employees of SCL for which a real estate license is required.

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

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At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, 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 the operation and conduct of a loan brokerage business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property.

FIRST CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 6, above, and incorporates them herein by reference.

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In or around January of 2017, Patricia G., through real estate broker John Mark Scott (Scott) and unlicensed Abel Cabrera Martinez (Cabrera), submitted an offer to buy that certain real property commonly known as 225 College Avenue, Vallejo, California (College Property).

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The offer was accepted and escrow was opened on the College Property.

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A check in the amount of \$1,500.00 was deposited into escrow, listing the payer as "Reynaldo Gallegos."

11

The listing agent, Duane Margreiter (Margreiter), communicated with Tjoman Sugiono Budistaslim, aka Joe Lim (Lim) of FastTrack Home Loans, which was unlicensed. Lim represented that Patricia G.'s FHA Loan application was taken by BOYADJIAN by telephone.

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BOYADJIAN signed and submitted the loan application for Patricia G. and represented that she had taken the information from Patricia G. by phone.

13

The loan application for Patricia G. included documents that she purportedly signed.

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The loan application also included a letter purportedly from "Reynaldo Gallegos" asserting that he was a relative of Patricia G. and that he had contributed funds toward the purchase of the property.

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The representations that Respondents made in Paragraphs 10 through 14, above, were untrue and BOYADJIAN knew them to be untrue at the time they made them and were for the purpose of getting fees.

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The true facts were that BOYADJIAN never spoke to Patricia G., that Patricia G. did not sign any loan documents, and Patricia G. does not have a relative named Reynaldo Gallegos and therefore Respondents made the payment.

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The acts and/or omissions alleged above violate Sections 10176(a) (material misrepresentation), 10176(b) (false promises to influence, persuade, or induce), 10176(i) (other conduct/fraud or dishonest dealing), and 10177(j) (other conduct: fraud, dishonest dealing) of the Code and are grounds for the suspension or revocation of the licenses and license rights of Respondents under Sections 10176(a), 10176(b), 10176(i), 10177(d) (violate real estate law), and 10177(j) of the Code.

SECOND CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 17, above, and incorporates them herein by reference.

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In or around January of 2017, Idalia V., through Scott and Cabrera, submitted an offer to buy that certain real property commonly known as 17410 Pheasant Downs Road, Lathrop, California (Pheasant Downs Property).

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The offer was accepted and escrow was opened on the Pheasant Downs Property.

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A check in the amount of \$1,500.00 was deposited into escrow, listing the payer as "Geraldo Valencia."

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The listing agent, Gloria Tovar (Tovar), communicated with Lim of FastTrack Home Loans. Lim represented that Idalia V.'s FHA Loan application was taken by BOYADJIAN by telephone.

23

BOYADJIAN signed and submitted the loan application for Idalia V. and represented that she had taken the information from Idalia V. by phone.

24

The loan application for Idalia V. included documents that she purportedly signed.

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The loan application also included a letter purportedly from "Geraldo Valencia" asserting that he was a relative of Idalia V. and that he had contributed funds toward the purchase of the property.

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The representations that Respondents made in Paragraphs 21 through 26, above, were untrue and BOYADJIAN knew them to be untrue at the time they made them and were made for the purpose of getting fees.

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The true facts were that BOYADJIAN never spoke to Idalia V., that Idalia V. did not sign any loan documents, and Idalia V. does not have a relative named Geraldo Valencia and therefore Respondents made the payment.

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Respondents' acts and/or omissions alleged above violate Sections 10176(a), 10176(b) (false promises to influence, persuade, or induce), 10176(i), and 10177(j) of the Code

1 and are grounds for the suspension or revocation of the licenses and license rights of
2 Respondents under Sections 10176(a), 10176(b), 10176(i), 10177(d), and 10177(j) of the Code.

3 THIRD CAUSE OF ACTION

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5 Complainant refers to Paragraphs 1 through 29, above, and incorporates them
6 herein by reference.

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8 On or about January 29, 2018, Idalia V. filed a complaint against Respondents
9 based on their activities set forth in the SECOND CAUSE OF ACTION.

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11 On or about February 1, 2018, a Department Special Investigator requested the
12 loan file for Idalia V. from Respondents.

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14 On or about February 20, 2018, DRE received three (3) copies of a letter from
15 Respondents, purportedly signed by Idalia V. stating that the complaint against Respondents was
16 resolved and that Idalia V. did not wish to pursue the complaint.

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18 In fact, Idalia V. did not draft or sign the letter received by the Department, nor
19 did she wish to drop her complaint.

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21 Respondents' acts and/or omissions alleged above violate Sections 10176(a),
22 10176(b) (false promises to influence, persuade, or induce), 10176(i), and 10177(j) of the Code
23 and are grounds for the suspension or revocation of the licenses and license rights of
24 Respondents under Sections 10176(a), 10176(b), 10176(i), 10177(d), and 10177(j) of the Code.

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1 FOURTH CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 35, above, and incorporates the same
4 herein by reference.

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6 Beginning on June 12, 2018, and continuing intermittently through July 26, 2018,
7 an audit was conducted of SCL for the period of January 1, 2016, through May 31, 2018, at
8 SCL's office at 64090 Laurel Canyon Blvd., Suite 620, North Hollywood, California 91606.

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10 During the audit, it was revealed that SCL did not notify the Department in
11 writing within thirty (30) days after it satisfied the threshold criteria as required by Section
12 10232(e) of the Code.

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14 The acts or omissions of Respondents alleged above violate Sections 10232 of the
15 Code and are grounds for the suspension or revocation of the licenses and license rights of SCL
16 under Sections 10177(d) and 10177(g) of the Code.

17 FIFTH CAUSE OF ACTION

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19 Complainant refers to Paragraphs 1 through 39, above, and incorporates the same
20 herein by reference.

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22 At all times herein above mentioned, BOYADJIAN was responsible, as the
23 supervising broker for SCL, for the supervision and control of the activities conducted on behalf
24 of SCL's business by its employees. BOYADJIAN failed to exercise reasonable supervision and
25 control over the mortgage loan activities of SCL. In particular, BOYADJIAN permitted, ratified,
26 and/or caused the conduct described above to occur and failed to take reasonable steps including,
27 but not limited to, handling of trust funds, supervision of employees, and the implementation of

1 policies, rules, and systems, to ensure the compliance of the business with the Real Estate Law
2 and the Regulations.

4 Section 10106 of the Code provides, in pertinent part, that in any order issued in
5 resolution of a disciplinary proceeding before the Department, the Commissioner may request the
6 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
7 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
9 of this Accusation and that, upon proof thereof, a decision be rendered imposing disciplinary
10 action against all licenses and license rights of Respondents under the Code, for the reasonable
11 costs of investigation and prosecution of this case, including agency attorney's fees, and for such
12 other and further relief as may be proper under other provisions of law.

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16 ROBIN S. TANNER
Supervising Special Investigator

17 Dated at Oakland, California,
18 this 9th day of October, 2019.

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20 DISCOVERY DEMAND

21 The Department of Real Estate hereby requests discovery pursuant to Section 11507.6
22 of the California Government Code. Failure to provide discovery to the Department may
23 result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the
24 Administrative Law Judge deems appropriate.
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