

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED
MAR 11 2005
DEPARTMENT OF REAL ESTATE

By *Frank M. Buda*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-29794 LA
12	CONSUMER FAIR LENDING INC)	<u>STIPULATION</u>
13	and, FARIBORZ ESLAMIEH,)	<u>AND</u>
14	individually and as)	<u>AGREEMENT</u>
15	officer designated of)	
16	Consumer Fair Lending Inc.)	
17)	
18	Respondents.)	

18 It is hereby stipulated by and between FARIBORZ
19 ESLAMIEH, individually and as designated officer of Consumer Fair
20 Lending Inc. (sometimes referred to as "Respondent"), represented
21 by Frank M. Buda, Esq. and the Complainant, acting by and through
22 Elliott Mac Lennan, Counsel for the Department of Real Estate, as
23 follows for the purpose of settling and disposing of the
24 Accusation filed on November 22, 2002, in this matter with
25 respect to Respondent only:

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

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

12 3. Respondent filed a Notice of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusations.
15 Respondent hereby freely and voluntarily withdraws said Notice of
16 Defense. Respondent acknowledges that he understands that by
17 withdrawing said Notice of Defense he thereby waives his right to
18 require the Commissioner to prove the allegations in the
19 Accusations at a contested hearing held in accordance with the
20 provisions of the APA and that he will waive other rights
21 afforded to him in connection with the hearing such as the right
22 to present evidence in his defense of the allegations in the
23 Accusations and the right to cross-examine witnesses.

24 4. This Stipulation is based on the allegations
25 contained in the Accusations that pertain to Respondent. In the
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1 interest of expedience and economy, Respondent choose not to
2 contest these allegations, but to remain silent and understand
3 that, as a result thereof, these allegations, without being
4 admitted or denied, will serve as a prima facie basis for the
5 disciplinary action stipulated to herein. The Real Estate
6 Commissioner shall not be required to provide further evidence to
7 prove said allegations.

8 5. This Stipulation and Respondents' decision not to
9 contest the Accusation is made for the purpose of reaching an
10 agreed disposition of this proceeding and is expressly limited to
11 this proceeding and any other proceeding or case in which the
12 Department of Real Estate ("Department"), the state or federal
13 government, or any agency of this state, another state or federal
14 government is involved.

15 6. It is understood by the parties that the Real
16 Estate Commissioner may adopt this Stipulation as his Decision
17 in this matter thereby imposing the penalty and sanctions on
18 Respondent real estate licenses and license rights as set forth
19 in the "Order" herein below. In the event that the Commissioner,
20 in his discretion, does not adopt the Stipulation, it shall be
21 void and of no effect and Respondent shall retain the right to
22 a hearing and proceeding on the Accusations under the provisions
23 of the APA and shall not be bound by any stipulation or waiver
24 made herein.
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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any matters which were not specifically
6 alleged to be causes for Accusations in this proceeding but do
7 constitute a bar, estoppel and merger as to any allegations
8 actually contained in the Accusations against Respondent herein.

9 DETERMINATION OF ISSUES

10 By reason of the foregoing stipulations, it is
11 stipulated and agreed that the following determination of issues
12 shall be made:

13 The conduct, acts or omissions of FARIOBRZ ESLAMIEH, as
14 described in Paragraph 4 above, constitutes a failure to ensure
15 that Consumer Fair Lending Inc. were in compliance with the Real
16 Estate Law during the time that he was the officer designated by
17 these corporate broker licensees, in violation of Code Section
18 10159.2. This conduct is a basis for the suspension or
19 revocation of Respondent's broker license pursuant to Code
20 Section 10177(h).

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ORDER

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2 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT
3 TO THE WRITTEN STIPULATION OF THE PARTIES:

4 I.

5 A. All licenses and licensing rights of Respondent
6 FARIBORZ ESLAMIEH under the Real Estate Law are suspended for a
7 period of ninety (90) days from the effective date of this
8 Decision; provided, however, that sixty (60) days of said
9 suspension shall be stayed for two (2) years upon the following
10 terms and conditions:

11 1. Respondent FARIBORZ ESLAMIEH shall obey all laws,
12 rules and regulations governing the rights, duties and
13 responsibilities of a real estate licensee in the State of
14 California.

15 2. That no final subsequent determination be made,
16 after hearing or upon stipulation, that cause for disciplinary
17 action occurred within two (2) years of the effective date of
18 this Decision. Should such determination be made, the
19 Commissioner may, in his discretion, vacate and set aside the
20 stay order and reimpose all or a portion of the stayed
21 suspension. Should no such determination be made, the stay
22 imposed herein shall become permanent.

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24 B. The initial thirty (30) day portion of said ninety
25 (90) day suspension shall commence on the effective date of this
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1 Decision; provided, however, that if Respondent FARIOBRZ ESLAMIEH
2 petitions, said suspension shall be stayed upon condition that:

3 1. Pursuant to Section 10175.2 of the Business and
4 Professions Code, FARIOBRZ ESLAMIEH pays a monetary penalty of
5 one hundred dollars (\$100.00) per day totaling three thousand
6 dollars (\$3,000).

7 2. Said payment shall be in the form of a cashier's
8 check or certified check made payable to the Recovery
9 Account of the Real Estate Fund. Said check must be received
10 by the Department prior to the effective date of the Decision
11 in this matter.

12 3. No further cause for disciplinary action against
13 the real estate license of Respondents occur within two (2) years
14 from the effective date of the Decision in this matter.

15 4. If Respondent FARIOBRZ ESLAMIEH fails to pay the
16 monetary penalty in accordance with the terms and conditions of
17 the Decision, the Commissioner may, without a hearing, order the
18 immediate execution of all or any part of the stayed suspension
19 in which event Respondent shall not be entitled to any repayment
20 nor credit, prorated or otherwise, for money paid to the
21 Department under the terms of this Decision.

22 5. If Respondent FARIOBRZ ESLAMIEH pays the monetary
23 penalty and if no further cause for disciplinary action against
24 the real estate licenses of Respondent occurs within two (2)
25

1 years from the effective date of the Decision, the stay hereby
2 granted shall become permanent.

3 C. Respondent FARIOBRZ ESLAMIEH shall within six
4 months from the effective date of the Decision, take and pass the
5 Professional Responsibility Examination administered by the
6 Department including the payment of the appropriate examination
7 fee. If Respondent FARIOBRZ ESLAMIEH fails to satisfy this
8 condition, the Commissioner may order suspension of the
9 restricted license until respondent passes the examination.

10
11 DATED: 7-27-65

E. J. L.
12 ELLIOTT MAC LENNAN, Counsel for
13 the Department of Real Estate

14 * * *

15 I have read the Stipulation and Agreement, and have
16 discussed it with my counsel. Its terms are understood by me and
17 are agreeable and acceptable to me. I understand that I am
18 waiving rights given to me by the California Administrative
19 Procedure Act (including but not limited to Sections 11506,
20 11508, 11509 and 11513 of the Government Code), and we willingly,
21 intelligently and voluntarily waive those rights, including the
22 right of requiring the Commissioner to prove the allegations in
23 the Accusations at a hearing at which I would have the right to
24 cross-examine witnesses against me and to present evidence in
25 defense and mitigation of the charges.
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1 Respondent can signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of its signature page, as actually signed by Respondent,
4 to the Department at the following telephone/fax number: (213)
5 576-6917, Attention: Elliott Mac Lennan. Respondent agrees,
6 acknowledges and understands that by electronically sending to
7 the Department a fax copy of Respondent's actual signature as it
8 appears on the Stipulation and Agreement, that receipt of the
9 faxed copy by the Department shall be as binding on Respondent as
10 if the Department had received the original signed Stipulation
11 and Agreement.

12
13
14 DATED: _____

_____ FARIOBRZ ESLAMIEH, individually and
as designated officer of Consumer
Fair Lending Inc., Respondent

15
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19 DATED: _____

_____ FRANK M. BUDA, Attorney for
Respondent
Approved as to Form

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26 ///

1 Respondent can signify acceptance and approval of the
 2 terms and conditions of this Stipulation and Agreement by faxing
 3 a copy of its signature page, as actually signed by Respondent,
 4 to the Department at the following telephone/fax number: (213)
 5 576-6917, Attention: Elliott Mac Lennan. Respondent agrees,
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 8 appears on the Stipulation and Agreement, that receipt of the
 9 faxed copy by the Department shall be as binding on Respondent as
 10 if the Department had received the original signed Stipulation
 11 and Agreement.


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DATED: 1/26/05



FARIOZ ELAMIEH, individually and
as designated officer of Consumer
Fair Lending Inc., Respondent

DATED: 1-17-05



FRANK M. BUDA, Attorney for
Respondent
Approved as to Form

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///
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* * *

1
2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision and Order and shall become effective at 12
4 o'clock noon on MAR 31, 2005.

5 IT IS SO ORDERED 3-9-, 2005.

6
7 JEFF DAVI
8 Real Estate Commissioner

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Handwritten initials/signature

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED
MAR 11 2005
DEPARTMENT OF REAL ESTATE

By *K. Thederholt*

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

10 * * *

11 In the Matter of the Accusation of) No. H-29794 LA
12)
13 CONSUMER FAIR LENDING INC.)
14 and, FARIBORZ ESLAMIEH,)
15 individually and as)
16 officer designated of)
17 Consumer Fair Lending Inc.)
18 Respondents.)

19 ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

20 On November 22, 2002, an Accusation was filed in this
21 matter against Respondent CONSUMER FAIR LENDING INC.

22 On January 12, 2005, Respondent petitioned the
23 Commissioner to voluntarily surrender its real estate broker
24 license pursuant to Section 10100.2 of the Business and
25 Professions Code.

1 IT IS HEREBY ORDERED that Respondent CONSUMER FAIR
2 LENDING INC.'s petition for voluntary surrender of its real
3 estate broker license is accepted as of the effective date of
4 this Order as set forth below, based upon the understanding and
5 agreement expressed in Respondent's Declaration dated January
6 12, 2005, (attached as Exhibit "A" hereto). Respondent's
7 license certificate and pocket card shall be sent to the below
8 listed address so that they reach the Department on or before
9 the effective date of this Order:

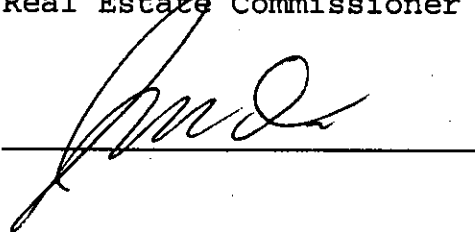
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Department of Real Estate
Atten: Licensing Flag Section
P.O. BOX 18700
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon
on MAR 31 2005.

DATED: 3-9-05

JEFF DAVI
Real Estate Commissioner



1 ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
2 320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
3
4 Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)
5
6
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-29794 LA
12 CONSUMER FAIR LENDING INC.)
13)
14 Respondent.)
15

16 DECLARATION

17 My name is FARIBORZ ESLAMIEH and I am currently an
18 officer of CONSUMER FAIR LENDING INC., which is licensed as a
19 real estate broker and/or has license rights with respect to said
20 license. I am authorized and empowered to sign this declaration
21 on behalf of CONSUMER FAIR LENDING INC. I am acting on behalf of
22 CONSUMER FAIR LENDING INC. in this matter.

23 In lieu of proceeding in this matter in accordance
24 with the provisions of the Administrative Procedure Act
25 (Sections 11400 et seq., of the Government Code) CONSUMER FAIR
26 LENDING INC. wishes to voluntarily surrender its real estate
27

1 license issued by the Department of Real Estate ("Department"),
2 pursuant to Business and Professions Code Section 10100.2.

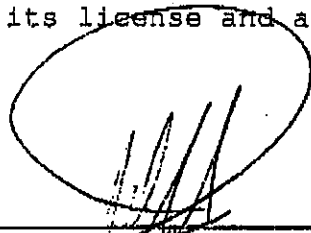
3 I understand that CONSUMER FAIR LENDING INC., by so
4 voluntarily surrendering its license, can only have it reinstated
5 in accordance with the provisions of Section 11522 of the
6 Government Code. I also understand that by so voluntarily
7 surrendering its license, CONSUMER FAIR LENDING INC. agrees to
8 the following:

9 The filing of this Declaration shall be deemed as its
10 petition for voluntary surrender. It shall also be deemed to be
11 an understanding and agreement by CONSUMER FAIR LENDING INC.
12 that, it waives all rights it has to require the Commissioner to
13 prove the allegations contained in the Accusation filed in this
14 matter at a hearing held in accordance with the provisions of
15 the Administrative Procedure Act (Government Code Sections 11400
16 et seq.), and that it also waives other rights afforded to it in
17 connection with the hearing such as the right to discovery, the
18 right to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses. I further
20 agree on behalf of CONSUMER FAIR LENDING INC. that upon
21 acceptance by the Commissioner, as evidenced by an appropriate
22 order, all affidavits and all relevant evidence obtained by the
23 Department in this matter prior to the Commissioner's
24 acceptance, and all allegations contained in the Accusation
25 filed in the Department Case No. H-29794, may be considered by
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the Department to be true and correct for the purpose of
deciding whether or not to grant reinstatement of CONSUMER FAIR
LENDING INC. license pursuant to Government Code Section 11522.

I declare under penalty of perjury under the laws of
the State of California that the above is true and correct and
that I am acting freely and voluntarily on behalf of CONSUMER
FAIR LENDING INC. to surrender its license and all license rights
attached thereto.



January 12, 2005
Date

CONSUMER FAIR LENDING INC.
By: FARIBORZ ESLAMIEH

Handwritten initials/signature

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
10 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By *R. Medeiros*

CONSUMER FAIR LENDING INC., ET AL.,

}
}

Case No. H-29794 LA

OAH No. L-2003010337

Respondent

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **Office of Administrative Hearings, 320 West Fourth Street, Ste. 630, Los Angeles, CA** on **August 16-20, 2004**, at , at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 10, 2004

By

Elliott Mac Lennan
ELLIOTT MAC LENNAN, Counsel

cc: Consumer Fair Lending Inc./Fariborz Eslamieh
Frank M. Buda, Esq..
Sacto/OAH/MB

*Memo
Jag*

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
SEP - 2 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

CONSUMER FAIR LENDING INC., ET AL.,

By *K. M. DeWald*

Case No. H-29794 LA

OAH No. L-2003010337

}
}

Respondent

**CONTINUED
NOTICE OF HEARING ON ACCUSATION**

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at 320 W. Fourth Street, Ste. 630, Los Angeles, CA on February 24-27, 2004, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: SEP - 2 2003

By

[Signature]
ELLIOTT MAC LENNAN, Counsel

cc: Consumer Fair Lending Inc./Fariborz Eslamieh
Frank M. Buda, Esq.
Sacto/OAH/MB

Share
File

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
APR 8 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

CONSUMER FAIR LENDING INC., AND
FARIBORZ ESLAMIEH,

By *K. Niederholt*

Case No. H-29794 LA

OAH No. L-2003010337

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **July 28 & 29, 2003**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: APR 8 2003

By *E. L. L.*

ELLIOTT MAC LENNAN, Counsel

cc: Consumer Fair Lending Inc.
Fariborz Eslamieh
Philip R. Sheldon, Esq./Sacto/OAH/MB

*Agudo
JL*

1 ELLIOTT MAC LENNAN, Counsel
State Bar No. 66674
2 Department of Real Estate
320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6911
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6
7

FILED
NOV 22 2002
DEPARTMENT OF REAL ESTATE

By *K. W. ...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-29794 LA
12)
13 CONSUMER FAIR LENDING INC. and)
14 FARIBORZ ESLAMIEH, individually) A C C U S A T I O N
and as designated officer of)
15 Consumer Fair Lending Inc.,)
Respondents.)
16

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against CONSUMER FAIR LENDING INC. and FARIBORZ ESLAMIEH,
20 individually and as designated officer of Consumer Fair Lending
21 Inc., alleges as follows:

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1.

1 The Complainant, Maria Suarez, acting in her official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against CONSUMER FAIR LENDING
4 INC. ("CFLI") and FARIBORZ ESLAMIEH, individually as designated
5 officer of Consumer Fair Lending Inc. ("ESLAMIEH").
6

2.

7 All references to the "Code" are to the California
8 Business and Professions Code and all references to
9 "Regulations" are to Title 10, Chapter 6, California Code of
10 Regulations.
11

3.

12 CFLI and ESLAMIEH (sometimes hereinafter referred to
13 as Respondents) are presently licensed or have license rights
14 under the Real Estate Law (Part 1 of Division 4 of the Business
15 and Professions Code, hereinafter "Code").
16
17

4.

18 At all time herein mentioned, ESLAMIEH was licensed by
19 the Department as the designated officer of CFLI to qualify it
20 and to act for it as a real estate broker and, as provided by
21 Code Section 10159.2, was responsible for the supervision and
22 control of the activities conducted on behalf of CFLI by its
23 officers, managers and employees as necessary to secure full
24 compliance with the provisions of the Real Estate Law including
25 the supervision of the salespersons licensed to the corporation
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1 in the performance of acts for which a real estate license is
2 required. CFLI'S corporate real estate broker license was
3 originally issued on September 5, 1998 and expired on September
4 4, 2002. ESLAMIEH was originally licensed as a real estate
5 broker on January 6, 1992. ESLAMIEH has been the designated
6 officer of CFLI since its inception until its expiration.

7 5.

8 Whenever reference is made in an allegation in the
9 Accusation to an act or omission of CFLI, such allegation shall
10 be deemed to mean that the officers, directors, managers,
11 employees, agents and real estate licensees employed by or
12 associated with CFLI, including ESLAMIEH, committed such act or
13 omission while engaged in the furtherance of CFLI'S business or
14 operation and while acting within the course and scope of CFLI'S
15 corporate authority, agency and employment.

16 6.

17 At all times herein mentioned in the City of Reseda,
18 California, CFLI engaged in the business as a real estate broker
19 within the meaning of Code Section 10131(d). CFLI operated as a
20 mortgage and loan broker.

21 7.

22 On May 29, 2002, the Department completed an audit
23 examination of the books and records of CFLI pertaining to its
24 mortgage and loan brokerage activities, requiring a real estate
25 license as described in Paragraph 6. The audit examination
26 covered a period of time beginning on January 1, 1999 to
27 February 28, 2002. The audit examination revealed violations of

1 the Code and the Regulations as set forth below, and more fully
2 discussed in Audit Report LA 010267 and the exhibits and
3 workpapers attached to said audit report.

4 8.

5 During the audit period CFLI did not accept or receive
6 trusts funds from or on behalf of borrowers and lenders or
7 maintain a trust account.

8 9.

9 With respect to the activities referred to in
10 Paragraph 6, it is alleged that CFLI:

11 (a) Failed to provide and/or maintain a statement in
12 writing containing all the information required by Section 10241
13 of the Code to various borrowers including but not limited to
14 Rivera, Gutierrez and Villegas; before these borrowers became
15 obligated to perform under the terms of their loans, as required
16 by Code Section 10240.

17 (b) Used the fictitious names of "F. Eslamieh", "Fred
18 Eslamieh" and "Bozy Eslamieh" to conduct licensed activities on
19 behalf of CFLI without holding a license bearing these
20 fictitious business names, as required by Regulation 2731.

21 (c) Failed to display CFLI's corporation's license
22 number on the Mortgage Loan Disclosure Statements and failed to
23 disclose CFLI's real estate license number #01243567 on the
24 Mortgage Loan Disclosure Statements provided to borrowers
25 Childers, Pastor and Rodriguez, in violation of Code Section
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1 10236.4. Instead, CFLI disclosed the real estate license number
2 of another corporation, Accurate Realty Services Inc. of which
3 FARIBORZ is also the designated officer, .

4 (d) received undisclosed compensation by means of
5 marked-up credit report fees. CFLI charged borrowers between
6 \$100 and \$200 for credit reports that cost CFLI between \$5.00 and
7 \$12.50. The mark-up was not disclosed by CFLI or ESLAMIEH to
8 borrowers, in violation of Code Sections 10176(g).

9 (e) Received undisclosed compensation via rebates from
10 lenders including service rebate premiums paid by Federal
11 Housing Authority to CFLI earned in connection with Respondent's
12 mortgage loan activities requiring a real estate license. The
13 rebates were not disclosed in the Mortgage Loan Disclosure
14 Statements/Good Faith Estimates provided to various borrowers or
15 by other documentation including but not limited to Childers
16 (\$2,259.00), Pastor (\$1,147.50), Rodriguez (\$2,117.97), Rivera
17 (\$659.68), Gonzales (\$2,172.50), Villegas (\$1,898.88) and Tene
18 (\$5,060.00), until after the time the borrowers had signed loan
19 documents and thus were committed to perform on their respective
20 loans. CFLI received \$17,534.28, in total undisclosed
21 compensation, in violation of Code Sections 10240 and 10176(g).

23 (f) After notice and subpoena, failed to produce or
24 retain all records of CFLI's activity during the audit period
25 requiring a real estate broker license, as required by Code
26 Section 10148.

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10.

The conduct of Respondent CFLI, described in Paragraph 9, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
9(a)	Code Section 10240
9(b)	Regulations 2731
9(c)	Code Section 10236.4
9(d)	Code Section 10176(g)
9(e)	Code Section 10176(g)
9(f)	Code Section 10148


Each of the foregoing violations separately constitutes cause for the suspension or revocation of the real estate license and license rights of CFLI under the provisions of Code Sections 10103, 10176(i), 10177(d) and/or 10177(g).

11.

The overall conduct of Respondent ESLAMIEH constitutes a failure on his part, as officer designated by a corporate broker licensee, to exercise reasonable supervision and control over the licensed activities of CFLI as required by Code Section 10159.2, and to keep CFLI in compliance with the Real Estate Law, and is cause for the suspension or revocation of the real estate license and license rights of ESLAMIEH pursuant to Code Section 10177(h).

1 WHEREFORE, complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and licensing rights of Respondents
5 CONSUMER FAIR LENDING INC. and FARIBORZ ESLAMIEH, individually
6 and as designated officer of Consumer Fair Lending Inc. under
7 the Real Estate Law (Part 1 of Division 4 of the Business and
8 Professions Code) and for such other and further relief as may
9 be proper under other applicable provisions of law.

10 Dated at Los Angeles, California
11 this 22nd day of November 2002.

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15 Deputy Real Estate Commissioner
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24 Consumer Fair Lending Inc.
25 c/o Fariborz Eslamieh
26 Maria Suarez
27 Sacto
MLB
Audits