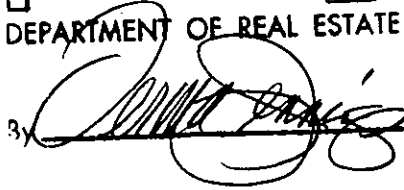


5/20/08
Flag

FILED
AUG 19 2008
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-33639 LA
	)	
ALI R. ESNA,	)	
	)	
Respondent.	)	

ORDER SUSPENDING REAL ESTATE LICENSE

To: ALI R. ESNA

On October 9, 2007, Respondent's real estate broker license was suspended for 60 days (stayed for 2 years on terms and conditions) by the Department of Real Estate as set forth in the Real Estate Commissioner's Decision of September 11, 2007, in Case No. H-33639 LA, effective October 9, 2007. Among those terms, conditions and restrictions, Respondent was required to submit, within six months from the aforementioned effective date, evidence of having taken and passed the Professional Responsibility Examination administered by the Department. The

1 Commissioner has determined that as of May 13, 2008, Respondent
2 has failed to satisfy this condition.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's real
4 estate broker license and the exercise of any privileges
5 thereunder is hereby suspended until such time as Respondent
6 provides proof satisfactory to the Department of having taken and
7 passed the Professional Responsibility Examination, or pending
8 final determination made after hearing (see "Hearing Rights" set
9 forth below).

10 IT IS FURTHER ORDERED that all license certificates and
11 identification cards issued by the Department of Real Estate
12 which are in the possession of Respondent be immediately
13 surrendered by personal delivery or by mailing in the enclosed
14 self-addressed envelope to:

15 DEPARTMENT OF REAL ESTATE
16 Attention: Flag Section
17 Post Office Box 187000
18 Sacramento, CA 95818-7000

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1 HEARING RIGHTS: You have the right to a hearing to
2 contest the Commissioner's determination that you are in
3 violation of the Order issued in this matter. If you desire a
4 hearing, you must submit a written request. The request may be in
5 any form, as long as it is in writing and indicates that you want
6 a hearing. Unless a written request for a hearing, signed by or
7 on behalf of you, is delivered or mailed to the Department at 320
8 West 4th Street, Suite 350, Los Angeles, California 90013-1105,
9 within 20 days after the date that this Order was mailed to or
10 served on you, the Department will not be obligated or required
11 to provide you with a hearing.
12

13 This Order shall be effective immediately.
14

15 DATED: 8/12/08
16

17 JEFF DAVI
18 Real Estate Commissioner

19
20 
21

22 BY: Barbara J. Bigby
23 Chief Deputy Commissioner
24
25
26
27

DEPARTMENT OF REAL ESTATE

By

STATE OF CALIFORNIA

* * *

No. H-33639 LA

Respondent .

IT IS HEREBY ORDERED that Respondent MI AGENTE MORTGAGE, INC.'s petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 13,

1 2007 (attached as Exhibit "A" hereto). Respondent's license
2 certificates, pocket cards and any branch office license
3 certificate shall be sent to the below listed address so that
4 they reach the Department on or before the effective date of this
5 Order:

6
7 DEPARTMENT OF REAL ESTATE
8 Attn: Licensing Flag Section
9 P. O. Box 187000
10 Sacramento, CA 95818-7000

11 This Order shall become effective at 12 o'clock noon
12 on October 9, 2007.

13 DATED: 9-11-02, 2007

14 JEFF DAVI
15 Real Estate Commissioner
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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Accusation of) No. H-33639 LA
13 MI AGENTE MORTGAGE, INC.,)
14)
15 Respondent.)

16 DECLARATION

17 My name is Alex Dastmalchi and that I am currently an
18 officer of MI AGENTE MORTGAGE, INC., which is licensed as a real
19 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 MI AGENTE MORTGAGE, INC. I am acting on behalf of
22 MI AGENTE MORTGAGE, INC. in this matter.

23 In lieu of proceeding in this matter in accordance with
24 the provisions of the Administrative Procedure Act (Sections
25 11400 et seq., of the Business and Professions Code) MI AGENTE
26 MORTGAGE, 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 MI AGENTE MORTGAGE, 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, MI AGENTE MORTGAGE, INC. agrees to the
8 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 MI AGENTE MORTGAGE, INC. that,
12 it waives all rights it has to require the Commissioner to prove
13 the allegations contained in the Accusation filed in this matter
14 at a hearing held in accordance with the provisions of the
15 Administrative Procedure Act (Government Code Sections 11400 et
16 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 MI AGENTE MORTGAGE, INC. that upon acceptance
21 by the Commissioner, as evidenced by an appropriate order, all
22 affidavits and all relevant evidence obtained by the Department
23 in this matter prior to the Commissioner's acceptance, and all
24 allegations contained in the Accusation filed in the Department
25 Case No. H-33639 LA, may be considered by the Department to be
26 true and correct for the purpose of deciding whether or not to
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AUG-13-07 MON 08:18 AM

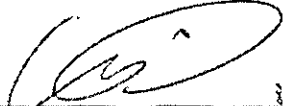
FAX NO.

P. 03/20

1 grant reinstatement of MI AGENTE MORTGAGE, INC.'s license
2 pursuant to Government Code Section 11522.

3 I declare under penalty of perjury under the laws of
4 the State of California that the above is true and correct and
5 that I am acting freely and voluntarily on behalf of MI AGENTE
6 MORTGAGE, INC. to surrender its license and all license rights
7 attached thereto.

8 8.13.07
9 Date and Place


MI AGENTE MORTGAGE, INC.
By: Alex Dastmalchi

8-13-07

1 grant reinstatement of MI AGENTE MORTGAGE, INC.'s license
2 pursuant to Government Code Section 11522.

3 I declare under penalty of perjury under the laws of
4 the State of California that the above is true and correct and
5 that I am acting freely and voluntarily on behalf of MI AGENTE
6 MORTGAGE, INC. to surrender its license and all license rights
7 attached thereto.

8

9 _____
Date and Place

MI AGENTE MORTGAGE, INC.
By: Alex Dastmalchi

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1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982

FILED
SEP 19 2007
DEPARTMENT OF REAL ESTATE

By 

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

10 * * *

11 In the Matter of the Accusation of) No. H-33639 LA
12 MI AGENTE MORTGAGE, INC.,) L-2007 030 977
13 ALEX ADHAMI and ALI R. ESNA,) STIPULATION AND AGREEMENT
14 individually and as)
15 designated officers of)
16 Mi Agente Mortgage, Inc.,)
17 Respondents.)

18 It is hereby stipulated by and between ALI R. ESNA
19 (sometimes referred to as Respondent), and his attorney Frank M.
20 Buda, and the Complainant, acting by and through James R. Peel,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation filed on
23 January 18, 2007, in this matter.
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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 Accusation, which hearing
4 was to be held in accordance with the provisions of the
5 Administrative Procedure Act ("APA"), shall instead and in place
6 thereof be submitted solely on the basis of the provisions of
7 this Stipulation and Agreement ("Stipulation").

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Department of Real Estate in this proceeding.

12 3. On March 14, 2007, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing,
22 such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.
25
26
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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondent chooses not to contest these factual allegations, but
5 to remain silent and understands that, as a result thereof,
6 these factual statements, will serve as a prima facie basis for
7 the disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

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

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt the Stipulation as his decision
19 in this matter thereby imposing the penalty and sanctions on
20 Respondent's real estate licenses and license rights as set
21 forth in the below "Order". In the event that the Commissioner
22 in his discretion does not adopt the Stipulation, the
23 Stipulation shall be void and of no effect, and Respondent shall
24 retain the right to a hearing on the Accusation under all the
25 provisions of the APA and shall not be bound by any stipulation
26 or waiver made herein.
27

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 conduct which was not specifically
6 alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation without a hearing, it is stipulated and agreed that
11 the following determination of issues shall be made:

12 I

13 The conduct, acts and/or omissions of Respondent ALI
14 R. ESNA, as set forth in the Accusation, constitute cause for
15 the suspension or revocation of all of the real estate licenses
16 and license rights of Respondent under the provisions of Section
17 10177(d) of the Business and Professions Code ("Code") for
18 violation of Code Sections 10137 and 10240, and Regulations
19 2831.1 and 2834, Title 10, Chapter 6, California Code of
20 Regulations.
21

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ORDER

1 All licenses and licensing rights of Respondent ALI R.
2 ESNA under the Real Estate Law are suspended for a period of
3 sixty (60) days from the effective date of this Decision;
4 provided, however, that thirty (30) days of said suspension
5 shall be stayed for two (2) years upon the following terms and
6 conditions:

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

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

18 3. Provided, however, that if Respondent petitions,
19 the remaining thirty (30) days of said sixty (60) day suspension
20 shall be stayed upon condition that:

21 a. Respondent pays a monetary penalty pursuant to
22 Section 10175.2 of the Business and Professions Code at the rate
23 of \$50 for each day of the suspension for a total monetary
24 penalty of \$1,500.

1 b. Said payment shall be in the form of a
2 cashier's check or certified check made payable to the Recovery
3 Account of the Real Estate Fund. Said check must be received by
4 the Department prior to the effective date of the Decision in
5 this matter.

6 c. No further cause for disciplinary action
7 against the real estate licenses of Respondent occurs within two
8 (2) years from the effective date of the Decision in this
9 matter.

10 d. If Respondent fails to pay the monetary
11 penalty in accordance with the terms and conditions of the
12 Decision, the Commissioner may, without a hearing, order the
13 immediate execution of all or any part of the stayed suspension
14 in which event the Respondent shall not be entitled to any
15 repayment nor credit, prorated or otherwise, for money paid to
16 the Department under the terms of this Decision.

17 e. If Respondent pays the monetary penalty and if
18 no further cause for disciplinary action against the real estate
19 license of Respondent occurs within two (2) years from the
20 effective date of the Decision, the stay hereby granted shall
21 become permanent.

22 4. Respondent shall, within six months from the
23 effective date of this Decision, take and pass the Professional
24 Responsibility Examination administered by the Department
25 including the payment of the appropriate examination fee. If
26 Respondent fails to satisfy this condition, the Commissioner may
27

1 order suspension of Respondent's licenses until Respondent
2 passes the examination.

3 5. Pursuant to Section 10148 of the Business and
4 Professions Code, Respondent ALI R. ESNA shall pay the
5 Commissioner's reasonable cost for the audit which led to this
6 disciplinary action. In calculating the amount of the
7 Commissioner's reasonable cost, the Commissioner may use the
8 estimated average hourly salary for all persons performing
9 audits of real estate brokers, and shall include an allocation
10 for travel costs, including mileage, time to and from the
11 auditor's place of work and per diem. Respondent shall pay such
12 cost within 45 days of receiving an invoice from the
13 Commissioner detailing the activities performed during the audit
14 and the amount of time spent performing those activities. The
15 Commissioner may, in his discretion, vacate and set aside the
16 stay order, if payment is not timely made as provided for
17 herein, or as provided for in a subsequent agreement between the
18 Respondent and the Commissioner. The vacation and the set aside
19 of the stay shall remain in effect until payment is made in
20 full, or until Respondent enters into an agreement satisfactory
21 to the Commissioner to provide for payment. Should no order
22 vacating the stay be issued, either in accordance with this
23 condition or condition "2", the stay imposed herein shall become
24 permanent.
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5 DATED:

Aug 24, 2007

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

6
7 * * *

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

19 Respondent can signify acceptance and approval of the
20 terms and conditions of this Stipulation and Agreement by faxing
21 a copy of the signature page, as actually signed by Respondent,
22 to the Department at the following telephone/fax number:
23 (213) 576-6917. Respondent agrees, acknowledges and understands
24 that by electronically sending to the Department a fax copy of
25 his or her actual signature as it appears on the Stipulation and
26 Agreement, that receipt of the faxed copy by the Department
27

1 shall be as binding on Respondent as if the Department had
2 received the original signed Stipulation and Agreement.

3 Further, if the Respondent is represented, the
4 Respondent's counsel can signify his or her agreement to the
5 terms and conditions of the Stipulation and Agreement by
6 submitting that signature via fax.

7
8
9 DATED: 8/13/07

Ali R. Esna
ALI R. ESNA
Respondent

10
11
12 DATED: 8-13-07

Frank M. Buda
FRANK M. BUDA
Counsel for Respondent

13
14
15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision and Order in this matter, and shall
18 become effective at 12 o'clock noon on _____.

19 IT IS SO ORDERED. _____

20
21 JEFF DAVI
22 Real Estate Commissioner
23
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1 shall be as binding on Respondent as if the Department had
2 received the original signed Stipulation and Agreement.

3 Further, if the Respondent is represented, the
4 Respondent's counsel can signify his or her agreement to the
5 terms and conditions of the Stipulation and Agreement by
6 submitting that signature via fax.

9 DATED: _____

10 ALI R. ESNA
11 Respondent

12 DATED: _____

13 FRANK M. BUDA
14 Counsel for Respondent

15 * * *

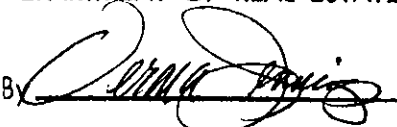
16
17 The foregoing Stipulation and Agreement is hereby
18 adopted as my Decision and Order in this matter, and shall
19 become effective at 12 o'clock noon on October 9, 2007.

20 IT IS SO ORDERED _____

21 JEFF DAVI
22 Real Estate Commissioner
23
24
25
26
27

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4
5 Telephone: (213) 576-6982
6
7

FILED
SEP 19 2007
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)	No. H-33639 LA
12 MI AGENTE MORTGAGE, INC.,)	L-2007 030 977
13 <u>ALEX ADHAMI</u> and ALI R. ESNA,)	<u>STIPULATION AND AGREEMENT</u>
14 individually and as)	
15 designated officers of)	
16 Mi Agente Mortgage, Inc.,)	
17 Respondents.)	

18 It is hereby stipulated by and between ALEX ADHAMI
19 (sometimes referred to as Respondent), and his attorney Frank M.
20 Buda, and the Complainant, acting by and through James R. Peel,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation filed on
23 January 18, 2007, in this matter.
24
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27

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 Accusation, which hearing
4 was to be held in accordance with the provisions of the
5 Administrative Procedure Act ("APA"), shall instead and in place
6 thereof be submitted solely on the basis of the provisions of
7 this Stipulation and Agreement ("Stipulation").

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Department of Real Estate in this proceeding.

12 3. On March 14, 2007, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing,
22 such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.
25
26
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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondent chooses not to contest these factual allegations, but
5 to remain silent and understands that, as a result thereof,
6 these factual statements, will serve as a prima facie basis for
7 the disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

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

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt the Stipulation as his decision
19 in this matter thereby imposing the penalty and sanctions on
20 Respondent's real estate licenses and license rights as set
21 forth in the below "Order". In the event that the Commissioner
22 in his discretion does not adopt the Stipulation, the
23 Stipulation shall be void and of no effect, and Respondent shall
24 retain the right to a hearing on the Accusation under all the
25 provisions of the APA and shall not be bound by any stipulation
26 or waiver made herein.
27

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 conduct which was not specifically
6 alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation without a hearing, it is stipulated and agreed that
11 the following determination of issues shall be made:

12 I

13 The conduct, acts and/or omissions of Respondent ALEX
14 ADHAMI, as set forth in the Accusation, constitute cause for the
15 suspension or revocation of all of the real estate licenses and
16 license rights of Respondent under the provisions of Section
17 10177(d) of the Business and Professions Code ("Code") for
18 violation of Code Sections 10137 and 10240.
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1. 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

3. Provided, however, that if Respondent petitions,
the remaining fifteen (15) days of said forty five (45) day
suspension shall be stayed upon condition that:

27

1 b. Said payment shall be in the form of a
2 cashier's check or certified check made payable to the Recovery
3 Account of the Real Estate Fund. Said check must be received by
4 the Department prior to the effective date of the Decision in
5 this matter.

6 c. No further cause for disciplinary action
7 against the real estate licenses of Respondent occurs within two
8 (2) years from the effective date of the Decision in this
9 matter.

10 d. If Respondent fails to pay the monetary
11 penalty in accordance with the terms and conditions of the
12 Decision, the Commissioner may, without a hearing, order the
13 immediate execution of all or any part of the stayed suspension
14 in which event the Respondent shall not be entitled to any
15 repayment nor credit, prorated or otherwise, for money paid to
16 the Department under the terms of this Decision.

17 e. If Respondent pays the monetary penalty and if
18 no further cause for disciplinary action against the real estate
19 license of Respondent occurs within two (2) years from the
20 effective date of the Decision, the stay hereby granted shall
21 become permanent.
22

23
24
25 DATED: Aug. 24, 2007

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

* * *

1 I have read the Stipulation and Agreement, have
2 discussed it with my counsel, and its terms are understood by me
3 and are agreeable and acceptable to me. I understand that I am
4 waiving rights given to me by the California Administrative
5 Procedure Act (including but not limited to Sections 11506,
6 11508, 11509 and 11513 of the Government Code), and I willingly,
7 intelligently and voluntarily waive those rights, including the
8 right of requiring the Commissioner to prove the allegations in
9 the Accusation at a hearing at which I would have the right to
10 cross-examine witnesses against me and to present evidence in
11 defense and mitigation of the charges.
12

13 Respondent can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Agreement by faxing
15 a copy of the signature page, as actually signed by Respondent,
16 to the Department at the following telephone/fax number:
17 (213) 576-6917. Respondent agrees, acknowledges and understands
18 that by electronically sending to the Department a fax copy of
19 his or her actual signature as it appears on the Stipulation and
20 Agreement, that receipt of the faxed copy by the Department
21 shall be as binding on Respondent as if the Department had
22 received the original signed Stipulation and Agreement.

23 Further, if the Respondent is represented, the
24 Respondent's counsel can signify his or her agreement to the
25 terms and conditions of the Stipulation and Agreement by
26 submitting that signature via fax.
27

AUG-13-07 MON 08:20 AM

FAX NO.

P. 11/20

DATED:

8-13-07

ALEX ADHAMI
Respondent

August 13th, 2007

DATED:

8-13-07

FRANK M. BUDA
Counsel for Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on _____

IT IS SO ORDERED _____

JEFF DAVI
Real Estate Commissioner

- 8 -

1
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3 DATED: _____

ALEX ADHAMI
Respondent

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6 DATED: _____

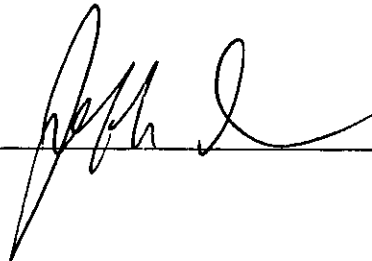
FRANK M. BUDA
Counsel for Respondent

7
8
9
10 * * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision and Order in this matter, and shall
13 become effective at 12 o'clock noon on October 9, 2007

14 IT IS SO ORDERED _____

15 JEFF DAVI
16 Real Estate Commissioner

17 
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1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

FILED
JAN 18 2007

DEPARTMENT OF REAL ESTATE

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-33639 LA
12 MI AGENTE MORTGAGE, INC.;) A C C U S A T I O N
13 ALEX ADHAMI and ALI R. ESNA,)
14 individually and as)
15 designated officers of)
16 Mi Agente Mortgage, Inc.,)
17 Respondents.)

18 The Complainant, Janice A. Waddell, a Deputy Real
19 Estate Commissioner of the State of California, for cause of
20 accusation against MI AGENTE MORTGAGE, INC.; ALEX ADHAMI and ALI
21 R. ESNA, individually and as designated officers of Mi Agente
22 Mortgage, Inc., alleges as follows:

23 I

24 The Complainant, Janice A. Waddell, acting in her
25 official capacity as a Deputy Real Estate Commissioner of the
26 State of California, makes this Accusation against MI AGENTE
27 MORTGAGE, INC., ALEX ADHAMI, and ALI R. ESNA.

1 II

2 MI AGENTE MORTGAGE, INC., ALEX ADHAMI, and ALI R. ESNA
3 (hereinafter referred to as "Respondents"), are presently
4 licensed and/or have license rights under the Real Estate Law
5 (Part 1 of Division 4 of the Business and Professions Code)
6 (hereinafter Code).

7 III

8 At all times herein mentioned, Respondent MI AGENTE
9 MORTGAGE, INC., was licensed as a real estate broker with
10 Respondents ALEX ADHAMI and ALI R. ESNA as its designated
11 officers.

12 IV

13 At all times material herein, Respondents engaged in
14 the business of, acted in the capacity of, advertised or assumed
15 to act as a real estate broker in the State of California, within
16 the meaning of Section 10131(d) of the Code and the exception set
17 forth in Financial Code Section 17004(a)(4).

18 FIRST CAUSE OF ACCUSATION

19 V

20 On or about October 31, 2006, the Department completed
21 an examination of Respondents MI AGENTE MORTGAGE, INC. and ALEX
22 ADHAMI's books and records, pertaining to the activities
23 described in Paragraph IV above, covering a period from July 1,
24 2005, through February 13, 2006, which examination revealed
25 violations of the Code and of Title 10, Chapter 6, California
26 Code of Regulations (hereinafter Regulations) as set forth below.
27

1 VI

2 The examination described in Paragraph V, above,
3 determined that, in connection with the activities described in
4 Paragraph IV above, Respondent MI AGENTE MORTGAGE, INC. accepted
5 or received funds, including funds in trust (hereinafter "trust
6 funds") from or on behalf of principals, and thereafter made
7 deposit or disbursement of such funds.

8 VII

9 In the course of activities described in Paragraphs IV
10 through VI and during the examination period described in
11 Paragraph V, Respondents MI AGENTE MORTGAGE, INC. and ALEX ADHAMI
12 acted in violation of the Code and the Regulations as follows,
13 and as more specifically set forth in Audit Report No. LA 060021
14 and related exhibits:

15 (1) Violated Section 10137 of the Code by employing
16 individuals, while unlicensed, to solicit and negotiate loans on
17 real property. Said activities require a real estate license as
18 defined by Section 10131(d) of the Code.

19 (2) Violated Section 10240 of the Code in that Good
20 Faith Estimates did not contain the broker's license number and a
21 statement that the estimate does not constitute a loan
22 commitment. Respondents did not retain a signed acknowledgement
23 from the borrower that they received the Good Faith Estimate and
24 applicable disclosures.

25 (3) Violated Sections 10240 and 10241 of the Code in
26 that Respondents did not disclose to borrowers in the Good Faith
27 Estimates rebates received from lenders.

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VIII

The conduct of Respondents MI AGENTE MORTGAGE, INC., and ALEX ADHAMI, as alleged above, subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10137, 10177(d), and 10177(g) of the Code.

IX

The conduct of Respondent ALEX ADHAMI, as alleged above, is in violation of Code Section 10159.2 and subjects his real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d), 10177(g), and 10177(h) of the Code.

SECOND CAUSE OF ACCUSATION

X

Complainant incorporates by reference Paragraphs I through IV of her First Cause of Accusation.

XI

On or about September 29, 2006, the Department completed an examination of Respondents MI AGENTE MORTGAGE, INC. and ALI R. ESNA's books and records, pertaining to the activities described in Paragraph IV above, covering a period from February 14, 2006, through June 30, 2006, which examination revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (hereinafter Regulations) as set forth below.

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1 XII

2 The examination described in Paragraph XI, above,
3 determined that, in connection with the activities described in
4 Paragraph IV above, Respondent MI AGENTE MORTGAGE, INC. accepted
5 or received funds, including funds in trust (hereinafter "trust
6 funds") from or on behalf of principals, and thereafter made
7 deposit or disbursement of such funds.

8 XIII

9 In the course of activities described in Paragraphs IV,
10 XI and XII, and during the examination period described in
11 Paragraph XI, Respondents MI AGENTE MORTGAGE, INC. and ALI R.
12 ESNA acted in violation of the Code and the Regulations as
13 follows, and as more specifically set forth in Audit Report Nos.
14 LA 050371 and LA 060025.

15 (1) Violated Section 10137 of the Code by employing
16 individuals, while unlicensed, to solicit and negotiate loans on
17 real property. Said activities require a real estate license as
18 defined by Section 10131(d) of the Code.

19 (2) Violated Section 10240 of the Code in that Good
20 Faith Estimates did not contain the broker's license number and a
21 statement that the estimate does not constitute a loan
22 commitment. Respondents did not retain a signed acknowledgement
23 from the borrower that they received the Good Faith Estimate and
24 applicable disclosures.

25 (3) Violated Sections 10240 and 10241 of the Code in
26 that Respondents did not disclose to borrowers in the Good Faith
27 Estimates rebates received from lenders.

1 (4) Violated Regulations 2831.1 and 2951 in that the
2 separate records were not in chronological sequence and the daily
3 balances were incorrect.

4 (5) Violated Regulation 2834 in that non-licensees
5 were authorized to sign on the trust account. There was no
6 fidelity bond coverage.

7 (6) Violated Regulation 2950(h) by failing to advise
8 all parties in writing of the broker's ownership interest in the
9 escrow operation.

10 (7) Violated Section 10161.8 of the Code and
11 Regulation 2752 by failing to notify the Department of Real
12 Estate when salespersons were employed.

13 XIV

14 The conduct of Respondents MI AGENTE MORTGAGE, INC. and
15 ALI R. ESNA, as alleged above, subjects their real estate
16 licenses and license rights to suspension or revocation pursuant
17 to Sections 10177(d) and 10177(g) of the Code.

18 XV

19 The conduct of Respondent ALI R. ESNA, as alleged
20 above, is in violation of Code Section 10159.2, and subjects his
21 real estate licenses and license rights to suspension or
22 revocation pursuant to Sections 10177(d), 10177(g), and 10177(h)
23 of the Code.

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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 license rights of Respondents MI
5 AGENTE MORTGAGE, INC., ALEX ADHAMI and ALI R. ESNA, individually
6 and as designated officers of Mi Agente Mortgage, Inc. under the
7 Real Estate Law (Part 1 of Division 4 of the Business and
8 Professions Code) and for such other and further relief as may be
9 proper under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 12 day of January, 2007.

12
13
14 JANICE A. WADDELL
15 Deputy Real Estate Commissioner
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23 cc: Mi Agente Mortgage, Inc.
24 Alex Adhami
25 Ali R. Esna
26 Janice A. Waddell
27 Audit Section/Dorcas Cheng
Sacto.