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● **FILED**

JUN 14 2011

DEPARTMENT OF REAL ESTATE
BY: Quynh Pham

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MORTGAGE USA INC., UNIVERSAL)
WHOLESALE FINANCIAL INC., ASPED)
PARSEGHIAN-HAZAR, individually,)
and formerly designated officer)
of Mortgage USA, Inc. and)
Universal Wholesale Financial)
Inc.,)
Respondents.)

No. H-36450 LA

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 May 17, 2011 and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On January 26, 2010, Robin Trujillo made the Accusation against MORTGAGE USA INC ("MUSA") and ASPED PARSEGHIAN-HAZAR ("HAZAR") in her 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 certified mail, return receipt requested, to MUSA's and HAZAR's last known mailing addresses on file with the Department on February 2, 2010. On April 5, 2010, MUSA and

HAZAR filed a Notice of Defense. MUSA and HAZAR were duly notified of the hearing, which was scheduled for May 9, 2011.

On February 14, 2011, Robin Trujillo made the First Amended Accusation, which added UNIVERSAL WHOLESALE FINANCIAL INC. ("UWFI") as a Respondent. All Respondents were served with the First Amended Accusation by certified and regular mail, to their last known mailing addresses on February 14, 2011. The packages sent to UWFI were returned to sender, with no forwarding address.

On March 21, 2011, Robin Trujillo made the Second Amended Accusation. All Respondents were served with the Second Amended Accusation by certified and regular mail, to their last known mailing addresses on March 21, 2011. The packages sent to UWFI were returned to sender, with no forwarding address.

No Notice of Defense was filed by UWFI within the time prescribed by Section 11506 of the Government Code. All Respondents failed to appear at the May 9, 2011 hearing. On May 11, 2011, Respondents' defaults were entered herein

2.

MUSA's real estate corporation license expired on October 18, 2008. Pursuant to Code Section 10201, MUSA had a two year right of renewal. MUSA no longer has licensing rights under the Real Estate Law. However, the Department of Real Estate ("Department") retains jurisdiction under Business and Professions Code ("Code") Section 10103.

3.

UWFI is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate corporation. From May 31, 2007 to the present, UWFI has the d.b.a. "Wholesale Financial" licensed with the Department.

4.

HAZAR presently has license rights under the Real Estate Law as a real estate broker. On December 14, 2010, HAZAR's license expired. However, the Department holds jurisdiction over the lapsed license, pursuant to Code Section 10103. HAZAR was the designated officer of MUSA until its real estate corporation license expired on October 18, 2008. HAZAR

was the designated officer of UWFI from May 31, 2007 to March 8, 2010.

5.

On or about March 21, 2007, HAZAR and MUSA employed Omar Masood, who was not licensed as a real estate broker or salesperson, to solicit and negotiate a loan on the real property located at 19001 Schoolcraft Street, Reseda, CA, for borrowers Mark and Susan Newton.

6.

On or about July 30, 2007, HAZAR and MUSA employed Michael Elachkar, who was not licensed as a real estate broker or salesperson, to solicit and negotiate a loan on the real property located at 665 Rancho Prieta Road, Los Gatos, CA, for borrowers Peter and Barbara Hartson.

7.

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code, including soliciting borrowers and lenders and negotiating loans on real property.

8.

On October 29, 2010, the Department completed audit examinations of the books and records of UWFI pertaining to the activities described in Paragraph 5 which require a real estate license. The audit examinations covered a period of time from September 1, 2007 to March 31, 2010. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report LA 090226 and the exhibits and workpapers attached to said audit report.

9.

In the course of activities described in Paragraph 7 above and during the examination period described in Paragraph 8, Respondents UWFI and HAZAR acted in violation of the Code and the Regulations in that:

(a) UWFI, using the d.b.a. "Modification Center" entered into advance fee agreements and collected advance fees for loan modification services. The loan modification agreements used by UWFI were not submitted to the Real Estate Commissioner 10 days before they were used, in violation of Code Section 10085 and Regulation 2970.

(b) After collecting advance fees, UWFI and HAZAR did not furnish the principals with verified copies of accounting content, including identification of the trust account into which the advance fees were deposited, description of services rendered, the amount allocated from the advance fees at the end of each quarter, and when the contract was completely performed. This violated Code Section 10146 and Regulation 2972.

(c) UWFI and HAZAR did not maintain columnar records for the advance fees collected from borrowers, in violation of Code Section 10145 and Regulation 2831.

(d) UWFI and HAZAR did not maintain separate records for each beneficiary or transaction for the advance fees collected from borrowers, in violation of Code Section 10145 and Regulation 2831.1.

(e) UWFI and HAZAR did not maintain a monthly trust fund reconciliation of all separate records to the columnar records of trust funds received and disbursed, in violation of Code Section 10145 and Regulation 2831.2.

(f) Mortgage Loan Disclosure Statements ("MLDS") were not always contained in loan files. MLDS were not always signed and/or dated by borrowers or loan agents. In addition, UWFI did not always disclose rebates received from lenders as additional compensation for services rendered on the MLDS. These acts were in violation of Code Section 10240 and Regulation 2840.

(g) The MLDS reviewed did not include UWFI's license number, in violation of Code Section 10236.4(b).

(h) UWFI conducted mortgage loan activity using the fictitious business names "Universal Wholesale Financial" and "Universal Whoelsale Financial" without first obtaining a license from the Department bearing such fictitious business names, in violation of Code Section 10159.5 and Regulation 2731.

(i) UWFI employed and/or compensated an unlicensed individual, Jose Rodriguez, who solicited and arranged a loan for UWFI without first obtaining a license from the Department, in violation of Code Section 10137.

(j) UWFI failed to retain records of bank accounts, columnar records, and separate beneficiary records related to advance fees collected for loan modification services, in violation of Code Section 10148.

10.

At all times mentioned, in the City of Glendale, County of Los Angeles, UWFI and HAZAR acted as real estate brokers conducting licensed activities within the meaning of Code Section 10131(d): collecting payments or performing services for borrowers as a broker escrow. In addition, UWFI and HAZAR conducted broker-controlled escrows through its escrow division under the exemption set for in California Financial Code Section 17006(a)(4) for real estate brokers performing escrows incidental to a real estate transaction where the broker is a party and where the broker is performing acts for which a real estate license is required.

11.

On January 21, 2011, the Department completed audit examinations of the books and records of UWFI pertaining to the activities described in Paragraph 8 which require a real estate license. The audit examinations covered a period of time from November 1, 2007 to March 7, 2010. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report LA 100104 and the exhibits and workpapers attached to said audit report.

12.

In the course of activities described in Paragraph 10 above and during the examination period described in Paragraph 11, Respondents UWFI and HAZAR acted in violation of the Code and the Regulations in that:

(a) The control record maintained for UWFI's escrow bank account were inaccurate and incomplete. It did not reflect the dates of receipt, deposit and disbursement of trust funds. UWFI did not maintain escrow control records from October 2008 to December 31, 2009. This violated Code Section 10145 and Regulations 2831 and 2951.

(b) The separate records maintained for each beneficiary or transaction were inaccurate and incomplete. UWFI did not provide all separate records for the audit, in violation of Code Section 10145 and Regulations 2831.1 and 2951.

(c) The bank account used by UWFI for escrow activities was not designated as a trust account, in violation of Code Section 10145 and Regulations 2832 and 2951.

(d) Trust funds were withdrawn from UWFI's bank account without the signature of broker HAZAR, in violation of Code Section 10145 and Regulations 2834 and 2951

(e) UWFI did not maintain a monthly trust fund reconciliation of all separate records to the control records of trust funds received and disbursed, in violation of Code Section 10145 and Regulations 2831.2 and 2951.

(f) UWFI did not disclose to all parties in writing that UWFI had any interest as a stockholder, officer, partner or owner in the escrow operations, in violation of Regulation 2950(h).

(g) UWFI failed to retain escrow transaction files, bank statements, receipts and disbursements, a bank signature card and separate records of UWFI's broker escrow activities, in violation of Code Section 10148 and Regulation 2950(e).

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of MUSA, as set forth above, provide cause for the suspension or revocation of the licenses and license rights of MUSA pursuant to Code Sections 10137, 10177(d) and 10177(g).

2.

The conduct, acts and/or omissions of UWFI, as set forth above, provide cause for the suspension or revocation of the licenses and license rights of HAZAR pursuant to Code Sections 10085, 10177(d) and 10177(g).

3.

The conduct, acts and/or omissions of HAZAR, as set forth above, provide cause for the suspension or revocation of the licenses and license rights of HAZAR pursuant to Code Sections 10085, 10137, 10177(d), 10177(h) and 10177(g).

4.

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

ORDER

The license and license rights of MORTGAGE USA INC.,
UNIVERSAL WHOLESALE FINANCIAL INC., and ASPED PARSEGHIAN-HAZAR
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 JUL 05 2011.

DATED: 6/6/11.

BARBARA J. BIGBY
Acting Real Estate Commissioner

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

FILED

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

MAY 17 2011

DEPARTMENT OF REAL ESTATE
BY: Dolores Weeks

(213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)

No. H-36450 LA

MORTGAGE USA INC., UNIVERSAL)

WHOLESALE FINANCIAL INC., ASPED)

PARSEGHIAN-HAZAR, individually,)

and formerly designated officer)

of Mortgage USA, Inc. and)

Universal Wholesale Financial)

Inc.,)

Respondents.)

DEFAULT ORDER

Respondent UNIVERSAL WHOLESALE FINANCIAL INC,
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

May 11, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By:

Dolores Weeks

DOLORES WEEKS
Regional Manager

FILED

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

MAY 17 2011

(213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Guillermo Valenzuela

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-36450 LA
MORTGAGE USA INC., UNIVERSAL)	
WHOLESALE FINANCIAL INC., ASPED)	<u>DEFAULT ORDER</u>
PARSEGHIAN-HAZAR, individually,)	
and formerly designated officer)	
of Mortgage USA, Inc. and)	
Universal Wholesale Financial)	
Inc.,)	
Respondents.)	

Respondents MORTGAGE USA INC. and ASPED

PARSEGHIAN-HAZAR filed a Notice of Defense within the time required by Section 11506 of the Government Code. A hearing was set for May 9, 2011. Respondents were duly notified of the hearing but failed to appear. Respondents are now in default. It is therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

May 11, 2010

BARBARA J. BIGBY
Acting Real Estate Commissioner

By:

Dolores Weeks
DOLORES WEEKS
Regional Manager

Sacto

FILED

MAR 21 2011

DEPARTMENT OF REAL ESTATE
BY: *Laura B. Khan*

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36450 LA
)	L-2010091127
)	
MORTGAGE USA INC., UNIVERSAL)	<u>SECOND AMENDED</u>
WHOLESALE FINANCIAL INC.,)	<u>ACCUSATION</u>
ASPED PARSEGHIAN-HAZAR,)	
individually, and formerly)	
designated officer of Mortgage)	
USA, Inc. and Universal)	
Wholesale Financial Inc.,)	
)	
Respondents.)	

This Accusation amends the First Amended Accusation filed on February 14, 2011. The Complainant, Robin L. Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MORTGAGE USA, INC., UNIVERSAL WHOLESALE FINANCIAL INC. and ASPED PARSEGHIAN-HAZAR, individually and formerly designated officer of Mortgage USA, Inc. and Universal Wholesale Financial Inc., alleges as follows:

///

///

1. 1

2 The Complainant, Robin L. Trujillo, acting in her
3 official capacity as a Deputy Real Estate Commissioner of the
4 State of California, makes this Accusation against MORTGAGE USA,
5 INC. ("MUSA"), UNIVERSAL WHOLESALE FINANCIAL INC. ("UWFI") and
6 ASPED PARSEGHIAN-HAZAR ("HAZAR").

2. 7

8 Effective October 18, 2008, MUSA's real estate
9 corporation license has expired. Pursuant to Code Section 10201,
10 MUSA has a two-year right of renewal. MUSA no longer has license
11 rights under the Real Estate Law (Part 1 of Division 4 of the
12 Business and Professions Code, hereinafter "Code") as a real
13 estate corporation. Pursuant to Code Section 10103, the
14 Department of Real Estate ("Department") retains jurisdiction.
15

3. 16

17 UWFI is presently licensed and/or has license rights
18 under the Real Estate Law as a real estate corporation. It was
19 first licensed as a corporation on May 31, 2007. From April 1,
20 2009 to the present, UWFI has had the d.b.a. "Modification
21 Center" licensed with the Department. From May 31, 2007 to the
22 present UWFI has had the d.b.a. "Wholesale Financial" licensed
23 with the department.
24

4. 25

26 HAZAR presently has license rights under the Real
27 Estate Law as a real estate broker. On December 14, 2010,

1 HAZAR's license expired. Pursuant to Code Section 10201, HAZAR
2 has a two-year right of renewal. Pursuant to Code Section
3 10103, the Department retains jurisdiction. HAZAR was the
4 designated officer of MUSA until its real estate corporation
5 license expired on October 18, 2008. HAZAR was the designated
6 officer of UWFI from May 31, 2007 to March 8, 2010

7 5.

8 Pursuant to Code Section 10159.2, Respondent HAZAR
9 was responsible for the supervision and control of the activities
10 conducted on behalf of the Respondents MUSA and UWFI and by their
11 officers and employees as necessary to secure full compliance
12 with the provisions of the Real Estate Law, including the
13 supervision of salespersons licensed to the corporation in the
14 performance of acts for which a real estate license is required.

15 6.

16 At all times material herein, Respondents engaged in
17 the business of, acted in the capacity of, advertised or assumed
18 to act as a real estate broker in the State of California, within
19 the meaning of Section 10131(d) of the Code, including soliciting
20 borrowers and lenders and negotiating loans on real property.

21 FIRST CAUSE OF ACCUSATION

22 (Unlicensed Activity - HAZAR and MUSA)

23 7.

24 In connection with HAZAR and MUSA's activities as real
25 estate brokers, as described above, HAZAR and MUSA violated
26 Section 10137 of the Code in that on or about March 21, 2007,
27 HAZAR and MUSA employed Omar Masood, who was not licensed as a

1 real estate broker or salesperson, to solicit and negotiate a
2 loan on real property located at 19001 Schoolcraft Street,
3 Reseda, California, for borrowers Mark and Susan Newton.

4 8.

5 In connection with HAZAR and MUSA's activities as a
6 real estate broker, as described above, HAZAR and MUSA's violated
7 Section 10137 of the Code in that on or about July 30, 2007, they
8 employed Michael Elachkar, who was not licensed as a real estate
9 broker or salesperson, to solicit and negotiate a loan on real
10 property located at 665 Rancho Prieta Road, Los Gatos,
11 California, for borrowers Peter and Barbara Hartson.

12 9.

13 The conduct, acts and/or omissions of Respondents MUSA
14 and HAZAR, as alleged above, subjects their real estate licenses
15 and license rights to suspension or revocation pursuant to
16 Sections 10137, 10177(d) and/or 10177(g) of the Code.

17 10.

18 The conduct, acts and/or omissions of Respondent HAZAR
19 in failing to ensure full compliance with the Real Estate Law is
20 in violation of Section 10159.2 of the Code and subjects their
21 real estate licenses and license rights to suspension or
22 revocation pursuant to Sections 10177(d), 10177(g) and/or
23 10177(h) of the Code.

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1 the advance fees were deposited, description of services
2 rendered, the amount allocated from the advance fees at the end
3 of each quarter, and when the contract was completely performed.
4 This violated Code Section 10146 and Regulation 2972.

5 (c) UWFI and HAZAR did not maintain columnar records
6 for the advance fees collected from borrowers, in violation of
7 Code Section 10145 and Regulation 2831.

8 (d) UWFI and HAZAR did not maintain separate records
9 for each beneficiary or transaction for the advance fees
10 collected from borrowers, in violation of Code Section 10145 and
11 Regulation 2831.1.

12 (e) UWFI and HAZAR did not maintain a monthly trust
13 fund reconciliation of all separate records to the columnar
14 records of trust funds received and disbursed, in violation of
15 Code Section 10145 and Regulation 2831.2.

16 (f) Mortgage Loan Disclosure Statements ("MLDS") were
17 not always contained in loan files. MLDS were not always signed
18 and/or dated by borrowers or loan agents. In addition, UWFI did
19 not always disclose rebates received from lenders as additional
20 compensation for services rendered on the MLDS. These acts were
21 in violation of Code Section 10240 and Regulation 2840.

22 (g) The MLDS reviewed did not include UWFI's license
23 number, in violation of Code Section 10236.4(b).

24 (h) UWFI conducted mortgage loan activity using the
25 fictitious business names "Universal Wholesale Financial" and
26 "Universal Whoelsale Financial" without first obtaining a license
27

1 from the Department bearing such fictitious business names, in
2 violation of Code Section 10159.5 and Regulation 2731.

3 (i) UWFI employed and/or compensated an unlicensed
4 individual, Jose Rodriguez, who solicited and arranged a loan for
5 UWFI without first obtaining a license from the Department, in
6 violation of Code Section 10137.

7 (j) UWFI failed to retain records of bank accounts,
8 columnar records, and separate beneficiary records related to
9 advance fees collected for loan modification services, in
10 violation of Code Section 10148.

11 13.

12 The conduct of Respondents UWFI and HAZAR, described in
13 Paragraph 12, above, violated the Code and the Regulations as set
14 forth below:

15 PARAGRAPH

PROVISIONS VIOLATED

16 12(a)

Code Section 10085 and Regulation
17 2970

18
19 12(b)

Code Section 10146 and Regulation
20 2972

21
22
23 12(c)

Code Section 10145 and Regulation
24 2831

25
26 12(d)

Code Section 10145 and Regulation
27 2831.1

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12(e)	Code Section 10145 and Regulation 2831.2
12(f)	Code Section 10240 and Regulation 2840
12(g)	Code Section 10236.4(b)
12(h)	Code Section 10159.5 and Regulation 2731
12(i)	Code Section 10137
12(j)	Code Section 10148

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of UWFI and HAZAR, under the provisions of Code Sections 10085, 10177(d) and/or 10177(g).

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1 VIOLATIONS OF THE REAL ESTATE LAW

2 16.

3 In the course of activities described in Paragraph 14
4 above and during the examination period described in Paragraph
5 15, Respondents UWFI and HAZAR acted in violation of the Code and
6 the Regulations in that:

7 (a) The control record maintained for UWFI's escrow
8 bank account were inaccurate and incomplete. It did not reflect
9 the dates of receipt, deposit and disbursement of trust funds.
10 UWFI did not maintain escrow control records from October 2008 to
11 December 31, 2009. This violated Code Section 10145 and
12 Regulations 2831 and 2951.

13 (b) The separate records maintained for each
14 beneficiary or transaction were inaccurate and incomplete. UWFI
15 did not provide all separate records for the audit, in violation
16 of Code Section 10145 and Regulations 2831.1 and 2951.

17 (c) The bank account used by UWFI for escrow
18 activities was not designated as a trust account, in violation of
19 Code Section 10145 and Regulations 2832 and 2951.

20 (d) Trust funds were withdrawn from UWFI's bank
21 account without the signature of broker HAZAR, in violation of
22 Code Section 10145 and Regulations 2834 and 2951

23 (e) UWFI did not maintain a monthly trust fund
24 reconciliation of all separate records to the control records of
25 trust funds received and disbursed, in violation of Code Section
26 10145 and Regulations 2831.2 and 2951.

1 (f) UWFI did not disclose to all parties in writing
2 that UWFI had any interest as a stockholder, officer, partner or
3 owner in the escrow operations, in violation of Regulation
4 2950(h).

5 (g) UWFI failed to retain escrow transaction files,
6 bank statements, receipts and disbursements, a bank signature
7 card and separate records of UWFI's broker escrow activities, in
8 violation of Code Section 10148 and Regulation 2950(e).

9 17.

10 The conduct of Respondents UWFI and HAZAR, described in
11 Paragraph 16, above, violated the Code and the Regulations as set
12 forth below:

13 PARAGRAPH

PROVISIONS VIOLATED

14 16(a)

Code Section 10145 and Regulations
15 2831 and 2951

16
17 16(b)

Code Section 10145 and Regulations
18 2831.1 and 2951

19
20
21 16(c)

Code Section 10145 and Regulations
22 2832 and 2951

23
24 16(d)

Code Section 10145 and Regulations
25 2834 and 2951
26
27

1 16(e) Code Section 10145 and Regulations
2 2831.2 and 2951

3
4 16(f) Regulation 2950(h)

5
6
7 16(g) Code Section 10148 and Regulation
8 2950(e)

9 The foregoing violations constitute cause for the
10 suspension or revocation of the real estate license and license
11 rights of UWFI and HAZAR, under the provisions of Code Sections
12 10177(d) and/or 10177(g).

13 NEGLIGENCE

14 18.

15 The overall conduct of Respondents UWFI and HAZAR
16 constitutes negligence or incompetence. This conduct and
17 violation are cause for the suspension or revocation of the real
18 estate license and license rights of said Respondents pursuant to
19 Code Section 10177(g).

20
21 SUPERVISION AND COMPLIANCE

22 19.

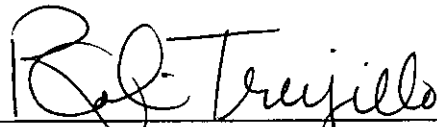
23 The overall conduct of Respondent HAZAR constituted a
24 failure on his part, as a former officer designated by a
25 corporate broker licensee, to exercise reasonable supervision and
26 control over the licensed activities of UWFI as required by Code
27 Section 10159.2, and to keep UWFI in compliance with the Real

1 Estate Law, and is cause for the suspension or revocation of the
2 real estate license and license rights of HAZAR pursuant to the
3 provisions of Code Sections 10177(d), 10177(g) and 10177(h).

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and license rights of Respondents
8 MORTGAGE USA INC., UNIVERSAL WHOLESALE FINANCIAL INC. and ASPED
9 PARSEGHIAN-HAZAR under the Real Estate Law (Part 1 of Division 4
10 of the Business and Professions Code) and for such other and
11 further relief as may be proper under other applicable provisions
12 of law.

13 Dated at Los Angeles, California

14 this 21 day of March, 2011.

15
16 

17 ROBIN L. TRUJILLO
18 Deputy Real Estate Commissioner
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23

24 cc: Mortgage USA, Inc.
25 Universal Wholesale Financial Inc.
26 Asped Parseghian-Hazar
27 Robin L. Trujillo
Sacto.
OAH

FILED

FEB 14 2011

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36450 LA
)	L-2010091127
)	
MORTGAGE USA INC., UNIVERSAL)	<u>FIRST AMENDED</u>
WHOLESALE FINANCIAL INC.,)	<u>ACCUSATION</u>
ASPED PARSEGHIAN-HAZAR,)	
individually, and formerly)	
designated officer of Mortgage)	
USA, Inc. and Universal)	
Wholesale Financial Inc.,)	
)	
Respondents.)	

This Accusation amends the Accusation filed on February 2, 2010. The Complainant, Robin L. Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MORTGAGE USA, INC., UNIVERSAL WHOLESALE FINANCIAL INC. and ASPED PARSEGHIAN-HAZAR, individually and formerly designated officer of Mortgage USA, Inc. and Universal Wholesale Financial Inc., alleges as follows:

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1. 1

2 The Complainant, Robin L. Trujillo, acting in her
3 official capacity as a Deputy Real Estate Commissioner of the
4 State of California, makes this Accusation against MORTGAGE USA,
5 INC. ("MUSA"), UNIVERSAL WHOLESALE FINANCIAL INC. ("UWFI") and
6 ASPED PARSEGHIAN-HAZAR ("HAZAR").

2. 7

8 Effective October 18, 2008, MUSA's real estate
9 corporation license has expired. Pursuant to Code Section 10201,
10 MUSA has a two-year right of renewal. MUSA no longer has license
11 rights under the Real Estate Law (Part 1 of Division 4 of the
12 Business and Professions Code, hereinafter "Code") as a real
13 estate corporation. Pursuant to Code Section 10103, the
14 Department of Real Estate ("Department") retains jurisdiction.
15

3. 16

17 UWFI is presently licensed and/or has license rights
18 under the Real Estate Law as a real estate corporation. It was
19 first licensed as a corporation on May 31, 2007. From April 1,
20 2009 to the present, UWFI has had the d.b.a. "Modification
21 Center" licensed with the Department. From May 31, 2007 to the
22 present UWFI has had the d.b.a. "Wholesale Financial" licensed
23 with the department.
24

4. 25

26 HAZAR presently has license rights under the Real
27 Estate Law as a real estate broker. On December 14, 2010,

1 HAZAR's license expired. Pursuant to Code Section 10201, HAZAR
2 has a two-year right of renewal. Pursuant to Code Section
3 10103, the Department retains jurisdiction. HAZAR was the
4 designated officer of MUSA until its real estate corporation
5 license expired on October 18, 2008. HAZAR was the designated
6 officer of UWFI from May 31, 2007 to March 8, 2010

7 5.

8 Pursuant to Code Section 10159.2, Respondent HAZAR
9 was responsible for the supervision and control of the activities
10 conducted on behalf of the Respondents MUSA and UWFI and by their
11 officers and employees as necessary to secure full compliance
12 with the provisions of the Real Estate Law, including the
13 supervision of salespersons licensed to the corporation in the
14 performance of acts for which a real estate license is required.

15 6.

16 At all times material herein, Respondents engaged in
17 the business of, acted in the capacity of, advertised or assumed
18 to act as a real estate broker in the State of California, within
19 the meaning of Section 10131(d) of the Code, including soliciting
20 borrowers and lenders and negotiating loans on real property.

21 FIRST CAUSE OF ACCUSATION

22 (Unlicensed Activity - HAZAR and MUSA)

23 7.

24 In connection with HAZAR and MUSA's activities as real
25 estate brokers, as described above, HAZAR and MUSA violated
26 Section 10137 of the Code in that on or about March 21, 2007,
27 HAZAR and MUSA employed Omar Masood, who was not licensed as a

1 real estate broker or salesperson, to solicit and negotiate a
2 loan on real property located at 19001 Schoolcraft Street,
3 Reseda, California, for borrowers Mark and Susan Newton.

4 8.

5 In connection with HAZAR and MUSA's activities as a
6 real estate broker, as described above, HAZAR and MUSA's violated
7 Section 10137 of the Code in that on or about July 30, 2007, they
8 employed Michael Elachkar, who was not licensed as a real estate
9 broker or salesperson, to solicit and negotiate a loan on real
10 property located at 665 Rancho Prieta Road, Los Gatos,
11 California, for borrowers Peter and Barbara Hartson.

12 9.

13 The conduct, acts and/or omissions of Respondents MUSA
14 and HAZAR, as alleged above, subjects their real estate licenses
15 and license rights to suspension or revocation pursuant to
16 Sections 10137, 10177(d) and/or 10177(g) of the Code.

17 10.

18 The conduct, acts and/or omissions of Respondent HAZAR
19 in failing to ensure full compliance with the Real Estate Law is
20 in violation of Section 10159.2 of the Code and subjects their
21 real estate licenses and license rights to suspension or
22 revocation pursuant to Sections 10177(d), 10177(g) and/or
23 10177(h) of the Code.

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1 the advance fees were deposited, description of services
2 rendered, the amount allocated from the advance fees at the end
3 of each quarter, and when the contract was completely performed.
4 This violated Code Section 10146 and Regulation 2972.

5 (c) UWFI and HAZAR did not maintain columnar records
6 for the advance fees collected from borrowers, in violation of
7 Code Section 10145 and Regulation 2831.

8 (d) UWFI and HAZAR did not maintain separate records
9 for each beneficiary or transaction for the advance fees
10 collected from borrowers, in violation of Code Section 10145 and
11 Regulation 2831.1.

12 (e) UWFI and HAZAR did not maintain a monthly trust
13 fund reconciliation of all separate records to the columnar
14 records of trust funds received and disbursed, in violation of
15 Code Section 10145 and Regulation 2831.2.

16 (f) Mortgage Loan Disclosure Statements ("MLDS") were
17 not always contained in loan files. MLDS were not always signed
18 and/or dated by borrowers or loan agents. In addition, UWFI did
19 not always disclose rebates received from lenders as additional
20 compensation for services rendered on the MLDS. These acts were
21 in violation of Code Section 10240 and Regulation 2840.

22 (g) The MLDS reviewed did not include UWFI's license
23 number, in violation of Code Section 10236.4(b).

24 (h) UWFI conducted mortgage loan activity using the
25 fictitious business names "Universal Wholesale Financial" and
26 "Universal Wholesale Financial" without first obtaining a license
27

1 from the Department bearing such fictitious business names, in
2 violation of Code Section 10159.5 and Regulation 2731.

3 (i) UWFI employed and/or compensated an unlicensed
4 individual, Jose Rodriguez, who solicited and arranged a loan for
5 UWFI without first obtaining a license from the Department, in
6 violation of Code Section 10137.

7 (j) UWFI failed to retain records of bank accounts,
8 columnar records, and separate beneficiary records related to
9 advance fees collected for loan modification services, in
10 violation of Code Section 10148.

11 13.

12 The conduct of Respondents UWFI and HAZAR, described in
13 Paragraph 12, above, violated the Code and the Regulations as set
14 forth below:

15 PARAGRAPH

PROVISIONS VIOLATED

16 12(a)

Code Sections 10085 and Regulation
17 2970

18
19 12(b)

Code Section 10146 and Regulation
20 2972

21
22
23 12(c)

Code Section 10145 and Regulation
24 2831

25
26 12(d)

Code Section 10145 and Regulation
27 2831.1

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12(e) Code Section 10145 and Regulation
2831.2

12(f) Code Section 10240 and Regulation
2840

12(g) Code Section 10236.4(b)

12(h) Code Section 10159.5 and Regulation
2731

12(i) Code Section 10137

12(j) Code Section 10148

The foregoing violations constitute cause for the
suspension or revocation of the real estate license and license
rights of UWFI and HAZAR, under the provisions of Code Sections
10085, 10177(d) and/or 10177(g).

NEGLIGENCE

14.

The overall conduct of Respondents UWFI and HAZAR
constitutes negligence or incompetence. This conduct and

1 violation are cause for the suspension or revocation of the real
2 estate license and license rights of said Respondents pursuant to
3 Code Section 10177(g).

4
5 SUPERVISION AND COMPLIANCE

6 15.

7 The overall conduct of Respondent HAZAR constituted a
8 failure on his part, as a former officer designated by a
9 corporate broker licensee, to exercise reasonable supervision and
10 control over the licensed activities of UWFI as required by Code
11 Section 10159.2, and to keep UWFI in compliance with the Real
12 Estate Law, and is cause for the suspension or revocation of the
13 real estate license and license rights of HAZAR pursuant to the
14 provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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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
5 MORTGAGE USA INC., UNIVERSAL WHOLESALE FINANCIAL INC. and ASPED
6 PARSEGHIAN-HAZAR under the Real Estate Law (Part 1 of Division 4
7 of the Business and Professions Code) and for such other and
8 further relief as may be proper under other applicable provisions
9 of law.

10 Dated at Los Angeles, California

11 this 14 day of February, 2011.
12

13 
14 ROBIN L. TRUJILLO
15 Deputy Real Estate Commissioner
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25 cc: Mortgage USA, Inc.
26 Universal Wholesale Financial Inc.
27 Asped Parseghian-Hazar
Robin L. Trujillo
Sacto.
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1 SHARI SVENINGSON, Counsel (SBN 195298)
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) 576-6907 (Direct)

FILED
FEB 02 2010
DEPARTMENT OF REAL ESTATE

K. Medenholz

8 BEFORE THE DEPARTMENT OF REAL ESTATE.

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H- 36450 LA
12)	<u>A C C U S A T I O N</u>
13 MORTGAGE USA INC.,)	
14 ASPED PARSEGHIAN-HAZAR,)	
15 individually, and formerly)	
16 designated officer of Mortgage)	
17 USA, Inc.)	
18 Respondents.)	
19)	
20)	

21 The Complainant, Robin L. Trujillo, a Deputy Real
22 Estate Commissioner of the State of California, for cause of
23 accusation against MORTGAGE USA, INC., and ASPED PARSEGHIAN-
24 HAZAR, individually and as designated officers of Mortgage USA,
25 Inc., alleges as follows:

26 1.

27 The Complainant, Robin L. Trujillo, acting in her
official capacity as a Deputy Real Estate Commissioner of the
State of California, makes this Accusation against MORTGAGE USA,
INC. ("MUSA") and ASPED PARSEGHIAN-HAZAR ("HAZAR").

1 2.

2 MUSA is presently licensed and/or has license rights
3 under the Real Estate Law, Part 1 of Division 4 of the California
4 Business and Professions Code ("Code"), as a real estate
5 corporation. Effective October 18, 2008, Respondent's real estate
6 corporation license has expired. Pursuant to Code Section 10201,
7 Respondent has a two-year right of renewal. Pursuant to Code
8 Section 10103, the Department of Real Estate retains
9 jurisdiction.
10

11 3.

12 HAZAR is presently licensed and/or has license rights
13 under the Real Estate Law (Part 1 of Division 4 of the Code) as
14 a real estate broker. HAZAR was the designated officer of MUSA
15 until its real estate corporation license expired on October 18,
16 2008.
17

18 4.

19 Pursuant to Code Section 10159.2, Respondent HAZAR
20 was responsible for the supervision and control of the activities
21 conducted on behalf of the Respondent MUSA by its officers and
22 employees as necessary to secure full compliance with the
23 provisions of the Real Estate Law, including the supervision of
24 salespersons licensed to the corporation in the performance of
25 acts for which a real estate license is required.

26 //

27 //

1 5.

2 At all times material herein, Respondents engaged in
3 the business of, acted in the capacity of, advertised or assumed
4 to act as a real estate broker in the State of California, within
5 the meaning of Section 10131(d) of the Code, including soliciting
6 borrowers and lenders and negotiating loans on real property.

7 6.

8 In connection with Respondents' activities as a real
9 estate broker, as described above, Respondents violated Section
10 10137 of the Code in that on or about March 21, 2007, Respondents
11 employed Omar Masood, who was not licensed as a real estate
12 broker or salesperson, to solicit and negotiate a loan on real
13 property located at 19001 Schoolcraft Street, Reseda, California,
14 for borrowers Mark and Susan Newton.

15 7.

16 In connection with Respondents' activities as a real
17 estate broker, as described above, Respondents violated Section
18 10137 of the Code in that on or about July 30, 2007, Respondents
19 employed Michael Elachkar, who was not licensed as a real estate
20 broker or salesperson, to solicit and negotiate a loan on real
21 property located at 665 Rancho Prieta Road, Los Gatos,
22 California, for borrowers Peter and Barbara Hartson.

23 8.


24 The conduct, acts and/or omissions of Respondents MUSA
25 and HAZAR, as alleged above, subjects their real estate licenses
26 and license rights to suspension or revocation pursuant to
27 Sections 10137, 10177(d) and/or 10177(g) of the Code.

The conduct, acts and/or omissions of Respondent HAZAR in failing to ensure full compliance with the Real Estate Law is in violation of Section 10159.2 of the Code and subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d), 10177(g) and/or 10177(h) of the Code.

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

Dated at Los Angeles, California

this 26 day of January, 2010.


ROBIN L. TRUJILLO
Deputy Real Estate Commissioner

cc: Mortgage USA, Inc.
Asped Parseghian-Hazar
Robin L. Trujillo
Sacto.