

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105

**FILED**  
OCT 26 2010  
DEPARTMENT OF REAL ESTATE

By C. Z

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10  
11 In the Matter of the Accusation of )  
12 OMEGA FUNDING GROUP INCORPORATED ) No. H-36454 LA  
13 and AMIR MOINIAN, individually ) L-2010031759  
14 and as former designated broker- )  
15 officer of Omega Funding Group ) STIPULATION AND AGREEMENT  
16 Incorporated, )  
Respondents. )

17 It is hereby stipulated by and between AMIR MOINIAN,  
18 individually and as former designated broker-officer of Omega  
19 Funding Group Incorporated (sometimes referred to as  
20 "Respondent") and his attorney of record, Michael C. Hewitt,  
21 Esq., and the Complainant, acting by and through Lissete Garcia,  
22 Counsel for the Department of Real Estate, as follows for the  
23 purpose of settling and disposing of the Accusation filed on  
24 February 4, 2010, in this matter:

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

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

10           3. On February 16, 2010, Respondent filed a Notice of  
11 Defense pursuant to Section 11506 of the Government Code for the  
12 purpose of requesting a hearing on the allegations in the  
13 Accusation. Respondent hereby freely and voluntarily withdraws  
14 said Notice of Defense. Respondent acknowledges that he  
15 understands that by withdrawing said Notice of Defense he will  
16 thereby waive his right to require the Commissioner to prove the  
17 allegations in the Accusation at a contested hearing held in  
18 accordance with the provisions of the APA and that he will waive  
19 other rights afforded to him in connection with the hearing such  
20 as the right to present evidence in defense of the allegations in  
21 the Accusation and the right to cross-examine witnesses.

22           4. Respondent, pursuant to the limitations set forth  
23 below, hereby admits that the factual allegations in the  
24 Accusation concerning failure to adequately supervise the  
25 activities of Respondent OMEGA FUNDING INCORPORATED (with the  
26 exclusion of Paragraph 10 of the Accusation) are true and correct  
27



1 real estate licenses and license rights of Respondent under the  
2 provision of Sections 10159.2, 10177(g) and 10177(h) of the  
3 California Business and Professions Code.

4 ORDER

5 WHEREFORE THE FOLLOWING ORDER is hereby made:

6 All licenses and licensing rights of Respondent AMIR  
7 MOINIAN under the Real Estate Law are hereby revoked; provided,  
8 however, a restricted real estate salesperson license shall be  
9 issued to Respondent pursuant to Section 10156.5 of the Business  
10 and Professions Code if Respondent makes application therefor and  
11 pays to the Department of Real Estate the appropriate fee for  
12 said license within ninety (90) days from the effective date of  
13 this Decision. The restricted license issued to Respondent shall  
14 be subject to all of the provisions of Section 10156.7 of the  
15 Business and Professions Code and to the following limitations,  
16 conditions and restrictions imposed under authority of Section  
17 10156.6 of that Code:

18 1. The restricted license issued to Respondent may  
19 be suspended prior to hearing by Order of the Real Estate  
20 Commissioner in the event of Respondent's conviction or plea  
21 of nolo contendere to a crime which is substantially related  
22 to Respondent's fitness or capacity as a real estate licensee.

23 2. The restricted license may be suspended prior to  
24 hearing by Order of the Real Estate Commissioner on evidence  
25 satisfactory to the Commissioner that Respondent has violated  
26 provisions of the California Real Estate Law, the Subdivided  
27

1 Lands Law, Regulations of the Real Estate Commissioner or  
2 conditions attaching to said restricted license.

3 3. Respondent shall not be eligible for the issuance  
4 of an unrestricted real estate license nor for the removal of any  
5 of the conditions, limitations or restrictions of the restricted  
6 license until at least two (2) years have elapsed from the  
7 effective date of this Decision.

8 4. Respondent shall submit with any application for  
9 license under an employing broker, or any application for  
10 transfer to a new employing broker, a statement signed by the  
11 prospective employing real estate broker on a form approved by  
12 the Department of Real Estate which shall certify:

13 (a) That the employing broker has read the Decision  
14 of the Commissioner which granted the right to a restricted  
15 license; and

16 (b) That the employing broker will exercise close  
17 supervision over the performance by the restricted licensee  
18 relating to activities for which a real estate license is  
19 required.

20 5. Respondent shall, within nine (9) months from the  
21 effective date of this Decision, present evidence satisfactory to  
22 the Real Estate Commissioner that Respondent has, since the most  
23 recent issuance of an original or renewal real estate license,  
24 taken and successfully completed the continuing education  
25 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
26 for renewal of a real estate license. If Respondent fails to  
27

1 satisfy this condition, the Commissioner may order the suspension  
2 of the restricted license until the Respondent presents such  
3 evidence. The Commissioner shall afford Respondent the  
4 opportunity for a hearing pursuant to the APA to present such  
5 evidence.

6 6. Respondent shall within six (6) months from the  
7 effective date of this Decision, take and pass the Professional  
8 Responsibility Examination administered by the Department  
9 including the payment of the appropriate examination fee. If  
10 Respondent fails to satisfy this condition, the Commissioner may  
11 order suspension of Respondent's license until Respondent passes  
12 the examination.

13 DATED: \_\_\_\_\_

9-13-10



LISSETE GARCIA  
Counsel for Complainant

\* \* \*


16  
17 I have read the Stipulation and Agreement, have  
18 discussed it with my counsel, and its terms are understood by me  
19 and are agreeable and acceptable to me. I understand that I am  
20 waiving rights given to me by the California Administrative  
21 Procedure Act (including but not limited to Sections 11506,  
22 11508, 11509 and 11513 of the Government Code), and I willingly,  
23 intelligently and voluntarily waive those rights, including the  
24 right of requiring the Commissioner to prove the allegations in  
25 the Accusation at a hearing at which I would have the right to  
26 cross-examine witnesses against me and to present evidence in

1 defense and mitigation of the charges.


2 Respondent can signify acceptance and approval of the  
3 terms and conditions of this Stipulation and Agreement by faxing  
4 a copy of the signature page, as actually signed by Respondent,  
5 to the Department at the following telephone/fax number: (213)  
6 576-6917. Respondent agrees, acknowledges and understands that  
7 by electronically sending to the Department a fax copy of his  
8 actual signature as it appears on the Stipulation and Agreement,  
9 that receipt of the faxed copy by the Department shall be as  
10 binding on Respondent as if the Department had received the  
11 original signed Stipulation and Agreement.

12 Further, if the Respondent is represented by counsel,  
13 the Respondent's counsel can signify his agreement to the terms  
14 and conditions of the Stipulation and Agreement by submitting  
15 that signature via fax. The Commissioner has asked that  
16 counsel's signature be under penalty of perjury that he will  
17 concurrently or within 24 hours of obtaining Respondent's  
18 signature to the agreement by depositing in the mail the original  
19 settlement/stipulation containing the original signatures of both  
20 the Respondent and Respondent's counsel.

21 DATED: 09-07-2010

  
22 AMIR MOINIAN, individually and  
23 as former designated broker-  
officer of Omega Funding Group  
Incorporated

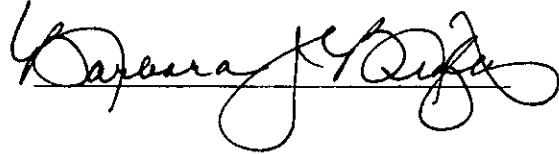
24 DATED: 9/7/10

  
25 MICHAEL C. HEWITT, ESQ.  
26 Respondent's Counsel  
27 Approved as to Form and Content

1                    The foregoing Stipulation and Agreement is hereby  
2                    adopted as my Decision in this matter and shall become effective  
3                    at 12 o'clock noon on November 15, 2010.

4                    IT IS SO ORDERED 10/20, 2010.

5                    JEFF DAVI  
6                    Real Estate Commissioner

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2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105

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DEPARTMENT OF REAL ESTATE

By C. \_\_\_\_\_

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-36454 LA  
13 OMEGA FUNDING GROUP INCORPORATED, ) L-2010031759  
14 and AMIR MOINIAN, individually )  
15 and as former designated broker- )  
16 officer of Omega Funding Group )  
17 Incorporated. )  
18 Respondents. )

19 ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

20 On February 4, 2010, an Accusation was filed in this  
21 matter against Respondent OMEGA FUNDING GROUP INCORPORATED.

22 On September 8, 2010, Respondent OMEGA FUNDING GROUP  
23 INCORPORATED petitioned the Commissioner to voluntarily surrender  
24 its real estate corporation license pursuant to Section 10100.2  
25 of the Business and Professions Code.

26 IT IS HEREBY ORDERED that Respondent OMEGA FUNDING  
27 GROUP INCORPORATED's petition for voluntary surrender of its real  
estate corporation license is accepted as of the effective date

1 of this Order as set forth below, based upon the understanding  
2 and agreement expressed in Respondent's Declaration dated  
3 September 8, 2010 (attached as Exhibit "A" hereto). Respondent's  
4 license certificate(s), pocket card(s) and any branch office  
5 license certificate(s) shall be sent to the below listed address  
6 so that they reach the Department on or before the effective date  
7 of this Order:

8 Department of Real Estate  
9 Atten: Licensing Flag Section  
10 P.O. Box 187000  
11 Sacramento, CA 95818-7000

12 This Order shall become effective at 12 o'clock noon  
13 on November 15, 2010.

14 DATED: 10/20, 2010.

15 JEFF DAVI  
16 Real Estate Commissioner

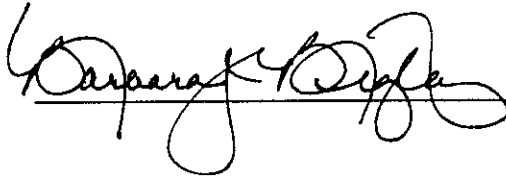
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Exhibit "A"

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	No. H-36454 LA
OMEGA FUNDING GROUP INCORPORATED	)	L-2010031759
and AMIR MOINIAN, individually	)	
and as former designated broker-	)	
officer of Omega Funding Group	)	
Incorporated,	)	
	)	
Respondents.	)	
	)	

DECLARATION

My name is RAUL LOPEZ and I am an officer of OMEGA FUNDING GROUP INCORPORATED, which is licensed as a real estate corporation and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of OMEGA FUNDING GROUP INCORPORATED. I am acting on behalf of the corporation in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) OMEGA FUNDING GROUP

1 INCORPORATED wishes to voluntarily surrender its real estate  
2 license issued by the Department of Real Estate ("Department"),  
3 pursuant to Business and Professions Code Section 10100.2.

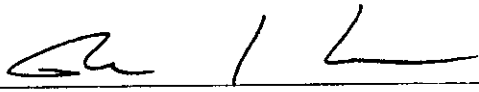
4 I understand that OMEGA FUNDING GROUP INCORPORATED, by  
5 so voluntarily surrendering its license, can only have it  
6 reinstated in accordance with the provisions of Section 11522 of  
7 the Government Code. I also understand that by so voluntarily  
8 surrendering its license, OMEGA FUNDING GROUP INCORPORATED agrees  
9 to the following:

10 The filing of this Declaration shall be deemed as its  
11 petition for voluntary surrender. It shall also be deemed to be  
12 an understanding and agreement by OMEGA FUNDING GROUP  
13 INCORPORATED, that it waives all rights it has to require the  
14 Commissioner to prove the allegations contained in the Accusation  
15 filed in this matter at a hearing held in accordance with the  
16 provisions of the Administrative Procedure Act (Government Code  
17 Sections 11400 et seq.), and that it also waives other rights  
18 afforded to it in connection with the hearing such as the right  
19 to discovery, the right to present evidence in defense of the  
20 allegations in the Accusation and the right to cross-examine  
21 witnesses. I further agree on behalf of OMEGA FUNDING GROUP  
22 INCORPORATED, that upon acceptance by the Commissioner, as  
23 evidenced by an appropriate order, all affidavits and all  
24 relevant evidence obtained by the Department in this matter prior  
25 to the Commissioner's acceptance, and all allegations contained  
26 in the Accusation filed in the Department Case No. H-36454 LA,  
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1 may be considered by the Department to be true and correct for  
2 the purpose of deciding whether or not to grant reinstatement of  
3 OMEGA FUNDING GROUP INCORPORATED's license pursuant to Government  
4 Code Section 11522.

5 I declare under penalty of perjury under the laws of  
6 the State of California that the above is true and correct and  
7 that I am acting freely and voluntarily on behalf of OMEGA  
8 FUNDING GROUP INCORPORATED to surrender its license and all  
9 license rights attached thereto.

10  
11 9-8-2010 Los Angeles  
12 Date and Place

  
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OMEGA FUNDING GROUP INCORPORATED  
By RAUL LOPEZ



1 2.

2 At all times herein mentioned, Respondent OMEGA  
3 FUNDING GROUP INCORPORATED ("OMEGA") was and still is licensed  
4 and/or has license rights under the Real Estate Law (Part 1 of  
5 Division 4 of the California Business and Professions Code)  
6 ("Code") as a corporate real estate broker. OMEGA was first  
7 licensed as a corporate real estate broker on March 16, 2005.  
8 OMEGA is also doing business as Omega Funding Group.

9 3.

10 At all times herein mentioned, Respondent AMIR MOINIAN  
11 ("MOINIAN") was licensed and/or has license rights under the  
12 Real Estate Law (Part 1 of Division 4 of the Code) as a real  
13 estate broker. Respondent was first licensed as a real estate  
14 broker on April 28, 2001.

15 4.

16 From on or about March 16, 2005, and continuing  
17 through August 21, 2008, Respondent OMEGA was authorized to act  
18 by and through Respondent MOINIAN as its broker and officer  
19 designated pursuant to Code Section 10159.2 to be responsible  
20 for ensuring compliance with the Real Estate Law. Respondent  
21 MOINIAN tendered a resignation as the designated broker-officer  
22 of OMEGA on or about August 21, 2008. MOINIAN's designation as  
23 broker-officer of OMEGA expired on March 16, 2009. Matthew  
24 Rhodes is currently the designated broker-officer for Respondent  
25 OMEGA.

26 ///

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28 ///

1 5.

2 At all times herein relevant, Respondents for or in  
3 expectation of compensation, engaged in the business of, acted  
4 in the capacity of, advertised or assumed to act as a real  
5 estate broker for others in the State of California within the  
6 meaning of Section 10131 of the Code. Respondents solicited  
7 prospective sellers or purchasers, negotiated the purchase, sale  
8 or exchange of real property, and solicited, performed services  
9 for or represented borrowers in negotiating and obtaining  
10 mortgage loans.

11 FIRST CAUSE OF ACCUSATION  
12 (Employment of Unlicensed Person)  
13 (Respondent OMEGA)

14 6.

15 At no time mentioned has Enrique Borunda been licensed  
16 in any capacity by the Department of Real Estate ("Department")  
17 to conduct activities requiring a real estate license.

18 7.

19 On June 20, 2008, the Department received a complaint  
20 from consumer Yuriko Nagao against Respondent OMEGA based on  
21 alleged acts that require a real estate license.

22 8.

23 In or around February of 2007, Yuriko Nagao received a  
24 mailer soliciting Respondent OMEGA's refinance services. The  
25 solicitation claimed that Ms. Nagao had been pre-screened to  
26 qualify for a new mortgage loan under a program developed by  
27 OMEGA entitled "Community Reinvestment Act". The solicitation  
28 claimed that Ms. Nagao qualified for a cash-return amount of  
\$161,303 and a new mortgage loan of \$698,201 for her real



1 property located at 2428 28<sup>th</sup> Street #2, Santa Monica, California  
2 90405. The solicitation listed OMEGA's DRE License No.  
3 01486053.

4 9.

5 Ms. Nagao responded to the solicitation and was  
6 directed to discuss the program with Enrique Borunda  
7 ("Borunda"). Borunda claimed to be a senior loan officer for  
8 OMEGA. Borunda sent correspondence on OMEGA's letterhead and  
9 provided a business card with that title to Ms. Nagao. Borunda,  
10 for or in expectation of compensation, and while he was employed  
11 or acting as an agent of Respondent OMEGA, solicited,  
12 represented, and acted in the capacity of a loan officer for  
13 borrower Yuriko Nagao. OMEGA's agents and/or employees,  
14 including Enrique Borunda and Salomon Chavira (who worked in  
15 OMEGA's Errors and Omissions Department), made various  
16 misrepresentations to Ms. Nagao about the terms of the refinance  
17 of her mortgage loan, including the pre-payment penalty,  
18 variable interest rate, the yield spread premium, and cash back  
19 to the borrower. Ms. Nagao is not a native English-speaker and  
20 relied on the veracity of the explanations of the loan terms  
21 given by OMEGA's agents and employees.

22 10.

23 Respondent MOINIAN completed a telephone interview  
24 with Ms. Nagao and prepared, or caused to be prepared, a Uniform  
25 Residential Loan Application for a mortgage loan from OMEGA to  
26 Ms. Nagao.

27 ///  
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1 11.

2 Ms. Nagao never received an executed copy of the loan  
3 documents despite making repeated requests to OMEGA for said  
4 documents. On February 8, 2007, after realizing that the actual  
5 terms of the loan were not what Enrique Borunda promised her  
6 they would be, Ms. Nagao sent OMEGA a written request to rescind  
7 the agreement and cancel the loan transaction. Respondents  
8 failed to return any of Ms. Nagao's telephone calls and refused  
9 to answer her questions or cancel the transaction. Escrow  
10 closed on or about February 13, 2007.

11 12.

12 The acts and omissions of Respondent OMEGA, as set  
13 forth in Paragraphs 6 through 11 above, in employing or  
14 compensating Enrique Borunda to conduct activities requiring a  
15 real estate license when he was not licensed by the Department  
16 is cause to revoke or suspend the licenses and license rights of  
17 Respondent OMEGA pursuant to Section 10137, 10177(d) and/or  
18 10177(g) of the Code.

19  
20 SECOND CAUSE OF ACCUSATION  
21 (Failure to Supervise)  
22 (Respondent MOINIAN)

23 13.

24 There is hereby incorporated in this second, separate  
25 and distinct cause of Accusation, all of the allegations  
26 contained in Paragraphs 1 through 12, with the same force and  
27 effect as if herein fully set forth.

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1  
2 The conduct, acts and/or omissions of Respondent  
3 MOINIAN as set forth in Paragraphs 6 through 12 above, in  
4 failing to adequately supervise the activities of Respondent  
5 OMEGA, is in violation of Section 10159.2 of the Code and  
6 constitutes grounds to discipline the licenses and/or license  
7 rights of Respondent MONIAN pursuant to Sections 10177(d),  
8 10177(g) and/or 10177(h) of the Code.

9 WHEREFORE, Complainant prays that a hearing be  
10 conducted on the allegations of this Accusation and that upon  
11 proof thereof, a decision be rendered imposing disciplinary  
12 action against all licenses and/or license rights of  
13 Respondents, OMEGA FUNDING GROUP INCORPORATED and AMIR MOINIAN,  
14 individually and as former designated broker-officer of Omega  
15 Funding Group Incorporated, under the Real Estate Law (Part 1 of  
16 Division 4 of the Business and Professions Code) and for such  
17 other and further relief as may be proper under other applicable  
18 provisions of law.

19  
20 Dated at Los Angeles, California

21 this 2 day of February, 2010.

22  
23   
24 ROBIN TRUJILLO  
25 Deputy Real Estate Commissioner

26 cc: Omega Funding Group Incorporated  
27 Amir Moinian  
28 Robin Trujillo  
Sacto.