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Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

NOV 07 2011

Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Shantane W. Lewis

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36956 LA
)	L-2011020223
GOODYEAR HOME LOAN COPORATION;)	
and <u>ARMEN NICK KEVORKIAN</u> , d.b.a.)	
Goodyear Real Estate Services,)	<u>STIPULATION</u>
individually and as former)	<u>AND</u>
designated officer of Goodyear)	<u>AGREEMENT</u>
Home Loan Corporation,)	
)	
Respondents,)	

It is hereby stipulated by and between Respondent ARMEN NICK KEVORKIAN, represented by Frank M. Buda, Esq. and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on December 7, 2010, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative
2 Procedure Act ("APA"), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation and Agreement ("Stipulation").

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

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

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

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department of Real Estate ("Department"), the
9 state or federal government, or any agency of this state, another
10 state or federal government is a party.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt this Stipulation as his Decision in
13 this matter thereby imposing the penalty and sanctions on
14 Respondent's real estate license and license rights as set forth
15 in the "Order" herein below. In the event that the Commissioner
16 in her discretion does not adopt the Stipulation, it shall be
17 void and of no effect and Respondent shall retain the right to a
18 hearing and proceeding on the Accusation under the provisions of
19 the APA and shall not be bound by any stipulation or waiver made
20 herein.
21

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any matters which were not specifically
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1 alleged to be causes for Accusation in this proceeding but do
2 constitute a bar, estoppel and merger as to any allegations
3 actually contained in the Accusation against Respondent herein.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing, it is stipulated and agreed
6 that the following determination of issues shall be made:

7 The conduct of ARMEN NICK KEVORKIAN as described in
8 Paragraph 4 above, is a basis for discipline of Respondent's
9 license and license rights as violations of the Real Estate law
10 pursuant to Business and Professions Code ("Code") Section
11 10177(g).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 All licenses and licensing rights of Respondent ARMEN
16 NICK KEVORKIAN under the Real Estate Law are suspended for a
17 period of ninety (90) days from the effective date of this
18 Decision; provided, however, that thirty (30) days of said
19 suspension, shall be stayed for two (2) years upon the following
20 terms and conditions:

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

24 2. That no final subsequent determination be made,
25 after hearing or upon stipulation that cause for disciplinary
26

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 II.

8 If Respondent petitions, an additional 60 days shall be
9 stayed upon condition that:

10 1. Respondent pays a monetary penalty pursuant to
11 Section 10175.2 of the Code at the rate of \$50 for each day of
12 the suspension for a total monetary penalty of \$3,000.

13 2. Said payment shall be in the form of a cashier's
14 check or certified check made payable to the Recovery Account of
15 the Real Estate Fund. Said check must be received by the
16 Department prior to the effective date of the Decision in this
17 matter.

18 3. No further cause for disciplinary action against
19 the real estate license of Respondent occurs within two years
20 from the effective date of the Decision in this matter.

21 4. If Respondent fails to pay the monetary penalty in
22 accordance with the terms and conditions of the Decision, the
23 Commissioner may, without a hearing, order the immediate
24 execution of all or any part of the stayed suspension in which
25 event the Respondent shall not be entitled to any repayment nor
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1 credit, prorated or otherwise, for money paid to the Department
2 under the terms of this Decision.

3 5. If Respondent pays the monetary penalty and if no
4 further cause for disciplinary action against the real estate
5 license of Respondent occurs within two years from the effective
6 date of the Decision, the stay hereby granted shall become
7 permanent.

8 III.

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

17
18
19 DATED: 10/3/11


20 JAMES A. DEMUS, Counsel for
the Department of Real Estate

21 EXECUTION OF THE STIPULATION

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

7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation by faxing a copy of its
9 signature page, as actually signed by Respondent, to the
10 Department at the following telephone/fax number: James A. Demus
11 at (213) 576-6917. Respondent agrees, acknowledges and
12 understands that by electronically sending to the Department a
13 fax copy of Respondent's actual signature as it appears on the
14 Stipulation, that receipt of the faxed copy by the Department
15 shall be as binding on Respondent as if the Department had
16 received the original signed Stipulation.
17

18
19 DATED: _____

_____ ARMEN NICK KEVORKIAN Respondent

20
21
22 DATED: _____

_____ FRANK M. BUDA
Attorney for Respondents

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24 ///

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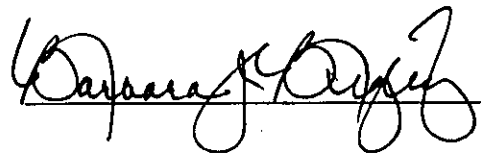
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent ARMEN NICK KEVORKIAN and
shall become effective at 12 o'clock noon on
NOV 28 2011, 2011.

IT IS SO ORDERED 11/1, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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FILED

NOV 07 2011

DEPARTMENT OF REAL ESTATE
BY: Justin A. Valencia

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

n the Matter of the Accusation of)	NO. H-36956 LA
)	
<u>GOODYEAR HOME LOAN CORPORATION;</u>)	L-2011020223
and ARMEN NICK KEVORKIAN, d.b.a.)	
Goodyear Real Estate Services,)	
individually and as former)	
designated officer of Goodyear)	
Home Loan Mortgage Corporation,)	
)	
Respondents,)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 7, 2010, an Accusation was filed in this matter against Respondents GOODYEAR HOME LOAN CORPORATION and ARMEN NICK KEVORKIAN.

On September 22, 2011, Respondent GOODYEAR HOME LOAN CORPORATION petitioned the Commissioner to voluntarily surrender its corporate real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent GOODYEAR HOME LOAN CORPORATION's petition for voluntary surrender of its corporate real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding

1 and agreement expressed in Respondent's Declaration dated
2 September 22, 2011(attached as Exhibit "A" hereto). Respondent's
3 license certificate(s), pocket card(s) and any branch office
4 license certificate(s) shall be sent to the below listed address
5 so that they reach the Department on or before the effective date
6 of this Order:

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

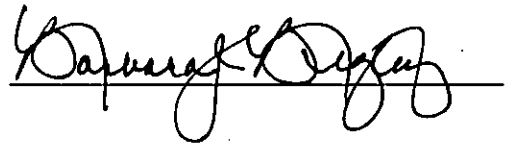
11 This Order shall become effective at 12 o'clock noon

12 **NOV 27 2011**

13 on

14 DATED: 11/1/11

15 BARBARA J. BIGBY
16 Acting Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36956 LA
)	L-2011020223
<u>GOODYEAR HOME LOAN CORPORATION;</u>)	
and <u>ARMEN NICK KEVORKIAN, d.b.a.</u>)	
Goodyear Real Estate Services,)	
individually and as former)	
designated officer of Goodyear)	
Home Loan Mortgage Corporation,)	
Respondents,)	

DECLARATION

My name is Armen Nick Kevorkian and I am authorized and empowered to sign this declaration on behalf of GOODYEAR HOME LOAN CORPORATION.

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) GOODYEAR HOME LOAN CORPORATION wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that GOODYEAR HOME LOAN CORPORATION, by so
2 voluntarily surrendering its license, can only have it reinstated
3 in accordance with the provisions of Section 11522 of the
4 Government Code. I also understand that by so voluntarily
5 surrendering its license, GOODYEAR HOME LOAN CORPORATION agrees
6 to the following:

7 The filing of this Declaration shall be deemed as its
8 petition for voluntary surrender. It shall also be deemed to be
9 an understanding and agreement by GOODYEAR HOME LOAN CORPORATION
10 that it waives all rights it has to require the Commissioner to
11 prove the allegations contained in the Accusation filed in this
12 matter at a hearing held in accordance with the provisions of the
13 Administrative Procedure Act (Government Code Sections 11400 et
14 seq.), and that it also waives other rights afforded to it in
15 connection with the hearing such as the right to discovery, the
16 right to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses. I further
18 agree on behalf of GOODYEAR HOME LOAN CORPORATION that upon
19 acceptance by the Commissioner, as evidenced by an appropriate
20 order, all affidavits and all relevant evidence obtained by the
21 Department in this matter prior to the Commissioner's acceptance,
22 and all allegations contained in the Accusation filed in the
23 Department Case No. H-36956 LA, may be considered by the
24 Department to be true and correct for the purpose of deciding
25 whether or not to grant reinstatement of GOODYEAR HOME LOAN
26 CORPORATION's license pursuant to Government Code Section 11522.

27

1 I agree to pay the Commissioner's reasonable cost for
 2 the audit which led to this action. In calculating the amount of
 3 the Commissioner's reasonable cost, the Commissioner may use the
 4 estimated average hourly salary for all persons performing audits
 5 of real estate brokers, and shall include an allocation for
 6 travel time to and from the auditor's place of work. I will pay
 7 such cost within 60 days of receiving an invoice from the
 8 Commissioner detailing the activities performed during the audit
 9 and the amount of time spent performing those activities.

10 I am aware that if I petition for reinstatement in the
 11 future, that payment of the audit costs will be a condition of
 12 reinstatement.

13 I declare under penalty of perjury under the laws of
 14 the State of California that the above is true and correct and
 15 that I am acting freely and voluntarily on behalf of GOODYEAR
 16 HOME LOAN CORPORATION to surrender its license and all license
 17 rights attached thereto.

18 *September 22, 2011*
 19 *Nonco, California*
 20 Date and Place

[Signature]
 GOODYEAR HOME LOAN CORPORATION
 by ARMEN NICK KEVORKIAN

FILED

DEC - 7 2010

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
BY: James B. Oron

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6910
7
8

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 GOODYEAR HOME LOAN CORPORATION)
14 and ARMEN NICK KEVORKIAN, d.b.a.)
15 Goodyear Real Estate Services,)
16 individually and as former)
17 designated officer of Goodyear)
18 Home Loan Corporation,)

No. H-36956 LA

A C C U S A T I O N

19 Respondents.)
20)
21)
22)
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25)
26)
27)

28 The Complainant, Joseph Aiu, a Deputy Real Estate
29 Commissioner of the State of California, for cause of Accusation
30 against GOODYEAR HOME LOAN CORPORATION and ARMEN NICK KEVORKIAN,
31 d.b.a. Goodyear Real Estate Services, individually, and as former
32 designated officer of Goodyear Home Loan Corporation, alleges as
33 follows:

34 1.

35 The Complainant, Joseph Aiu, acting in his official
36 capacity as a Deputy Real Estate Commissioner of the State of
37

1 California, makes this Accusation against GOODYEAR HOME LOAN
2 CORPORATION and ARMEN NICK KEVORKIAN, d.b.a. Goodyear Real Estate
3 Services, individually, and as former designated officer of
4 Goodyear Home Loan Corporation.

5 2.

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

9 LICENSE HISTORY

10 3.

11 A. At all times mentioned, GOODYEAR HOME LOAN
12 CORPORATION ("GOODYEAR") had license rights issued by the
13 Department of Real Estate ("Department") as a corporate real
14 estate broker. On August 25, 2009, GOODYEAR's license expired.
15 Pursuant to Business and Professions Code Section 10201, GOODYEAR
16 retains renewal rights for two years. The Department of Real
17 Estate holds jurisdiction over the lapsed license, pursuant to
18 Business and Professions Code Section 10103.

19 B. At all times mentioned, ARMEN NICK KEVORKIAN
20 ("KEVORKIAN") was licensed or had license rights issued by the
21 Department of Real Estate ("Department") as a real estate broker.
22 From August 26, 1997 until August 25, 2009, KEVORKIAN was the
23 designated officer for GOODYEAR.

24 C. On April 29, 2008, GOODYEAR and KEVORKIAN signed a
25 Stipulation and Agreement before the Department in Case No.
26 H-34434 LA, in which GOODYEAR stipulated to violations of Code
27 Sections 10137, 10145, 10177(d) and 10177(g), as well as

1 Regulations 2831.2 and 2950(d). KEVORKIAN stipulated to
2 violations of Code Sections 10137, 10145, 10159.2, 10177(d),
3 10177(g) and 10177(h), as well as Regulations 2831.2 and 2950(d).
4 The Stipulation and Agreement, which became effective on
5 September 8, 2008, suspended the licenses and license rights of
6 GOODYEAR and KEVORKIAN for one hundred twenty (120) days, with
7 sixty (60) days stayed upon payment of a monetary penalty and
8 sixty (60) more days stayed upon certain terms and conditions.

9 BROKERAGE

10 4.

11 At all times mentioned, GOODYEAR and KEVORKIAN acted as
12 real estate brokers conducting licensed activities within the
13 meaning of Code Sections 10131(a) and 10131(d) by selling or
14 offering to sell real property, and by performing services for
15 borrowers in connection with loans secured directly or
16 collaterally by liens on real property.

17 AUDIT

18 5.

19 On February 23, 2010, the Department completed an audit
20 examination of the books and records of GOODYEAR and KEVORKIAN,
21 pertaining to the mortgage and loan activities described in
22 Paragraph 4 which require real estate licenses. The audit
23 examination covered a period of time from November 1, 2006 to
24 October 31, 2009. The audit examination revealed violations of
25 the Code and the Regulations as set forth in the following
26 paragraphs, and as more fully discussed in Audit Report SD090045
27 and the exhibits and workpapers attached to said audit report.

1 VIOLATIONS OF THE REAL ESTATE LAW

2 6.

3 In the course of activities described in Paragraph 4
4 above, and during the examination period described in Paragraph
5 5, GOODYEAR and KEVORKIAN acted in violation of the Code and the
6 Regulations in that:

7 (a) KEVORKIAN presented offers to sellers representing
8 that he held the Earnest Money Deposit, when he did not have
9 possession of the Earnest Money Deposit in five (5) out of the
10 six (6) files examined, in violation of Code Section 10176(a).

11 (b) GOODYEAR and KEVORKIAN failed to maintain records
12 of their escrow and loan activities during the audit period, in
13 violation of Code Section 10148.

14 (c) GOODYEAR and KEVORKIAN failed to notify the
15 Department of the employment of two (2) salespersons within five
16 (5) days, in violation of Code Section 10161.8 and Regulation
17 2752.

18 7.

19 The conduct of Respondents, as described in Paragraph
20 6, above, violated the Code and the Regulations as set forth
21 below:

22	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
23	6 (a)	Code Sections 10176(a)
24	6 (b)	Code Section 10148
25	6 (c)	Code Section 10161.8 and Regulation
26		2725

27 ///

1 The foregoing violations constitute cause for the
2 suspension or revocation of the real estate license and license
3 rights of GOODYEAR, under the provisions of Code Sections
4 10177(d) and/or 10177(g).

5 The foregoing violations constitute cause for the
6 suspension or revocation of the real estate license and license
7 rights of KEVORKIAN, under the provisions of Code Sections
8 10176(a), 10177(d) and/or 10177(g).

9 NEGLIGENCE

10 8.

11 The overall conduct of KEVORKIAN constitutes negligence
12 or incompetence. This conduct and violation are cause for the
13 suspension or revocation of the real estate license and license
14 rights of said KEVORKIANS pursuant to Code Section 10177(g).

15 SUPERVISION AND COMPLIANCE

16 9.

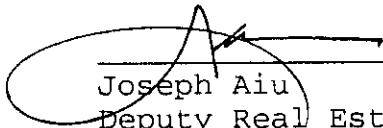
17 The overall conduct of KEVORKIAN constitutes a failure
18 on his part, as officer designated by a corporate broker
19 licensee, to exercise the reasonable supervision and control over
20 the licensed activities of GOODYEAR as required by Code Section
21 10159.2, and to keep GOODYEAR in compliance with the Real Estate
22 Law, and is cause for the suspension or revocation of the real
23 estate license and license rights of KEVORKIAN pursuant to the
24 provisions of Code Sections 10177(d), 10177(g) and 10177(h).

25 WHEREFORE, Complainant prays that a hearing be
26 conducted on the allegations of this Accusation and that upon
27 proof thereof, a decision be rendered imposing disciplinary

1 action against the license and license rights of GOODYEAR HOME
2 LOAN CORPORATION and ARMEN NICK KEVORKIAN, d.b.a. Goodyear Real
3 Estate Services, individually, and as former designated officer
4 of Goodyear Home Loan Corporation, under the Real Estate Law
5 (Part 1 of Division 4 of the Business and Professions Code) and
6 for such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California

9
10 this 11 day of September, 2010.

11
12 
13 Joseph Aiu
14 Deputy Real Estate Commissioner

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24 cc: ARMEN NICK KEVORKIAN
25 GOODYEAR HOME LOAN CORPORATION
26 Joseph Aiu
27 Sacto
Audits