

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013

4 (213) 620-6430

FILED  
FEB - 8 2012  
DEPARTMENT OF REAL ESTATE

by CR

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of	)	DRE No. H-37312 LA
	)	OAH No. L-2011080280
13 JEFFREY ALAN DIAMOND,	)	
	)	<u>STIPULATION AND</u>
14	)	<u>AGREEMENT</u>
15 _____ Respondent.	)	

16  
17 It is hereby stipulated by and between JEFFREY ALAN DIAMOND  
18 ("Respondent"), represented in this matter by Mary E. Work, attorney at law, and the  
19 Complainant, acting by and through Martha J. Rosett, Counsel for the Department of Real Estate,  
20 as follows for the purpose of settling and disposing of the Accusation filed on June 1, 2011, in  
21 this matter.

22  
23 1. All issues which were to be contested and all evidence which was to be  
24 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing  
25 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),  
26 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
27 Stipulation and Agreement.

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

4                   3. On June 8, 2011, Respondent filed a Notice of Defense pursuant to Section  
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the  
6 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
7 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he  
8 will thereby waive his right to require the Commissioner to prove the allegations in the  
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that he  
10 will waive other rights afforded to him in connection with the hearing such as the right to present  
11 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.  
12

13                   4. This Stipulation is based on the factual allegations contained in the  
14 Accusation filed in this proceeding. In the interest of expedience and economy, Respondent  
15 chooses not to contest these factual allegations, but to remain silent and understands that, as a  
16 result thereof, these factual allegations, without being admitted or denied, will serve as a prima  
17 facie basis for the "Determination of Issues" and "Order" set forth below. The Real Estate  
18 Commissioner shall not be required to provide further evidence to prove such allegations.  
19  
20

21                   5. This Stipulation and Respondent's decision not to contest the Accusation, are  
22 made for the purpose of reaching an agreed disposition of this proceeding and are expressly  
23 limited to this proceeding and any other proceeding or case in which the Department of Real  
24 Estate ("Department"), the state or federal government, another licensing agency of this state, or  
25 an agency of another state is a party.  
26

27                   6. It is understood by the parties that the Real Estate Commissioner may adopt

1 the Stipulation and Agreement as her Decision in this matter, thereby imposing the penalty and  
2 sanctions on real estate license and license rights of Respondent as set forth in the below  
3 "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation and  
4 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing  
5 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by  
6 any stipulation or waiver made herein.  
7

8 7. The Order or any subsequent Order of the Real Estate Commissioner made  
9 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
10 further administrative or civil proceedings by the Department of Real Estate with respect to any  
11 matters which were not specifically alleged to be causes for accusation in this proceeding.  
12

#### 13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions, and waivers, and solely for  
15 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and  
16 agreed that the following determination of issues shall be made:

17 The conduct of Respondent, JEFFREY ALAN DIAMOND, as described in  
18 Paragraph 4, above, is grounds for the suspension or revocation of all of the real estate licenses  
19 and license rights of Respondent under the provisions of Section 10130 of the Business and  
20 Professions Code.  
21

#### 22 ORDER

23 1. All real estate licenses and license rights of Respondent JEFFREY ALAN  
24 DIAMOND are publicly reprovved pursuant to Section 495 of the Business and Professions  
25 Code.  
26

27 2. Respondent shall, within six months from the effective date of this Decision,

1 take and pass the Professional Responsibility Examination administered by the Department  
2 including the payment of the appropriate examination fee. If Respondent fails to satisfy this  
3 condition, the Commissioner may order suspension of Respondent's license until Respondent  
4 passes the examination.

5 DATED: 12/19/11

7   
8 MARTHA J. ROSETT  
9 Counsel for Complainant

10 \* \* \*

11 I have read the Stipulation and Agreement, have discussed it with my attorney,  
12 and its terms are understood by me and are agreeable and acceptable to me. I understand that I  
13 am waiving rights given to me by the California Administrative Procedure Act (including but  
14 not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,  
15 intelligently and voluntarily waive those rights, including the right of requiring the  
16 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the  
17 right to cross-examine witnesses against me and to present evidence in defense and mitigation of  
18 the charges.  
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21 Respondent may signify acceptance and approval of the terms and conditions of  
22 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
23 Respondent, to the Department at the following telephone/fax number: (213) 576-6917.  
24 Respondent agrees, acknowledges and understands that by electronically sending to the  
25 Department a fax copy of his actual signature as it appears on the Stipulation and Agreement  
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27

1 that receipt of the faxed copy by the Department shall be as binding on Respondent as if the  
2 Department had received the original signed Stipulation and Agreement.

3 Further, Respondent's attorney may signify her review of the terms and  
4 conditions of the Stipulation and Agreement by submitting that signature via fax.

5 DATED: 12/14/2011

  
JEFFREY ALAN DIAMOND  
Respondent

7  
8 I have reviewed the Stipulation and Agreement in Settlement as to form and  
9 content and have advised my client accordingly.

10 DATED: 12/19/11

  
MARY E. WORK  
Attorney for Respondent

12 \* \* \*

13  
14 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
15 this matter and shall become effective at 12 o'clock noon on February 28, 2012.

16 IT IS SO ORDERED 1/26/12

17 BARBARA J. BIGBY  
18 Acting Real Estate Commissioner

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1 MARTHA J. ROSETT, Counsel (SBN 142072)  
2 Department of Real Estate  
3 320 West Fourth St. #350  
4 Los Angeles, CA 90013

5 (213) 576-6982  
6 (213) 620-6430

FILED  
JUN - 1 2011  
DEPARTMENT OF REAL ESTATE

By CA

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

10 \* \* \* \*

11 In the Matter of the Accusation of ) No. H-37312 LA  
12 )  
13 JEFFREY ALAN DIAMOND, ) A C C U S A T I O N  
14 )  
15 Respondent. )  
16 \_\_\_\_\_ )

17 The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner, for cause  
18 of Accusation against JEFFREY ALAN DIAMOND, is informed and alleges as follows:

19 1.

20 The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the  
21 State of California, makes this Accusation in her official capacity.

22 2.

23 JEFFREY ALAN DIAMOND ("DIAMOND") is licensed by the Department of  
24 Real Estate ("Department") as a real estate salesperson. Respondent DIAMOND was first  
25 licensed by the Department as a salesperson on or about January 30, 1996. Respondent  
26 DIAMOND is, and at all times relevant herein was, licensed to perform real estate activities  
27 under the supervision of Pickford Real Estate Inc. as his employing broker. At all times,

1 David Cabot was the broker-officer designated pursuant to Code Section 10159.2 to be  
2 responsible for supervising the real estate activities of Pickford Real Estate Inc. and its  
3 employees and agents, to ensure compliance with the Real Estate Law.

4 3.

5 Adjustable Rate Mediators, Incorporated ("ARMI") is a California corporation.  
6 ARMI has never been licensed by the Department in any capacity. According to records from  
7 the Secretary of State's Office, ARMI was formed on or about April 16, 2008, by DIAMOND  
8 and two other real estate salespersons, Arash Khairi and Nima Fariman, to conduct real estate  
9 business in California. Originally, DIAMOND, Khairi and Fariman were officers of the  
10 corporation. The business address for ARMI is and was 21600 Oxnard St., Ste. 1700, Woodland  
11 Hills, CA 91367.  
12

13 4.

14 During a period of time beginning on or before May 2, 2008, and continuing to  
15 the present time, Respondent engaged in the business of, acted in the capacity of, advertised or  
16 assumed to act as a real estate broker in the State of California, within the meaning of Business  
17 and Professions Code ("Code") Sections 10131(d) and 10131.2, for or in expectation of  
18 compensation. Respondent represented borrowers in negotiating and modifying terms of loans  
19 and in obtaining mortgage loans. Respondent also collected advance fees within the meaning of  
20 Code Sections 10026 and 10131.2, pursuant to written agreements which constituted advance fee  
21 agreements within the meaning of Code Section 10085.  
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5.

On or about July 17, 2008, DIAMOND, as a representative of ARMI, solicited borrower Suzanne R. ("Borrower SR") and offered for ARMI to provide loan modification services for her in connection with her mortgage loans. On or about July 23, 2008, Borrower SR signed the "Negotiation and Service Agreement," and paid an advance fee in excess of \$3,500.00.

6.

The advance fee for loan modification services collected from Borrower SR in Paragraph 5, above, was not collected pursuant to a written agreement submitted to or reviewed by the Department prior to use.

7.

At the time he collected advance fees from borrowers, including the advance fee collected from Borrower SR, Respondent was licensed by the Department as a salesperson authorized to conduct real estate activities under the supervision of Pickford Real Estate as his employing broker. As such, Respondent was not authorized to conduct activities requiring a real estate broker license independently, or as an employee or agent of any other broker or company, licensed or unlicensed. Respondent was not authorized to conduct licensed activities as an agent of ARMI, an unlicensed entity, nor was he authorized to receive compensation for acting as their agent.

8.

The conduct, acts and/or omissions of Respondent JEFFREY ALAN DIAMOND in soliciting borrowers and collecting advance fees from borrowers to perform acts requiring a real estate license constitutes grounds to discipline the license and license rights of Respondent JEFFREY ALAN DIAMOND pursuant to Code Sections 10130, 10137, 10176(i) and/or



1 10177(j).

2 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
3 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondent JEFFREY ALAN DIAMOND  
5 under the Real Estate Law and for such other and further relief as may be proper under other  
6 applicable provisions of law.

7 Dated at Los Angeles, California

8 this 25 day of May, 2011.  
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12 Robin Trujillo  
13 Deputy Real Estate Commissioner  
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25 cc: Jeffrey Alan Diamond  
26 Pickford Real Estate, Inc.  
27 Robin Trujillo  
Sacto.