

SACTO
Flag

FILED

1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

AUG 15 2012

DEPARTMENT OF REAL ESTATE
BY: *Dustalyn Valencia*

3
4
5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-37434 LA
L-2011090565

12 HOME RETENTION AND FINANCIAL
13 PROGRAMS INC, dba J L Richman and Associates
14 Co, WINSTON CHI, JONATHAN ARNO and
15 MICHAEL JEFFREY SIMPSON, individually, and
16 as designated officers of Home Retention and
17 Financial Programs Inc, LLOYDS INVESTMENT
18 INC, and HAMID REZA LAVASSANI,
individually, and as designated officer of Lloyds
Investment Inc and ERNESTO GALINATO
CARDENAS,

STIPULATION AND
AGREEMENT

19 Respondents.

20
21 It is hereby stipulated by and between LLODYS INVESTMENT INC and
22 HAMID REZA LAVASSANI, and the Complainant, acting by and through James A. Demus,
23 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
24 of the Accusation filed on August 9, 2011 in this matter:

25 1. All issues which were to be contested and all evidence which was to be
26 presented by Complainant and Respondents at a formal hearing on the Accusation, which
27

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

4 2. Respondents have received, read and understand the Statement to
5 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department
6 of Real Estate in this proceeding.

7 3. On August 19, 2011, Respondents filed Notices of Defense pursuant to
8 Section 11506 of the Government Code for the purpose of requesting a hearing on the
9 allegations in the Accusation. In order to effectuate this settlement, Respondents hereby freely
10 and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they
11 understands that by withdrawing said Notices of Defense, they will thereby waive their right to
12 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
13 in accordance with the provisions of the APA and that they will waive other rights afforded to
14 them in connection with the hearing such as the right to present evidence in defense of the
15 allegations in the Accusation and the right to cross-examine witnesses.

16 4. Respondents, pursuant to the limitations set forth below, although not
17 admitting or denying the truth of the allegations, will not contest the factual allegations
18 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall
19 not be required to provide further evidence of such allegations.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IV.

Respondent HAMID REZA LAVASSANI shall, within six (6) months from the
effective of the Decision herein, provide proof satisfactory to the Commissioner that restitution
has been paid as follows: \$3,190 to Reza Samadi and \$3095 to Alireza Bayatoni. If Respondent
LLOYDS INVESTMENT INC fails to satisfy this condition, the Commissioner may order
suspension of Respondent's license until Respondent provides proof satisfactory to the
Commissioner.

V.

All proof of payment shall be submitted to Department Counsel James A. Demus,
Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles,
California 90013-1105, on or before the dates set forth herein.


DATED: 5/17/12 James A. Demus
JAMES A. DEMUS
Counsel for Complainant

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

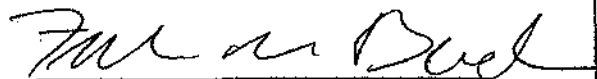
Respondents can signify acceptance and approval of the terms and conditions of
this Stipulation by faxing a copy of the signature page, as actually signed by Respondents, to the

1 Department at the following telephone/fax number: James A. Demus at (213) 576-6917.
 2 Respondents agree, acknowledge and understand that by electronically sending to the Department
 3 a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the
 4 faxed copy by the Department shall be as binding on Respondents as if the Department had
 5 received the original signed Stipulation.

6
 7 DATED: 5/14/2012


 8 HAMID REZA LAVASSANI, individually, and as
 9 designated officer of LLOYDS INVESTMENT
 10 INC.

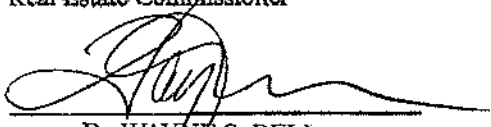
11
 12 DATED: 5-15-12


 13 FRANK M. BUDA
 14 Attorney for Respondents

15 ***

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

19
 20 IT IS SO ORDERED 6/6/2012
 21 Real Estate Commissioner


 22
 23 By WAYNE S. BELL
 24 Chief Counsel

25
 26
 27

1 Department at the following telephone/fax number: James A. Demus at (213) 576-6917.
2 Respondents agree, acknowledge and understand that by electronically sending to the Department
3 a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the
4 faxed copy by the Department shall be as binding on Respondents as if the Department had
5 received the original signed Stipulation.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: _____

HAMID REZA LAVASSANI, individually, and as
designated officer of LLOYDS INVESTMENT
INC.

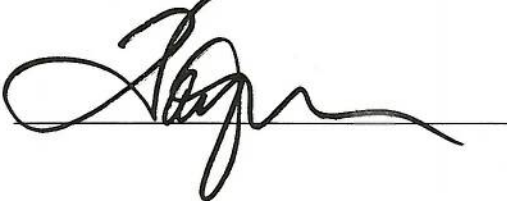
DATED: _____

FRANK M. BUDA
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter and shall become effective at 12 o'clock noon on SEP 04 2012.

IT IS SO ORDERED 6/6/2012
Real Estate Commissioner



SACTO
Flag

FILED

AUG 15 2012

DEPARTMENT OF REAL ESTATE
BY: Rosalye Valencia

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-37434 LA
)	2011090565
)	
<u>HOME RETENTION AND FINANCIAL</u>)	
<u>PROGRAMS INC, dba J L Richman and</u>)	
<u>Associates Co, WINSTON CHI,</u>)	
<u>JONATHAN ARNO and MICHAEL JEFFREY</u>)	
<u>SIMPSON, individually, and as</u>)	
<u>designated officers of Home</u>)	
<u>Retention and Financial Programs</u>)	
<u>Inc, LLOYDS INVESTMENT INC, and</u>)	
<u>HAMID REZA LAVASSANI, individually,</u>)	
<u>and as designated officer of Lloyds</u>)	
<u>Investment Inc and ERNESTO GALINATO</u>)	
<u>CARDENAS,</u>)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

August 9, 2011, an Accusation was filed in this matter against Respondent HOME RETENTION AND FINANCIAL PROGRAMS INC.

On May 9, 2012, Respondent HOME RETENTION AND FINANCIAL PROGRAMS INC petitioned the Commissioner to voluntarily surrender its corporate real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.


1 IT IS HEREBY ORDERED that Respondent HOME RETENTION AND
2 FINANCIAL PROGRAMS INC's petition for voluntary surrender of its
3 corporate real estate broker license is accepted as of the
4 effective date of this Order as set forth below, based upon the
5 understanding and agreement expressed in Respondent's Declaration
6 dated May 9, 2012, (attached as Exhibit "A" hereto).
7 Respondent's license certificate(s), pocket card(s) and any
8 branch office license certificate(s) shall be sent to the below
9 listed address so that they reach the Department on or before the
10 effective date of this Order:

11 Department of Real Estate
12 Atten: Licensing Flag Section
13 P.O. Box 187000
14 Sacramento, CA 95818-7000

15 This Order shall become effective at 12 o'clock noon
16 on SEP 04 2012.

17 DATED: June 6, 2012

18 Real Estate Commissioner

19 
20 _____
21 By WAYNE S. BELL
22 Chief Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-37434 LA
)	2011090565
)	
<u>HOME RETENTION AND FINANCIAL</u>)	
<u>PROGRAMS INC, dba J L Richman and</u>)	
Associates Co, WINSTON CHI,)	
JONATHAN ARNO and MICHAEL JEFFREY)	
SIMPSON, individually, and as)	
designated officers of Home)	
Retention and Financial Programs)	
Inc, LLOYDS INVESTMENT INC, and)	
HAMID REZA LAVASSANI, individually,)	
and as designated officer of Lloyds)	
Investment Inc and ERNESTO GALINATO)	
CARDENAS,)	
)	
<u>Respondents</u>)	

DECLARATION

My name is Jim Richman. I am an officer of HOME RETENTION AND FINANCIAL PROGRAMS INC, licensed real estate broker. I am authorized and empowered to sign this declaration on behalf of HOME RETENTION AND FINANCIAL PROGRAMS INC.

HOME RETENTION AND FINANCIAL PROGRAMS INC is represented by Timothy L. McCandless, Attorney at Law, in this matter.

1 In lieu of proceeding in this matter in accordance with
2 the provisions of the Administrative Procedure Act (Sections
3 11400 et seq., of the Government Code) HOME RETENTION AND
4 FINANCIAL PROGRAMS INC wishes to voluntarily surrender its real
5 estate license, issued by the Department of Real Estate
6 ("Department"), pursuant to Business and Professions Code Section
7 10100.2.

8 I understand that HOME RETENTION AND FINANCIAL PROGRAMS
9 INC, by so voluntarily surrendering its license, can only have it
10 reinstated in accordance with the provisions of Section 11522 of
11 the Government Code. I also understand that by so voluntarily
12 surrendering its license, HOME RETENTION AND FINANCIAL PROGRAMS
13 INC agrees to the following:

14 The filing of this Declaration shall be deemed as its
15 petition for voluntary surrender. It shall also be deemed to be
16 an understanding and agreement by HOME RETENTION AND FINANCIAL
17 PROGRAMS INC that, it waives all rights it has to require the
18 Commissioner to prove the allegations contained in the Accusation
19 filed in this matter at a hearing held in accordance with the
20 provisions of the Administrative Procedure Act (Government Code
21 Sections 11400 et seq.), and that it also waives other rights
22 afforded to it in connection with the hearing such as the right
23 to discovery, the right to present evidence in defense of the
24 allegations in the Accusation and the right to cross-examine
25 witnesses. I further agree on behalf of HOME RETENTION AND
26 FINANCIAL PROGRAMS INC that upon acceptance by the Commissioner,
27 as evidenced by an appropriate order, all affidavits and all

1 relevant evidence obtained by the Department in this matter prior
2 to the Commissioner's acceptance, and all allegations contained
3 in the Accusation filed in the Department Case No. H-37434 LA,
4 may be considered by the Department to be true and correct for
5 the purpose of deciding whether or not to grant reinstatement of
6 HOME RETENTION AND FINANCIAL PROGRAMS INC's license(s) pursuant
7 to Government Code Section 11522.

8 A copy of the Commissioner's Criteria of Rehabilitation
9 is attached hereto. If and when a petition application is made
10 for reinstatement of a surrendered license or endorsement, the
11 Real Estate Commissioner will consider as one of the criteria of
12 rehabilitation, whether or not restitution has been made to any
13 person who has suffered monetary losses through "substantially
14 related" acts or omissions of Respondent(s), whether or not such
15 persons are named in the investigation file in this case.

16 I further agree on behalf of HOME RETENTION AND
17 FINANCIAL PROGRAMS INC to pay the Commissioner's reasonable cost
18 for the audit which led to this action. In calculating the
19 amount of the Commissioner's reasonable cost, the Commissioner
20 may use the estimated average hourly salary for all persons
21 performing audits of real estate brokers, and shall include an
22 allocation for travel time to and from the auditor's place of
23 work. I will pay such cost within 60 days of receiving an
24 invoice from the Commissioner detailing the activities performed
25 during the audit and the amount of time spent performing those
26 activities.
27

1 I am aware that if HOME RETENTION AND FINANCIAL
2 PROGRAMS INC petitions for reinstatement in the future, that
3 payment of the audit costs will be a condition of reinstatement.

4 I declare under penalty of perjury under the laws of
5 the State of California that the above is true and correct and
6 that I am acting freely and voluntarily on behalf of HOME
7 RETENTION AND FINANCIAL PROGRAMS INC. to surrender its license
8 and all license rights attached thereto.

9
10
11 _____
Date and Place


HOME RETENTION AND FINANCIAL
PROGRAMS INC, by JIM RICHMAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I am aware that if HOME RETENTION AND FINANCIAL PROGRAMS INC petitions for reinstatement in the future, that payment of the audit costs will be a condition of reinstatement.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of HOME RETENTION AND FINANCIAL PROGRAMS INC. to surrender its license and all license rights attached thereto.

5/5/12 Los Angeles
Date and Place


HOME RETENTION AND FINANCIAL PROGRAMS INC, by JIM RICHMAN