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FILED
AUG 16 2011
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:)	No. H-37445 LA
)	
NICK ZIARI.)	<u>ORDER TO DESIST</u>
)	<u>AND REFRAIN</u>
)	
)	(B&P Code Section 10086)
)	

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of NICK ZIARI. Based on that investigation the Commissioner has determined that NICK ZIARI has engaged in or is engaging in acts or attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Business and Professions Code Section 10131(d) (solicit borrowers for or negotiate loans or perform services for borrowers in connection with loans secured by liens on real property).

In addition, based on that investigation, the Commissioner has determined that NICK ZIARI has engaged in or is engaging in acts or is attempting to engage practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"). Based on the findings of that investigation, set

1 forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of
2 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. At no time mentioned herein has NICK ZIARI ever been licensed by the
5 Department in any capacity.

6 2. From January 29, 2009, through the present, The Credit Relief Group, Inc.
7 ("TCRG") has been licensed by the Department of Real Estate ("Department") as a real estate
8 corporation, Department License No. 01858644. TCRG is licensed to do business as Apex Law
9 Group, Apex Real Estate Center, Strada Properties, and Stradaproperty.com.

10 3. From May 5, 2003, through the present, Louis Paul Meyer ("Meyer") has been
11 licensed by the Department as a real estate broker, Department License No. 01383083. At all
12 times herein mentioned, Meyer was licensed as a real estate broker and as the broker-officer of
13 Respondent TCRG to be responsible for ensuring its compliance with the Real Estate Law
14 pursuant to Code Section 10159.2.

15 4. At all times mentioned herein, in the County of Los Angeles, NICK ZIARI, on
16 behalf of TCRG and Meyer, engaged in the business of a real estate broker conducting activities
17 requiring a real estate license within the meaning of Code Section 10131(d). For compensation
18 or in expectation of compensation and for fees often collected in advance, NICK ZIARI solicited
19 prospective purchasers and sellers for short sales of real property and solicited borrowers by
20 offering to conduct negotiations and modifications in connection with loan secured by real
21 property.

22 Michael R. and Edilma R.

23 5. On or about August 20, 2009, on behalf of TCRG, NICK ZIARI solicited loan
24 modification and negotiation services to Michael R. and Edilma R. Michael R. and Edilma R.
25 paid an advance fee of \$3,092 to TCRG pursuant to an advance fee agreement for loan
26 modification and negotiation services in connection with a loan secured by real property. NICK
27 ZIARI made misrepresentations to Michael R. and Edilma R. as to how their advance fee paid

1 would be used and disbursed. NICK ZIARI claimed that part of the advance fee would be placed
2 in an escrow account for the purpose of paying Michael R. and Edilma R.'s first mortgage
3 payment once TCRG obtained a loan modification for them. TCRG failed to perform the loan
4 modification and negotiation services that had been promised to Michael R. and Edilma R.
5 TCRG refused the Michael R. and Edilma R.'s demand for a refund of their advance fee.

6 CONCLUSIONS OF LAW

7 6. Based on the information contained in Paragraphs 1 through 5, above, NICK
8 ZIARI violated Code Section 10130 by engaging in activities requiring a real estate license
9 without first obtaining a broker license from the Department.

10 DESIST AND REFRAIN ORDER

11 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
12 herein, IT IS HEREBY ORDERED THAT NICK ZIARI immediately desist and refrain from
13 performing any acts within the State of California for which a real estate broker license is
14 required, and in particular, soliciting borrowers and/or performing services for borrowers or
15 lenders in connection with loans secured directly or collaterally by one or more liens on real
16 property, unless and until you obtain a real estate broker license issued by the Department.

17 DATED: 7/28, 2011.

18 BARBARA J. BIGBY
19 Acting Real Estate Commissioner

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22 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
23 real estate broker or real estate salesperson without a license or who advertises using words
24 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
25 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
26 imprisonment in the county jail for a term not to exceed six months, or by both fine and
27 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
(\$60,000)."

cc: Nick Ziari
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