

OCT -9 2012

BY: [Signature]

* * *

No. H-37604 LA

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FACTUAL FINDINGS

1.

On September 27, 2011, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, to Respondent's last known mailing addresses on file with the Department on October 19, 2011 and January 4, 2012, respectively by certified mail and by regular mail.

2.

On August 13, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent UNIVERSAL CONSULTING SERVICES INC.'s default was entered herein.

3.

A. UNIVERSAL CONSULTING SERVICES INC. (sometimes "UCSI"). At all times mentioned, Respondent UCSI was licensed or had license rights issued by the Department of Real Estate (Department) as a real estate broker. On April 22, 2009, UCSI was originally licensed as a corporate real estate broker. Respondent UCSI was authorized to act by and through Respondent Callix Cadmead Richardson as UCSI's designated broker pursuant to Business and Professions Code (hereinafter Code) Sections 10159.2 and 10211 to be responsible for ensuring compliance with the Real Estate Law.

B. CALLIX CADMEAD RICHARDSON (RICHARDSON). At all times mentioned, Respondent RICHARDSON was licensed or had license rights issued by the Department as a real estate broker. On October 12, 2004, RICHARDSON was originally licensed as a real estate broker. On April 22, 2009, RICHARDSON became the designated officer of UCSI. On December 9, 2010, RICHARDSON cancelled his tenure as designated officer of UCSI.

C. UCSI is owned by Tiam Moaeed, its president and CEO. Kasra Barghi is UCSI's Vice President and Secretary. Tiam Moaeed and Kasra Barghi are unlicensed persons.

4.

At all times mentioned, in the City of Tarzana, County of Los Angeles, UCSI and RICHARDSON acted as real estate brokers conducting licensed activities within the meaning of:

A. Code Section 10131(d). Respondents engaged in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance.

B. Code Section 10131(d) and 10131.2. Respondents represented borrowers in negotiating and modifying terms and obtaining mortgage loans, and collected advance fees within the meaning of Code Sections 10026 and 10131.2, pursuant to written agreements which constituted advance fee agreements within the meaning of Code Section 10085.

C. During the audit period from April 22, 2009 to November 30, 2010, Respondents conducted and processed sixty-seven (67) loan modifications charging an advance fee ranging approximately from \$1,000 to \$1,750 per loan for homeowner-applicants, for a total collection of advance fees of \$169,000.00.

(Audit Examination)

5.

On March 28, 2011, the Department completed an audit examination of the books and records of UCSI pertaining to the mortgage loan brokerage, loan modification and advance fee collection activities only described in Finding 4, which require a real estate license. The audit examination covered a period of time beginning on April 22, 2009 and ending on November 30, 2010. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 100069 and the exhibits and work papers attached to said audit report.

6.

At all times mentioned, in connection with the activities described in Finding 4, above, UCSI and RICHARDSON accepted or received funds including funds in trust (hereinafter "trust funds") principally in the form of advance fees collected from economically distressed homeowner-applicants for loan modifications and/or on behalf of actual or prospective parties, including lenders and borrowers for loan modifications brokered by UCSI. Thereafter UCSI made deposits and or disbursements of such trust funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by UCSI in the bank account as follows:

"Universal Consulting Services Inc. Account No. xxxxxx2632
Citi America
19255 Ventura Blvd.,
Tarzana, Ca 91356

(B/A #1)

(B/A #1 is UCSI's General account not a trust account into which advanced fees for loan modification services were deposited. UCSI did not maintain a trust account).

7.

In the course of activities described in Findings 4 and 6, above, and during the examination period described in Finding 5, Respondent UCSI acted in violation of the Code and the Regulations in which Respondents:

(a) Permitted, allowed or caused the disbursement of trust funds in the form of advance fees collected from homeowner-applicants for loan modifications from UCSI's general operating account, B/A #1, where the disbursement of funds reduced the total of aggregate funds in B/A #1, to an amount which, on November 30, 2010, was \$128,280.00, less than the existing aggregate trust fund liability to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, in violation of Code Section 10145 and Regulation 2832.1.

(b) Mixed and commingled trust funds and personal funds by depositing advance fees received from homeowner-applicants into B/A #1, UCSI's general operating account, in violation of Code Sections 10145, 10176(a) and 10176(e) and Regulation 2832, as tabled below:

Table: Commingling: Deposit of Advance Fees into Non Trust Account

Complainant:	Deposit Date	Amount Deposited
Dusan Koipunic	10/22/09	\$ 1,500.00
Maria Lopez	11/02/09	\$ 1,500.00
Carolyn Stevens	11/02/09	\$ 1,000.00
Norma Naranjo	10/26/09	\$ 500.00
Berlinda Dautz	10/26/09	\$ 500.00
Total		\$ 6,750.00

(c) Failed to maintain a control record in the form of a columnar record in chronological order of all trust funds including advance fees collected, deposited and disbursed in connection with loan modification services, in violation of Code Section 10145 and Regulation 2831.

(d) Failed to maintain a separate record for each beneficiary or transaction, thereby failing to account for all trust funds in the form of advance fees collected, deposited and disbursed, in violation of Code Section 10145 and Regulation 2831.1.

(e) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Regulation 2831.1 with the record of all trust funds received and disbursed by the escrow trust account, in violation of Code Section 10145 and Regulations 2831.2.

(f) Failed to establish and maintain a trust account at a bank or other recognized financial institution in the name of the broker for deposit of advance fees collected by UCSI, in violation of Code Section 10146.

(g) Permitted Tiam Moaced and Kasra Barghi, unlicensed and unbonded persons and officers of UCSI, to be authorized signatories on B/A #1, into which trust funds in the form of advance fees were deposited, in violation of Code Section 10145 and Regulation 2834(a). RICHARDSON was not a signatory on B/A #1, in violation of Code Section 10145 and Regulation 2834(b).

(h) UCSI collected advance fees within the meaning of Code Section 10026 from homeowners seeking loan modifications wherein UCSI did not have and thus failed to provide a pre-approved advance fee agreement from the Department, in violation of Code Section 10085 and Regulation 2970.

(i) With reference to the lack of an advance fee agreement UCSI failed to provide a complete description of services to be rendered provided to each prospective homeowner in 10 point type font and failed to provide an allocation and disbursement of the amounts collected as advance fees, in violation of Code Section 10146 and Regulation 2972.

(j) Claimed, charged and collected advance fees after October 11, 2009, the SAFE ACT Initiation Date, for negotiating, arranging and/or offering to broker mortgage loans and loan modifications and other forms of mortgage loan forbearance for fees paid by the borrowers after October 11, 2009. Respondent received and collected advance fees totaling \$4,20.00 from homeowners before UCSI had fully performed each and every service for which UCSI had contracted to perform or represented that would be performed during the period of October 17, 2009 to October 23, 2009, in violation of Code Sections 10085.6, 10146, 10145 and Regulation 2832, as tabled below:

Table: Advance Fees Collected for Loan Modification Services

After SB94 (10/11/09)				
Dusan Koipunic	10/17/2009	\$ 1,500.00	Not obtained	None
Maria Lopez	10/31/09	\$ 1,000.00	Not obtained	None
Belinda Dautz	10/23/09	\$1,750.00	Not obtained	None
Total		\$ 4,250.00		

(k) On or about November 1, 2010, UCSI's corporate status was suspended by the California Franchise Tax Board, yet UCSI continued to conduct operations to date, in violations of Code Section 10177(f) and Regulation 2742(c).

DETERMINATION OF ISSUES

1.

The conduct, acts and omissions of Respondent UNIVERSAL CONSULTING SERVICES INC. as described in Finding 7, are in violation of Code Sections 10085, 10085.6, 10145, and 10146 and Regulations 2742(c), 2832.1, 2831, 2831.1, 2831.2, 2832(a), 2834(b), 2970 and 2972 and are cause for disciplinary action pursuant to Code Sections 10177(d), 10176(a), 10176(e), 10177(f), and 10177(g).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

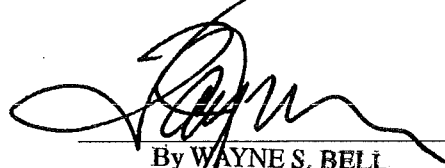
ORDER

The real estate license and license rights of Respondent UNIVERSAL CONSULTING SERVICES INC., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on October 29, 2012

DATED: 9/11, 2012

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel

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

4 (213) 576-6982

FILED

AUG 13 2012

DEPARTMENT OF REAL ESTATE

BY: 

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)

11 UNIVERSAL CONSULTING SERVICES INC., and)

No. H-37604 LA

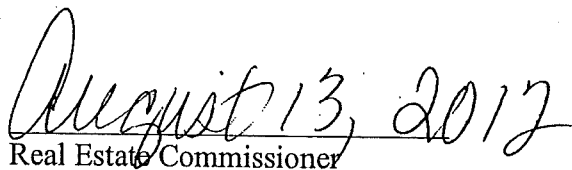
12)
13 CALLIX CADMEAD RICHARDSON, individually and)
14 as designated officer of Universal Consulting Services Inc.;)

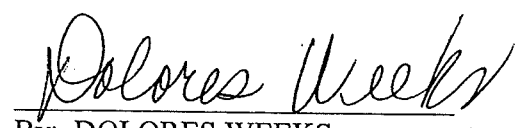
15 Respondents.)

16 DEFAULT ORDER

17 Respondent UNIVERSAL CONSULTING SERVICES INC. having failed
18 to file a Notice of Defense within the time required by Section 11506 of the Government
19 Code is now in default. It is, therefore, ordered that a default be entered on the record in
20 this matter.
21

22 IT IS SO ORDERED


Real Estate Commissioner

23
24 
25 By: DOLORES WEEKS
26 Regional Manager
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