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**FILED**

**JUL - 8 2013**

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9

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

10  
11 In the Matter of the Accusation of ) No. H-38117 LA  
12 ASR PROPERTIES INC. and )  
13 MANUCHEHR KHOSHBIN, individually ) FIRST AMENDED ACCUSATION  
14 and as designated officer of ASR )  
15 Properties Inc. )  
16 Respondents. )  
17 )  
18 )

19 The Accusation filed on May 8, 2012, in hereby amended  
20 in its entirety as follows:

21 The Complainant, Maria Suarez, a Deputy Real Estate  
22 ~~Commissioner of the State of California, for cause of Accusation~~  
23 against ASR PROPERTIES INC., and MANUCHEHR KHOSHBIN, individually  
24 and as designated officer of ASR Properties Inc., alleges as  
25 follows:

26 ///

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

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

LICENSE HISTORY

3.

A. At all times mentioned, ASR PROPERTIES INC. (hereinafter "ASR" or "Respondent ASR") and MANUCHEHR KHOSHBIN (hereinafter "KHOSHBIN" or "Respondent KHOSHBIN") were licensed or had license rights issued by the Department of Real Estate (hereinafter "Department").

B. ASR is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a corporate real estate broker. Respondent ASR was originally licensed as a corporate real estate broker by the Department on or about October 30, 2002. At all times relevant herein, Respondent ASR was authorized to act by and through Respondent KHOSHBIN as its designated broker pursuant to Business and Professions Code Sections 10211 and 10159.2 to supervise the activities requiring a real estate license conducted on behalf of ASR and to be responsible for ensuring compliance with the Real Estate Law.

1 C. Respondent KHOSHBIN is presently licensed and/or  
2 has license rights under the Real Estate Law (Part 1 of Division  
3 4 of the Code) as a real estate broker. Respondent KHOSHBIN was  
4 originally licensed as a real estate broker by the Department on  
5 or about March 18, 1997. KHOSHBIN is the designated officer for  
6 ARS pursuant to Code Section 10159.2, responsible for ensuring  
7 compliance with the Real Estate Law.

8 BROKERAGE

9 4.

10 At all times mentioned, in Irvine, Orange County,  
11 Respondents ASR and KHOSHBIN acted as real estate brokers and  
12 conducted licensed activities within the meaning of:

13 A. Code Section 10131(a): Respondents engaged in  
14 activities relating to selling, buying, offering to buy,  
15 soliciting prospective sellers or purchasers of, soliciting or  
16 obtaining listings of, or negotiating the purchase, sale or  
17 exchange of real property or a business opportunity.

18 B. Code Section 10131(b): Respondents engaged in  
19 activities relating to leases or rents or offers to lease or  
20 rent, or places for rent, or soliciting listings of places for  
21 rent, or soliciting for prospective tenants, or negotiates the  
22 sale, purchase or exchanges of leases on real property, or on a  
23 business opportunity, or collects rents from real property, or  
24 improvements thereon, or from business opportunities with the  
25 public wherein lenders and borrowers were solicited for loans  
26 secured directly or collaterally by liens on real property,  
27 wherein such loans were arranged, negotiated, processed and

1 consummated on behalf of others for compensation or in  
2 expectation of compensation and for fees often collected in  
3 advance.

4                    C. Code Section 10131(d): Respondents operated a  
5 mortgage and loan brokerage engaging in activities with the  
6 public wherein lenders and borrowers were solicited for loans  
7 secured directly or collaterally by liens on real property,  
8 wherein such loans were arranged, negotiated, processed and  
9 consummated on behalf of others for compensation or in  
10 expectation of compensation and for fees often collected in  
11 advance.

5.

13 All further references to "Respondents" herein include  
14 the parties identified in Paragraph 3, above, and also include  
15 the officers, directors, employees, agents and real estate  
16 licenses employed by or associated with said parties and who at  
17 all times herein mentioned were engaged in the furtherance of the  
18 business or operations of said parties and who were acting within  
19 the course and scope of their authority and employment.

6.

21 Respondent KHOSHBIN ordered, caused, authorized or  
22 participated in the conduct of Respondent ASR as is alleged in  
23 this Accusation.

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1 (Audit of ASR PROPERTIES INC. - LA 090210)

2 7.

3 On July 23, 2010, the Department completed an audit  
4 examination of the books and records of ASR pertaining to the  
5 activities described in Paragraph 4B, above, which require a real  
6 estate license. The audit examination covered a period of time  
7 beginning on April 1, 2007 to March 31, 2010. The audit  
8 examination revealed violations of the Code and the Regulations  
9 as set forth in the following paragraphs, and more fully  
10 discussed in Audit Report LA090210 and the exhibits and work  
11 papers attached to said audit report.

12 Trust Account

13 8.

14 During the audit period, ASR did not maintain a trust  
15 account for its property management activities. Respondent  
16 Khoshbin maintains that he is the sole owner of The Khoshbin  
17 Company Inc. and that the bank account in the name of "The  
18 Khoshbin Company Inc Gemini Property" maintained at Wells Fargo  
19 (A/C #8173306732) is used to handle trust fund receipts and  
20 disbursements for the Gemini Property ("B/A 1"). The Khoshbin  
21 Company Inc also maintains another bank account at Wells Fargo in  
22 the name of "The Khoshbin Company inc - PGI" (A/C #9500165080) to  
23 handle trust fund receipts and disbursements for the PGI Property  
24 ("B/A 2").

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1                   Audit Violations

2                                   9.

3                   At all times mentioned, in connection with the  
4 activities described in Paragraph 4B, above, Respondents acted in  
5 violation of the Code and the Regulations in that Respondents  
6 failed to maintain accurate and complete control records of dates  
7 recorded in "Trust Fund Received - Not Placed in Broker's Trust  
8 Account" the trust fund log provided for the audit, in violation  
9 of Code Section 10145 and Regulation 2831;

10                   Disciplinary Statutes

11                                   10.

12                   The conduct of Respondents ASR and KHOSHBIN described  
13 in Paragraph 9, above, violated the Code and the Regulations as  
14 set forth below:

15  
16                   PARAGRAPH

PROVISIONS VIOLATED

17                                   9

                  Code Section 10145 and Regulation 2831

18  
19 The foregoing violation constitutes cause for discipline of the  
20 real estate license and license rights of Respondents ASR and  
21 KHOSHBIN under the provisions of Code Section 10177(d).

22                                   11.

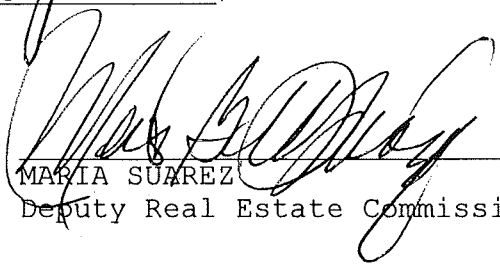
23                   Code Section 10106 provides, in pertinent part, that in  
24 any order issued in resolution of a disciplinary proceeding  
25 before the Department of Real Estate, the Commissioner may  
26 request the administrative law judge to direct a licensee found  
27

1 to have committed a violation of this part to pay a sum not to  
2 exceed the reasonable costs of the investigation and enforcement  
3 of the case.

4 WHEREFORE, Complainant prays that a hearing be  
5 conducted on the allegations of this Accusation and that upon  
6 proof thereof, a decision be rendered imposing disciplinary  
7 action against the license and license rights of Respondents ASR  
8 PROPERTIES INC and MANUCHEHR KHOSHBIN, under the Real Estate Law  
9 (Part 1 of vision 4 of the Business and Professions Code), for  
10 the cost of investigation and enforcement as permitted by law,  
11 and for such other and further relief as may be proper under  
12 other provisions of law, and for costs of investigation,  
13 enforcement and audit.

14 Dated at Los Angeles, California

15 this 8th day of July, 2013.

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17  
18   
19 MARIA SUAREZ  
20 Deputy Real Estate Commissioner  
21  
22

23 cc: ASR Properties Inc.  
24 c/o Manuchehr Khoshbin, D.O.  
25 Maria Suarez  
26 Sacto  
27 Anthony Vo  
Audits - Gina King