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FILED

AUG - 6 2014

BUREAU OF REAL ESTATE

By 

8
9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

11 In the Matter of the Accusation of)
12 OSHANA REAL ESTATE AND ESCROW INC.,)
13 doing business as Oshana Escrow, A Non)
Independent Broker Escrow;)
14 ARMANDO VALDEZ LARA,)
15 individually and as former designated officer of)
Oshana Real Estate and Escrow Inc.; and)
16 SHARON DAWN BEHDJOU,)
17 individually and as former designated officer of)
Oshana Real Estate and Escrow Inc.,)
18 Respondents,)
19)
20)

No. H-39564 LA

ACCUSATION

21 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State
22 of California, for cause of Accusation against OSHANA REAL ESTATE AND ESCROW
23 (“OSHANA”) dba business as Oshana Escrow, A Non Independent Broker Escrow and
24 ARMANDO VALDEZ LARA (“LARA”), and SHARON DAWN BEHDJOU (“BEHDJOU”),
25 individually and as former designated officers of Oshana Real Estate and Escrow Inc.
26 (collectively “Respondents”), is informed and alleges as follows:

1. 1

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

2.

4 All references to the "Code" are to the California Business and Professions Code
5 and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.
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7

8 Individuals and Entities

9 3.a

10 From May 25, 2011 to date, Respondent OSHANA has been licensed as a real
11 estate corporation. At all times relevant herein, OSHANA was acting by and through
12 Respondents LARA and BEHDJOU, as its then designated broker-officers as described in the
13 Table in Paragraph 4 below, pursuant to Code Section 10159.2 to be responsible for ensuring
14 compliance with the Real Estate Law. On January 29, 2013, OSHANA became Non Broker
15 Affiliated upon the cancellation of LARA's tenure as it designated officer.

16 3.b

17 LARA was originally licensed as a real estate broker on April 24, 2004, and
18 previously as a real estate salesperson. From January 27, 2012 until January 28, 2013 LARA
19 was the designated officer of OSHANA, succeeding BEHDJOU.

20 3.c

21 BEHDJOU was originally licensed as a real estate broker on April 16, 2003, and
22 previously as a real estate salesperson. From July 31, 2011 until January 26, 2012, BEHDJOU
23 was the designated officer of OSHANA, preceding LARA.

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4.

Table: Oshana Real Estate and Escrow Inc. Management Structure and Ownership

Name	Licensee	Ownership/Title
Armando Valdez Lara	Broker	Former Designated Officer
Sharon Dawn Behdjou	Broker	Former Designated Officer
Nora Yefima	Salesperson	100% owner

5.

Whenever reference is made in an allegation in this Accusation to an act or omission of "Respondents," such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with Respondents committed such act or omission while engaged in the furtherance of the business or operations of Respondents and while acting within the course and scope of their corporate authority and employment including Nora Yefima, LARA and BEHDJOU.

FIRST CAUSE OF ACCUSATION
(Audit of Oshana Real Estate and Escrow Inc.)

6.

At all times mentioned, in the City of Encino, County of Los Angeles, Respondents OSHANA, LARA and BEHDJOU acted as real estate brokers wherein they conducted broker-controlled escrows requiring a real estate license through OSHANA's escrow division under the exemption set forth in California Financial Code Section 17006(a)(4) for real estate brokers performing escrows incidental to a real estate transaction where the broker is a party and where the broker is performing acts for which a real estate license is required.

7.

On September 9, 2013, the Bureau completed an audit examination of the books and records of Respondent OSHANA pertaining to the residential resale and broker-controlled

1 escrow activities described in Paragraph 6, which require a real estate license. The audit
2 examination covered a period of time beginning on August 1, 2011 and ending on January 28,
3 2013. The audit examination revealed violations of the Code and Regulations as set forth in the
4 following paragraphs, and more fully set forth in said Audit Report LA 120160 and the exhibits
5 and work papers attached thereto.

6
7 Trust Account

8 8.

9 At all times mentioned, in connection with the activities described in Paragraph
10 6, above, OSHANA accepted or received funds including funds in trust (hereinafter "trust
11 funds") from or on behalf of actual or prospective parties to real estate transactions, including
12 escrow services provided in-house by OSHANA's escrow division. Thereafter OSHANA made
13 deposits and or disbursements of such trust funds. From time to time herein mentioned during
14 the audit period, said trust funds were deposited and/or maintained by OSHANA in the trust
15 account herein set forth.

16
17 1. TA
18 Bank Name: Citi Bank
19 Bank Address: Encino, CA 91436
20 Account No.: xxxxx-2622
21 Account Name: Oshana Real Estate and Escrow Inc. Escrow Trust Account
22 Signatory: Nora Yefima

23 Violations of the Real Estate Law

24 9.

25 In the course of activities described in Paragraphs 6 and 8, above, and during the
26 examination period described in Paragraph 7, Respondents OSHANA, LARA and BEHDJOU
acted in violation of the Code and the Regulations in which Respondents:

1 (a)(1) BEHDJOU. Permitted, allowed or caused the disbursement of trust funds
2 from TA where the disbursement of funds reduced the total of aggregate funds in TA to an
3 amount which, on January 26, 2012, was \$1,380,851.00 less than the existing aggregate trust
4 fund liability of OSHANA and BEHDJOU to every principal who was an owner of said funds,
5 without first obtaining the prior written consent of the owners of said funds, in violation of Code
6 Sections 10145 and 10176(i) and Regulations 2832.1, 2950(g) and 2951; and.
7

8 (a)(2) LARA. Permitted, allowed or caused the disbursement of trust funds from
9 TA where the disbursement of funds reduced the total of aggregate funds in TA to an amount
10 which, on January 28, 2013, was \$1,380,599.00, less than the existing aggregate trust fund
11 liability of OSHANA and LARA to every principal who was an owner of said funds, without
12 first obtaining the prior written consent of the owners of said funds, in violation of Code
13 Sections 10145 and 10176(i) and Regulations 2832.1, 2950(g) and 2951;
14

15 (b) Failed to maintain an accurate and complete control record in the form of a
16 columnar record in chronological order for TA, in violation of Code Section 10145 and
17 Regulations 2831, 2950(d) and 2951;

18 (c) Failed to maintain an accurate and complete separate record for each
19 beneficiary or transaction for TA, in violation of Code Section 10145 and Regulations 2831.1,
20 2950(d) and 2951;

21 (d) Failed to perform a monthly reconciliation of the balance of all separate
22 beneficiary or transaction records maintained pursuant to Regulation 2831.1 with the record of
23 all trust funds received and disbursed by the escrow trust account for TA, in violation of Code
24 Section 10145 and Regulations 2831.2, 2950(d) and 2951;
25
26

1 (e) While acting in the capacity of an escrow holder in three transactions (escrow
2 numbers #2016-MA and 2031-MA), OSHANA failed to place trust funds, including earnest
3 money deposits, accepted on behalf of another into the hands of the owner of the funds, a neutral
4 escrow depository or into a trust fund account in the name of the broker at a bank or other
5 financial institution not later than the next business day following receipt of the funds by the
6 broker or by the broker's salesperson, in violation of Code Section 10145 and Regulations
7 2832(e), 2950(f) and 2951;

9 (f) (1) Permitted Nora Yefima, OSHANA's president and owner, and although
10 licensed as a real estate salesperson, was not licensed to OSHANA, nor was she a unbonded
11 person, to be the sole signatory on TA, in violation of Code Section 10145 and Regulations
12 2834(a), 2950(d) and 2951; and

13 (f) (2) BEHDJOU and LARA were not signatories on TA, in violation of Code
14 Section 10145 and Regulations 2834(b), 2950(d) and 2951;

15 (g) Fraudulent Short Sale and Conversion of Trust Funds. Converted
16 \$1,380,599.00 in trust funds in connection with the real property located at 4465 Gould Avenue,
17 La Canada Flintridge, the ("Gould property") through the twin instrumentalities of Nora
18 Yefima's creating false documentation and fraudulent escrow which caused an unauthorized
19 disbursement of lender proceeds for purchase of the Gould property, in violation of Code
20 Sections 10145 and 10176(i)/10177(j) and Regulation 2950(g);

21 (h) Used the fictitious name of "Oshana Escrow," to conduct licensed activities
22 without first obtaining from the Bureau a license bearing said fictitious business name, in
23 violation of Code Section 10159.5 and Regulation 2731;

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1 (i) Failed to retain all records of Respondents OSHANA's activity during the
2 audit period requiring a real estate broker license, in violation of Code Section 10148.

3 (j) Respondents BEHDJOU and LARA failed to exercise reasonable control and
4 supervision over the activities conducted by OSHANA's employees and/or licensees and
5 including Nora Yefima, as necessary to secure full compliance with the Real Estate laws, as
6 required under Code Section 10159.2 and Regulation 2725, in violation of Code Section
7 10177(h).
8

9 10.

10 The conduct of Respondents OSHANA, BEHDJOU and LARA, described in
11 Paragraph 9, above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
13 9(a)	Code Section 10145 and Regulations 2832.1, 2950(g) and 2951
14 9(b)	Code Section 10145 and Regulations 2831, 2950(d) and 2951
15 9(c)	Code Section 10145 and Regulations 2831.1, 2950(d) and 2951
16 9(d)	Code Section 10145 and Regulations 2831.2, 2950(d) and 2951
17 9(e)	Code Section 10145 and Regulations 2832(e), 2950(f) and 2951
18 9(f)	Code Section 10145 and Regulations 2834, 2950(d) and 2951
19 9(g)	Code Sections 10145 and 10176(i)/10177(j) and Regulation 2950(g)
20 9(h)	Code Section 10159.5 and Regulation 2731
21 9(i)	Code Section 10148
22 9(j)	Code Sections 10177(h) and 10159.2 and Regulation 2725 (BEHDJOU and LARA)

23
24 The foregoing violations constitute cause for discipline of the real estate licenses and license
25 rights of Respondents OSHANA, BEHDJOU and LARA under the provisions of Code Sections
26 10176(i)/10177(j), 10177(d) and/or 10177(g), and 10177(h) (BEHDJOU and LARA).

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2 SECOND CAUSE OF ACCUSATION

(Negligence)

3 11.

4 The overall conduct of Respondents OSHANA, BEHDJOU and LARA
5 constitutes negligence and is cause for discipline of the real estate license and license rights of
6 said Respondents pursuant to the provisions of Code Section 10177(g).

7 THIRD CAUSE OF ACCUSATION

8 (Fiduciary Duty)

9 12.

10 The conduct, acts and omissions of Respondents OSHANA, BEHDJOU and
11 LARA constitutes a breach of fiduciary duty owed to OSHANA's clients and trust fund
12 beneficiaries of good faith, trust, confidence and candor, within the scope of their brokerage and
13 escrow relationship, in violation of Code Section 10177(g) and is cause for discipline of the real
14 estate license and license rights of said Respondents pursuant to the provisions of said Code
15 Section.

16 FOURTH CAUSE OF ACCUSATION

(Supervision and Compliance)

17 13.

18 The overall conduct of Respondents BEHDJOU and LARA constitutes a failure
19 on said Respondents' part as officer designated by a corporate broker licensee, to exercise the
20 reasonable supervision and control over the licensed activities of OSHANA as required by Code
21 Section 10159.2 and Regulation 2725, and to keep OSHANA in compliance with the Real
22 Estate Law, and is cause for discipline of the real estate license and license rights of
23 Respondents pursuant to the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

24 14.

25 Code Section 10106 provides, in pertinent part, that in any order issued in
26 resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may

1 request the administrative law judge to direct a licensee found to have committed a violation of
2 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
3 the case.

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5 15.

6 Code Section 10148(b) provides in pertinent part that the Commissioner of the
7 Bureau of Real Estate shall charge a real estate broker for the cost of any audit, if the
8 Commissioner has found in a final decision following a disciplinary hearing that the broker has
9 violated Code section 10145 or a regulation or rule of the commissioner interpreting said
10 section.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of Respondents OSHANA REAL ESTATE AND
4 ESCROW INC. dba Oshana Escrow, A Non Independent Broker Escrow, ARMANDO
5 VALDEZ LARA, and SHARON DAWN BEHDJOU, individually and as former designated
6 officers of Oshana Real Estate and Escrow Inc., under the Real Estate Law (Part 1 of Division 4
7 of the California Business and Professions Code) and for such other and further relief as may be
8 proper under other applicable provisions of law, including, but not limited to proof of
9 repatriation of the shortage of \$1,380,851.00, restitution, costs of audit, investigation and
10 enforcement.
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14 Dated at Los Angeles, California.

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16 This 30 day of July, 2014

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19 MARIA SUAREZ
20 Deputy Real Estate Commissioner
21

22
23 cc: Oshana Real Estate and Escrow Inc.
24 Armando Valdez Lara
25 Sharon Dawn Behdjou
26 Maria Suarez
Audits – Manijeh Khazrai
Sacto