

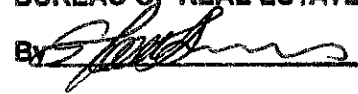
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FILED

OCT 17 2016

BUREAU OF REAL ESTATE

By 

7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of	)	No. H-40411 LA
	)	
12 SHIYAR UMPANT; and	)	<u>A C C U S A T I O N</u>
13 FERDINAND L. NAVALTA,	)	
	)	
14 Respondents.	)	

15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
16 Bureau of Real Estate, State of California, acting in her official capacity, for cause of
17 Accusation against SHIYAR UMPANT and FERDINAND L. NAVALTA aka Ferdi Navalta
18 ("Respondents") alleges as follows:

19 1.

20 All references to the "Code" are to the California Business and Professions
21 Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the California
22 Business and Professions Code, and all references to "Regulations" are to Title 10, Chapter 6,
23 California Code of Regulations.

24 2.

25 Respondent SHIYAR UMPANT ("UMPANT") is presently licensed and/or has
26 license rights under the Real Estate Law as a real estate broker. Respondent UMPANT was
27

1 originally licensed as a real estate salesperson on March 14, 2002, and as a real estate broker on
2 March 16, 2006. UMPANT's real estate broker license is due to expire on March 15, 2018.

3 3.

4 Respondent FERDINAND L. NAVALTA ("NAVALTA") is presently licensed
5 and/or has license rights under the Real Estate Law as a real estate broker. Respondent
6 NAVALTA was originally licensed as a real estate salesperson on September 9, 2002, and as a
7 real estate broker on November 7, 2006. NAVALTA's real estate broker license is due to
8 expire on November 6, 2018.

9 4.

10 On May 13, 2009, Respondent UMPANT, as Vice President and owner of a
11 California corporation named JSU Development Inc., registered the fictitious business name
12 "The Real Estate Connect" with the County of Los Angeles. At no time have JSU
13 Development Inc. or "The Real Estate Connect" aka "The Real Estate Connects" aka "Real
14 Estate Connects," been licensed by the Bureau of Real Estate ("Bureau") to conduct real estate
15 activities in any capacity.

16 5.

17 At all times mentioned, in the County of Los Angeles, California, Respondents
18 engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate
19 brokers within the meaning of Code Section 10131(a), including the solicitation for listings of
20 and the negotiation of the purchase and sale of real property as the agents of others.

21 15302 Cabell Ave.

22 6.

23 On or about April 7, 2015, Respondent UMPANT signed a listing agreement
24 using the unlicensed business name "The Real Estate Connects" to list residential real property
25 located at 15302 Cabell Avenue, Bellflower, California, for sale in a short sale, in violation of
26 Code Section 10130.

27 ///

1 7.

2 On or about August 13, 2015, the subject property was sold to buyer SJU
3 Investment Holdings, Inc. Respondent NAVALTA, signing as "Ferdí Navalta", acted as broker
4 of record for the buyer in the transaction. Unknown to the short sale lender, Respondent
5 UMPANT is an owner and corporate officer of SJU Investment Holdings, Inc.

6 8.

7 The buyer and seller signed the lender's HAFA Affidavit certifying that all
8 amounts to be paid to any person would be "reflected on the HUD-1 Settlement Statement."
9 According to the HUD-1 Settlement Statement for the transaction, Respondents were each to
10 receive a commission in the amount of \$10,350.00. However, without the lender's knowledge,
11 Respondents signed an escrow instruction instructing that all of Respondent NAVALTA's
12 commission, except for \$500.00, be paid to Respondent UMPANT. Respondent UMPANT
13 received commissions in the total amount of \$20,200.00 for that sale.

14 9.

15 Prior to the close of escrow, Respondents UMPANT and NAVALTA signed the
16 lender's Affidavit of Arm's Length Transaction certifying that the purchaser will not "receive
17 any funds or commissions from the sale" of the property. As owner and officer of SJU
18 Investment Holdings, Inc., Respondent UMPANT was the purchaser and did receive a
19 commission.

20 10.

21 The conduct of Respondents UMPANT and NAVALTA as alleged above,
22 subjects their real estate licenses and license rights to suspension or revocation pursuant to
23 Code Sections 10176(a), 10176(i), 10177(d) and/or 10177(g).

24 29641 S. Western Ave. #216

25 11.

26 On or about September 2, 2013, Respondent UMPANT signed a listing
27 agreement using the unlicensed business name "The Real Estate Connect" to list residential real

1 property located at 29641 S. Western Ave. #216, Rancho Palos Verdes, California, for sale in a
2 short sale, in violation of Code Section 10130.

3 12.

4 On or about February 4, 2014, the subject property was sold and Respondent
5 UMPANT received a commission of \$6,750.00, paid to her unlicensed fictitious business "The
6 Real Estate Connect," in violation of Code Section 10137.

7 13.

8 The conduct of Respondent UMPANT, as alleged above in paragraphs 11-12,
9 subjects her real estate licenses and license rights to suspension or revocation pursuant to Code
10 Sections 10177(d) and/or 10177(g).

11 14.

12 Respondents' activities constitute a course of conduct which includes the
13 residential short sale transactions alleged above by way of example, but is by no means limited
14 to those specific transactions and property addresses.

15 15.

16 California Business and Professions Code Section 10106 provides, in pertinent
17 part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the
18 Commissioner may request the administrative law judge to direct a licensee found to have
19 committed a violation of this part to pay a sum not to exceed the reasonable costs of
20 investigation and enforcement of the case.

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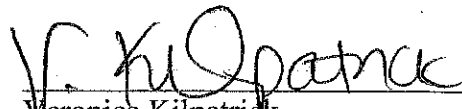
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all the licenses and license rights of Respondents SHIYAR
4 UMPANT and FERDINAND L. NAVALTA under the Real Estate Law, for the costs of
5 investigation and enforcement as provided by law, and for such other and further relief as may
6 be proper under other applicable provisions of law.

7 Dated at San Diego, California: October 6, 2016

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11 Veronica Kilpatrick
12 Supervising Special Investigator
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25 cc: Shiyar Umpant
26 Ferdinand L. Navalta
27 Veronica Kilpatrick
Sacto.