

FILED

JUL 21 2017

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation Against	)	
	)	No. H-40411 LA
<u>SHIYAR UMPANT</u> ; and	)	
FERDINAND L. NAVALTA,	)	
	)	
Respondents.	)	
_____	)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on June 26, 2017, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the Bureau of Real Estate ("Bureau") may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

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FINDINGS OF FACT

1.

On October 6, 2016, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to Respondent SHIYAR UMPANT at her address of record on October 17, 2016. Thereafter, the signed certified mail receipt was returned to the Bureau.

On June 26, 2016, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered.

2.

Respondent SHIYAR UMPANT ("UMPANT") is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. Respondent UMPANT was originally licensed by the Bureau as a real estate salesperson on March 14, 2002, and as a real estate broker on March 16, 2006. UMPANT's real estate broker license is due to expire on March 15, 2018.

3.

At all times herein relevant, Respondent UMPANT engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker in the State of California within the meaning of Code Section 10131. Her activities included acting for another or others in the purchase, sale, or exchange of real property.

4.

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

5.

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

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6.

On or about August 13, 2015, the subject property was sold to buyer SJU Investment Holdings, Inc. Unknown to the short sale lender, Respondent UMPANT is an owner and corporate officer of SJU Investment Holdings, Inc.

7.

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

8.

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

9.

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

10.

On or about September 2, 2013, Respondent UMPANT signed a listing agreement using the unlicensed business name "The Real Estate Connect" to list residential real property located at 29641 S. Western Ave. #216, Rancho Palos Verdes, California, for sale in a short sale, in violation of Code Section 10130.

11.

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

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12.

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

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent UMPANT exists pursuant to Code Sections 10176(a), 10176(i), 10177(d) and/or 10177(g).

2.

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

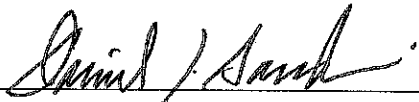
ORDER

All licenses and license rights of Respondent SHIYAR UMPANT under the Real Estate Law are revoked.

This Decision shall become effective at 12 o'clock noon on AUG 10 2017.

DATED: 7/13/17.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner

EXHIBIT (A)

1 AMELIA V. VETRONE, Counsel (SBN 134612)
2 Bureau of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6940

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
12 SHIYAR UMPANT; and
13 FERDINAND L. NAVALTA,
14 Respondents.

) No. H-40411 LA
)
) A C C U S A T I O N
)
)

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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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.

FILED

JUN 26 2017

BUREAU OF REAL ESTATE

By: Al Delorio

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation Against	)	
	)	No. H-40411 LA
<u>SHIYAR UMPANT</u> ; and	)	
FERDINAND L. NAVALTA,	)	<u>DEFAULT ORDER</u>
	)	
Respondents.	)	
	)	

Respondent SHIYAR UMPANT, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default.

It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

June 26, 2017

Real Estate Commissioner

Dolores Ramos

By: DOLORES RAMOS
Regional Manager