

Amelia V. Vetrone, SBN 134612
Bureau of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

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

FILED

AUG - 8 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-40741 LA

SHAHRAM ELYASZADEH,

ACCUSATION

Respondent.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California acting in her official capacity for cause of Accusation against SHAHRAM ELYASZADEH ("Respondent") is informed and alleges as follows:

1.

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

2.

Respondent has been licensed by the Bureau of Real Estate ("Bureau") as a real estate broker since July 27, 1993. Respondent's real estate broker license is due to expire on July 26, 2021. Since April 1, 2003, Respondent has been the 100% owner and Designated Officer of licensed real estate corporate broker, E & E Mortgage Bankers Corp.

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3.

At no time has "Mortgage Bankers Corp." or "Mortgage Bankers Corporation" been licensed by the Bureau in any capacity.

4.

At all times mentioned, in the City and County of Los Angeles, California, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the meaning of Code Sections 10131(d) and 10131.2, including the solicitation for listings of and the negotiation of the purchase and sale of real property as the agent of others. His activities also included soliciting borrowers or lenders for and/or negotiating loans, collecting payments and/or performing services for borrowers or lenders in connection with loans secured by liens on real property, as well as claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Code Sections 10026 and 10085.

5.

On April 3, 2015, prospective borrower Homa A. hired Respondent to be her real estate broker to arrange a second mortgage loan against her property located on Sweetzer Avenue in West Hollywood, California. In connection with that loan transaction, Respondent collected an advance fee within the meaning of Code Section 10026 in the amount of \$2,500.00 from Homa A. without having first submitted an advance fee agreement to the Bureau for review and authorization, in violation of Regulation 2970.

6.

In addition, Respondent instructed the borrower to make the advance fee payable to "Mortgage Bankers Corp." in violation of Code Sections 10130 and 10137.

7.

On or about April 6, 2015, Homa A. notified Respondent that she no longer needed to arrange for a second loan on the Sweetzer Avenue property. The borrower requested a return of the advance fee she had paid, but Respondent refused and continues to refuse to refund

1 the fee to the borrower.

2 8.

3 The conduct, acts and omissions of Respondent, as set forth above, are cause for
4 the suspension or revocation of the licenses and license rights of Respondent pursuant to Code
5 Sections 10177(d), 10177(g) and/or 10177(j).

6 9.

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

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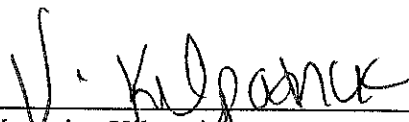
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against the license and license rights of Respondent SHAHRAM ELYASZADEH under
4 the Real Estate Law, for the costs of investigation and enforcement, and for such other and
5 further relief as may be proper under other applicable provisions of law.
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7 Dated at San Diego, California: July 28, 2017
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11 Veronica Kilpatrick
12 Supervising Special Investigator
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25 cc: Shahram Elyaszadeh
26 Veronica Kilpatrick
27 Sacto