

FILED

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BUREAU OF REAL ESTATE

By *Al Selous*

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9 **BEFORE THE BUREAU OF REAL ESTATE**

10 **STATE OF CALIFORNIA**

11 * * *

12 In the Matter of the Accusation of) No. H- 40831 LA
13)
14 PB FINANCIAL GROUP CORP) ACCUSATION
15 and POUYAN BROUKHIM,)
16 individually and as designated officer)
17 of PB Financial Group Corp,)
18 Respondents.)
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18 The Complainant, Chika Sunquist, a Supervising Special Investigator of the
19 State of California, for cause of Accusation against PB FINANCIAL GROUP CORP and
20 POUYAN BROUKHIM, individually and as designated officer of PB Financial Group Corp,
21 doing business as California Hard Money Direct ("Respondents"), is informed and alleges as
22 follows:

23 1.

24 The Complainant, Chika Sunquist, acting in her official capacity as a
25 Supervising Special Investigator of the State of California, makes this Accusation against
26 PB FINANCIAL GROUP CORP and POUYAN BROUKHIM.

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Accusation of PB Financial Group Corp and Pouyan Broukhim

1 2.

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

4 LICENSE HISTORY

5 3.

6 3(a) At all times mentioned, Respondent PB FINANCIAL GROUP CORP
7 ("PB FINANCIAL") was licensed and/or had license rights issued by the Bureau of Real Estate
8 ("Bureau") as a corporate real estate broker. PB FINANCIAL was originally licensed as a
9 corporate real estate broker on March 4, 2006. PB FINANCIAL also has a company mortgage
10 loan originator license endorsement.

11 3(b) At all times mentioned, Respondent POUYAN BROUKHIM
12 ("BROUKHIM") was licensed and/or had license rights issued by the Bureau as a real estate
13 broker. BROUKHIM was originally licensed as a real estate broker on January 3, 2006.
14 BROUKHIM also has an individual mortgage loan originator license endorsement.

15 3(c) From March 4, 2006, through the present, PB FINANCIAL has been
16 licensed by the Bureau as a corporate real estate broker by and through BROUKHIM, as the
17 designated officer and broker responsible, pursuant to Code Section 10159.2, for supervising
18 the activities requiring a real estate license conducted on behalf of PB FINANCIAL, or by
19 PB FINANCIAL's officers, agents and employees.

20 BROKERAGE

21 PB FINANCIAL GROUP CORP

22 4.

23 At all times mentioned, in the City of Los Angeles, County of Los Angeles,
24 Respondent PB FINANCIAL acted as a real estate broker, conducting licensed activities within
25 the meaning of Code Section 10131(d) (solicits borrowers or lenders for or negotiates loans in
26 connection with loans secured by real property).

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1 FIRST CAUSE OF ACTION

2 AUDIT

3 PB FINANCIAL GROUP CORP

4 5.

5 On August 31, 2016, the Bureau completed audit examinations of the books and
6 records of Respondent PB FINANCIAL pertaining to the activities described in Paragraph 4
7 which require a real estate license. The audit examinations covered a period of time from
8 January 1, 2015, to May 31, 2016. The audit examinations revealed violations of the Code and
9 the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit
10 Report LA150163 and the exhibits and workpapers attached to said audit report.

11 AUDIT VIOLATIONS OF THE REAL ESTATE LAW

12 6.

13 In the course of activities described in Paragraph 4 above and during the
14 examination periods described in Paragraph 5 above, Respondent PB FINANCIAL acted in
15 violation of the Code and the Regulations in that:

16 6(a) Respondent PB FINANCIAL met the threshold criteria and failed to
17 timely submit the required Quarterly Trust Fund Status Reports to the Bureau within 30 days
18 from the end of the quarter for the quarters ending on June 30, 2015, September 30, 2015, and
19 March 31, 2016, in violation of Code Section 10232.25 and Regulation 2846.8.

20 6(b) Respondent PB FINANCIAL met the threshold criteria and failed to
21 timely submit the required Annual Business Activity Report to the Bureau within 90 days from
22 the end of the fiscal year ending on December 31, 2015, in violation of Code
23 Section 10232.2(c) and Regulation 2849.01.

24 6(c) Respondent PB FINANCIAL failed to submit to the Bureau all materials
25 to be used in obtaining an advance fee agreement and payment, and collected advance fees for
26 loan modifications from borrowers J. Aguirre-Mendoza ("Aguirre-Mendoza") and T. Chan
27 ("Chan"), in violation of Code Section 10085 and Regulation 2970.

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PARAGRAPH

PROVISIONS VIOLATED

- 6(a) Code Section 10232.25 and Regulation 2846.8
- 6(b) Code Section 10232.2(c) and Regulation 2849.01
- 6(c) Code Section 10085 and Regulation 2970
- 6(d) Code Sections 10145 and 10146 and Regulation 2832
- 6(e) Code Section 10146 and Regulation 2970
- 6(f) Code Section 10145 and Regulation 2831
- 6(g) Code Section 10176(g)
- 6(h) Code Section 10240
- 6(i) Code Sections 10140.6

The foregoing violations constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent PB FINANCIAL under the Real Estate Law pursuant to the provisions of Code Sections 10177(d) and 10177(g).

SECOND CAUSE OF ACTION

LOAN MODIFICATION ADVANCE FEES

8.

On or about February 8, 2016, Aguirre-Mendoza paid \$2,232.50 as an advance fee to Respondent PB FINANCIAL for Respondent PB FINANCIAL to perform services for Aguirre-Mendoza in connection with a loan secured by real property located at 38741 27th Street, Palmdale, California 93550. On or about March 1, 2016, Respondent PB FINANCIAL obtained a loan modification.

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1 9.

2 On or about April 18, 2016, Chan paid \$4,500.00 as an advance fee to
3 Respondent PB FINANCIAL for Respondent PB FINANCIAL to perform services for Chan in
4 connection with a loan secured by real property located at 6241 Mission Street, Daly City,
5 California 94014. On or about May 1, 2016, Respondent PB FINANCIAL obtained a loan
6 modification.

7 10.

8 The conduct, acts, and omissions of Respondent PB FINANCIAL, as described
9 in Paragraphs 9 and 10 above, constitute cause under Sections 10085.5, 10085.6, 10176(i),
10 10177(d), 10177(g), and/or 10177(j) of the Code for the suspension or revocation of all the
11 licenses, license endorsements, and license rights of Respondent PB FINANCIAL under the
12 Real Estate Law.

13 THIRD CAUSE OF ACTION

14 FAILURE TO INFORM COMMISSIONER OF NEW BRANCH OFFICES

15 11.

16 Respondent PB FINANCIAL advertises on its internet website that
17 PB FINANCIAL maintains a place of business at the following 10 branch office locations:
18 3281 E. Guasti Road, Suite 700, Ontario, California 91761;
19 300 E Esplanade Dr., 9th Floor Oxnard, California 93036;
20 11801 Pierce St., Suite 200, Riverside, California 92505;
21 402 W. Broadway, Ste 400 PMB #4077, San Diego, California 92101;
22 4900 California Ave, Tower B 2nd floor, Bakersfield, California 93309;
23 5250 Lankershim Blvd., Suite 500, North Hollywood, California 91601;
24 17901 Von Karman, Suite 600, Irvine, California 92614;
25 5201 Great America Parkway, Suite 320, Santa Clara, California 95054;
26 One Market Street, Spear Tower, 35th & 36th Floors, San Francisco, California 94105; and
27 6320 Canoga Avenue, Suite 1500A, Woodland Hills, California 91367.

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1 12.

2 Respondent PB FINANCIAL failed inform the Real Estate Commissioner of the
3 branch offices described in Paragraph 11 above, in violation of Code Section 10163 and
4 Regulation 2715, which constitutes cause for the suspension or revocation of all the licenses,
5 license endorsements, and license rights of Respondent PB FINANCIAL under the Real Estate
6 Law pursuant to the provisions of Code Sections 10165, 10177(d), and 10177(g).

7 FOURTH CAUSE OF ACTION

8 FALSE ADVERTISING

9 13.

10 Respondent PB FINANCIAL does not maintain a place of business at the branch
11 office locations described in Paragraph 11 above, which constitutes cause for the suspension or
12 revocation of all the licenses, license endorsements, and license rights of Respondent
13 PB FINANCIAL under the Real Estate Law pursuant to the provisions of Code Sections 10140,
14 10176(a), 10176(b), 10176(i), 10177(d) and 10177(g).

15 FIFTH CAUSE OF ACTION

16 SUPERVISION AND COMPLIANCE

17 14.

18 The conduct, acts, or omissions of Respondent BROUKHIM, as described in
19 Paragraphs 6 through 13 above, constituted a failure on his part to exercise reasonable
20 supervision and control over the licensed activities of Respondent PB FINANCIAL and to keep
21 PB FINANCIAL in compliance with the Real Estate Law, and is cause for the suspension or
22 revocation of all the licenses, license endorsements, and license rights of BROUKHIM under
23 the Real Estate Law pursuant to the provisions of Code Sections 10177(d), 10177(g) and
24 10177(h).

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15.

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

16.

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses, license endorsements, and license rights of Respondents PB FINANCIAL GROUP CORP and POUYAN BROUKHIM under the Real Estate Law, for the cost of audit, investigation, and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Sacramento, California

this 16th day of October, 2017



Chika Sunquist
Supervising Special Investigator

cc: PB FINANCIAL GROUP CORP
POUYAN BROUKHIM
Chika Sunquist
Sacto.
Audits

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