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**FILED**

MAR - 1 2019

**DEPT. OF REAL ESTATE**

By 

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10 BEFORE THE DEPARTMENT OF REAL ESTATE  
11 STATE OF CALIFORNIA

12 \* \* \*

13 In the Matter of the Accusation of ) No. H-41150 LA  
14 EQUITYMINE, ) OAH No. 2018090959  
15 VERZHINE TONoyAN, individually ) SECOND AMENDED  
16 and as designated officer of Equitymine, ) ACCUSATION  
17 and ELVIS ABRAMYAN, )  
18 Respondents. )

19 This Accusation amends the First Amended Accusation filed on  
20 December 18, 2018. The Complainant, Chika Sunquist, a Supervising Special Investigator of  
21 the State of California, for cause of Accusation against EQUITYMINE, a.k.a. First Capital  
22 Consulting, VERZHINE TONoyAN, individually and as designated officer of Equitymine,  
23 and ELVIS ABRAMYAN ("Respondents"), is informed and alleges as follows:

24 1.

25 The Complainant, Chika Sunquist, acting in her official capacity as a  
26 Supervising Special Investigator of the State of California, makes this Accusation against  
27 EQUITYMINE, VERZHINE TONoyAN, and ELVIS ABRAMYAN.

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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 3.

5 Respondent EQUITYMINE presently has license rights as a corporate real estate  
6 broker. EQUITYMINE also has a company mortgage loan originator license endorsement  
7 ("MLO license endorsement").

8 4.

9 Respondent VERZHINE TONoyAN ("TONoyAN") presently has license  
10 rights as a real estate broker. TONoyAN also has an individual MLO license endorsement.

11 5.

12 Respondent EQUITYMINE is licensed by the Department of Real Estate  
13 ("Department") as a corporate real estate broker by and through Respondent TONoyAN, as the  
14 designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the  
15 activities requiring a real estate license conducted on behalf of EQUITYMINE, or by  
16 EQUITYMINE'S officers, agents and employees.

17 6.

18 Respondent ELVIS ABRAMYAN ("ABRAMYAN") presently has license  
19 rights as a real estate salesperson.

20 FIRST CAUSE OF ACTION

21 (FAILURE TO REVEAL CONVICTIONS ON CORPORATE LICENSE APPLICATION  
22 AND FAILURE TO FILE CORPORATION BACKGROUND STATEMENT)

23 7.

24 On or about July 17, 2017, Respondent EQUITYMINE through Respondent  
25 TONoyAN certified and submitted EQUITYMINE'S Corporate License Application.

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1 8.

2 On or about November 17, 2009, Respondent ABRAMYAN pled nolo  
3 contendere and was convicted in the Superior Court of California, County of Los Angeles, Case  
4 No. GA075336, for violation of California Penal Code section 530.5(a) (Unauthorized Use of  
5 Personal Identifying Information), a misdemeanor, and Penal Code section 487(a) (Grand  
6 Theft), a misdemeanor. ABRAMYAN was placed on three years of summary probation, and  
7 ordered to serve one day in jail and pay restitution, fines and fees. Additionally, ABRAMYAN  
8 was ordered to complete 30 days of CalTrans or graffiti removal. On or about  
9 December 1, 2010, ABRAMYAN failed to complete the 30 days of CalTrans and was ordered  
10 to serve 30 days in jail.

11 9.

12 On or about January 12, 2010, Respondent ABRAMYAN pled nolo contendere  
13 and was convicted in the Superior Court of California, County of Los Angeles, Case  
14 No. 9GN04614, for violation of California Vehicle Code section 12500 (Unlawful to Drive  
15 Unless Licensed), a misdemeanor. ABRAMYAN was placed on 12 months of summary  
16 probation, and ordered to pay fines and fees.

17 10.

18 The convictions described in Paragraphs 8 and 9, and the conduct underlying the  
19 convictions, bear a substantial relationship under Regulations section 2910 to the qualifications,  
20 functions or duties of a real estate licensee.

21 11.

22 On or about June 28, 2017, Respondent ABRAMYAN filed a Statement of  
23 Information with the Secretary of State of the State of California for Respondent  
24 EQUITYMINE. ABRAMYAN was listed as the Secretary and Chief Financial Officer of  
25 EQUITYMINE.

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2 In response to "Section III - Regulation 2746" of Respondent EQUITYMINE'S  
3 Corporate License Application, to wit, "Corporate Real Estate Brokers, Officers, Directors and  
4 Shareholders (a) At the time of application for, or in the reinstatement of, an original real estate  
5 broker license, the designated officer shall file a background statement of information for each  
6 director, the chief executive officer, the president, first level vice presidents, secretary, chief  
7 financial officer, subordinate officers with responsibility for forming policy of the corporation  
8 and all natural persons owning or controlling more than ten percent of its shares, if such person  
9 has been the subject of any of the following: (1) Received an order or judgment issued by a  
10 court or governmental agency during the preceding 10 years temporarily or permanently  
11 restraining or enjoining any business conduct, practice or employment; (2) Has had a license to  
12 engage in or practice real estate or other regulated profession, occupation or vocation denied,  
13 suspended or revoked during the preceding 10 years; (3) Engaged in acts requiring a real estate  
14 license of any state without the benefit of a valid license or permit authorizing that conduct  
15 during the preceding 10 years which have been enjoined by a court of law or administrative  
16 tribunal; (4) Been convicted of a crime which is substantially related to the qualifications,  
17 functions or duties of a licensee of the Department as specified in Section 2910 of these  
18 Regulations (excluding drunk driving, reckless driving and speeding violations)",  
19 EQUITYMINE and Respondent TONOYAN certified that, "I certify that I have read and  
20 understand the provisions described above", and checked the box that, "I also certify that a  
21 Corporation Background Statement (RE 212) is not needed for any officers or persons owning  
22 or controlling more than ten percent of the corporation shares including myself", and failed to  
23 file a Corporation Background Statement for Respondent ABRAMYAN and failed to disclose  
24 ABRAMYAN'S convictions described in Paragraphs 8 and 9 above.

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1 13.

2 Respondents EQUITYMINE and TONoyAN'S failure to file a Corporation  
3 Background Statement for Respondent ABRAMYAN and failure to disclose ABRAMYAN'S  
4 convictions, as set forth in Paragraphs 7 through 12 above, in EQUITYMINE'S Corporate  
5 License Application constitutes procurement of a real estate license by fraud, misrepresentation,  
6 or deceit, or by making a false statement of material fact required to be revealed in said  
7 application, and constitutes cause under sections 10177(a) and 10177(j) of the Code for the  
8 suspension or revocation of all the licenses, license rights, and license endorsements of  
9 EQUITYMINE and TONoyAN under the Real Estate Law.

10 SECOND CAUSE OF ACTION

11 (MATERIAL MISSTATEMENT ON MLO ENDORSEMENT LICENSE APPLICATION)

12 14.

13 On or about August 21, 2017, Respondent EQUITYMINE through Respondent  
14 TONoyAN made application to the Department for a company MLO license endorsement.

15 15.

16 On or about August 29, 2017, Respondent EQUITYMINE through Respondent  
17 TONoyAN made another application to the Department for a company MLO license  
18 endorsement.

19 16.

20 On or about September 11, 2017, Respondent EQUITYMINE through  
21 Respondent TONoyAN made another application to the Department for a company MLO  
22 license endorsement.

23 17.

24 On or about November 7, 2017, Respondent EQUITYMINE through  
25 Respondent ABRAMYAN made another application to the Department for a company MLO  
26 license endorsement.

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1 18.

2 On or about June 11, 2018, Respondent EQUITYMINE through Respondent  
3 ABRAMYAN made another application to the Department for a company MLO license  
4 endorsement.

5 19.

6 In response to the Direct Owners and Executive Officers section of Respondent  
7 EQUITYMINE'S applications, EQUITYMINE through Respondent TONoyAN only disclosed  
8 TONoyAN'S officer status as President, and failed to disclose Respondent ABRAMYAN'S  
9 status as Secretary and Chief Financial Officer of EQUITYMINE described in Paragraph 11  
10 above. TONoyAN attested to the applications as "PRESIDENT" of EQUITYMINE.

11 20.

12 In response to the Direct Owners and Executive Officers section of Respondent  
13 EQUITYMINE'S applications, EQUITYMINE through Respondent ABRAMYAN only  
14 disclosed TONoyAN'S officer status as President, and failed to disclose ABRAMYAN'S  
15 status as Secretary and Chief Financial Officer of EQUITYMINE described in Paragraph 11  
16 above. ABRAMYAN attested to the applications as "EMPLOYEE" of EQUITYMINE.

17 21.

18 By failing to disclose Respondent ABRAMYAN'S status as Secretary and Chief  
19 Financial Officer of Respondent EQUITYMINE in the applications set forth in Paragraphs 14  
20 through 20, above, Respondents EQUITYMINE, TONoyAN, and ABRAMYAN withheld  
21 information and made a material misstatement.

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1 22.

2 The instructions for the Direct Owners and Executive Officers section of  
3 company MLO license endorsement application provide, "Identify all direct owners and  
4 executive officers. If the direct owner or executive officer is a natural person (individual), list  
5 their full legal name as first, middle, last, suffix, provide their title and the percentage of  
6 ownership. All natural persons listed in the Direct Owners and Executive Officers section of  
7 the Company (MU1) Form are required to complete and submit the Individual (MU2) Form."  
8 Question (H)(1) under the Disclosure Questions section of Individual (MU2) Form asks, "Have  
9 you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic,  
10 foreign, or military court to committing or conspiring to commit a misdemeanor involving:  
11 (i) financial services or a financial services-related business, (ii) fraud, (iii) false statements or  
12 omissions, (iv) theft or wrongful taking of property, (v) bribery, (vi) perjury, (vii) forgery,  
13 (viii) counterfeiting, or (ix) extortion?" Respondent ABRAMYAN failed to file an  
14 Individual (MU2) Form and failed to disclose in the Individual (MU2) Form ABRAMYAN'S  
15 convictions described in Paragraphs 8 and 9 above.

16 23.

17 By Respondent ABRAMYAN failing to file an Individual (MU2) Form and  
18 failing to disclose in the Individual (MU2) Form ABRAMYAN'S convictions described in  
19 Paragraphs 8 and 9 above, Respondents EQUITYMINE, TONoyAN, and ABRAMYAN  
20 withheld information.

21 24.

22 The facts alleged in Paragraphs 14 through 23 above constitute cause under  
23 sections 10166.051(b) and 10177(j) of the Code for the suspension or revocation of all the  
24 licenses, license rights, and license endorsements of Respondents EQUITYMINE, TONoyAN,  
25 and ABRAMYAN under the Real Estate Law.

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1 THIRD CAUSE OF ACTION

2 (FAILURE TO SUPERVISE)

3 25.

4 The conduct, acts, or omissions of Respondent TONOYAN, as described in  
5 Paragraphs 7 through 24 above, in failing to ensure compliance of the Real Estate Law by  
6 Respondents EQUITYMINE and ABRAMYAN, are in violation of Code section 10159.2 and  
7 Regulations section 2725 and constitute cause under sections 10177(d), 10177(g), and/or  
8 10177(h) of the Code for the suspension or revocation of all the licenses, license rights, and  
9 license endorsements of TONOYAN.

10 26.

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

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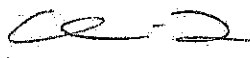
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1                   WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against all the licenses, license rights, and license endorsements of  
4 Respondents EQUITYMINE, VERZHINE TONOYAN, and ELVIS ABRAMYAN under the  
5 Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for  
6 such other and further relief as may be proper under other applicable provisions of law.  
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8 Dated at Sacramento, California

9 this 1<sup>st</sup> day of March, 2019

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12 \_\_\_\_\_  
13 Chika Sunquist  
14 Supervising Special Investigator

15 cc: EQUITYMINE  
16 VERZHINE TONOYAN  
17 ELVIS ABRAMYAN  
18 Chika Sunquist  
19 Sacto.  
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