

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

DEC 13 2023

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

11 In the Matter of the Accusation Against

DRE No. H-42437 LA

12
13 ARMEN VARTANIAN,

14 Respondent.

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between ARMEN VARTANIAN (sometimes referred to as
17 "Respondent"), acting by and through James Victor Kosnett, Kosnett Law Firm, and the
18 Complainant, acting by and through Kevin H. Sun, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing of the First Amended Accusation
20 ("Accusation") filed on December 8, 2022, in this matter:

21 1. All issues which were to be contested and all evidence which was to be presented by
22 Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be
23 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall
24 instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation
25 and Agreement ("Stipulation").

26 2. Respondent received, read and understands the Statement to Respondent, the
27 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

1 (“Department”) in this proceeding.

2 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government
3 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent
4 hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that
5 Respondent understands that by withdrawing said Notice of Defense Respondent thereby waives
6 Respondent’s right to require the Commissioner to prove the allegations in the Accusation at a
7 contested hearing held in accordance with the provisions of the APA and that Respondent will
8 waive other rights afforded to Respondent in connection with the hearing such as the right to
9 present evidence in his defense, and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
11 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest
12 these factual allegations, but to remain silent and understands that, as a result thereof, these
13 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
14 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
15 such allegations.

16 5. It is understood by the parties that the Real Estate Commissioner may adopt this
17 Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
18 Respondent’s real estate license and license rights as set forth in the below “Order.” In the event
19 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
20 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
21 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
22 made herein.

23 6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to
24 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
25 civil proceedings by the Department with respect to any matters which were not specifically
26 alleged to be causes for accusation in this proceeding.

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curriculum. None of these twenty (20) hours of PE may be state-specific curriculum;

b) Eight (8) hours of continuing education ("CE"), which shall consist of four (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may be state-specific curriculum.

2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this Section in an online self-study format ("OSS"). Respondent may take the CE provided for in Paragraph 1(b) in any format.

3. For a period of three (3) years from the Effective Date of this Order, Respondent shall be required to complete any additional PE and/or CE required under the SAFE Act in a format other than OSS. If Respondent fails to comply with this condition, the renewal application or new application of Respondent will be deemed incomplete by the Department.

4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of this section, Respondent's MLO license endorsement shall remain suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the education requirements.

5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in addition to any NMLS education required for licensure under the SAFE Act. The CE provided for in Paragraph 1 will not count toward satisfying 2024 standard SAFE Act CE requirements.

6. Respondent further agrees that the Department may exercise its examination or investigative authority pursuant to the normal process for such authorized under the Real Estate Law and Commissioner's Regulations in the instance a determination is made wherein Respondent is found to be in violation of the education requirements under this section.

III. ADMINISTRATIVE PENALTY

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form of a

1 cashier's check made payable to the Department of Real Estate. The payment must be delivered
2 to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-
3 7013, prior to the Effective Date of this Decision and Order.

4 IV. STAYED SUSPENSION OF REAL ESTATE LICENSE

5 All licenses and licensing rights of Respondent under the Real Estate Law, with the
6 exception of the MLO license endorsement (NMLS ID 346117) referenced in Section I above,
7 are suspended for a period of ninety (90) days from the Effective Date of this Decision;
8 provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year
9 upon the following terms and conditions:

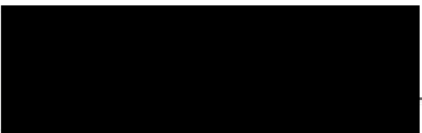
10 1. Respondent shall obey all laws, rules and regulations governing the rights, duties and
11 responsibilities of a real estate licensee in the State of California; and

12 2. That no final subsequent determination be made, after hearing or upon stipulation, that
13 cause for disciplinary action occurred within one (1) year from the effective date of this Decision
14 and Order. Should such a determination be made, the Commissioner may, in his discretion,
15 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should
16 no such determination be made, the stay imposed herein shall become permanent.

17 V. INVESTIGATION AND ENFORCEMENT COSTS

18 All licenses and licensing rights of Respondent are indefinitely suspended unless or until
19 Respondent pays the sum of \$742.60 for the Commissioner's reasonable costs of the
20 investigation (\$200.20) and enforcement (\$542.40), which led to this disciplinary action. Said
21 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
22 The payment of the investigative and enforcement costs must be delivered to the Department of
23 Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
24 Effective Date of this Decision and Order.

25
26 DATED: 10/26/23

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Department of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent shall mail the original signed signature page of the stipulation herein to Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

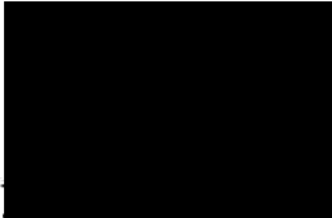
In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands that by electronically sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: 10.23.2023


ARMEN VARTANIAN
Respondent

1 DATED: October 26, 2023

2 
3 Kosnett Law Firm
4 Counsel for Respondent
5 Approved as to Form

6 * * *

7 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
8 Respondent ARMEN VARTANIAN and shall become effective at 12 o'clock noon on
9 JAN 12 2024

10 IT IS SO ORDERED

11 12/4/23

12 DOUGLAS R. McCAULEY
13 REAL ESTATE COMMISSIONER

14 
15 for Doug McCauley