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DEPT. OF REAL ESTATE

By [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-42529 LA
)
ATHAS SERVICING CORPORATION, and)
ALIM KASSAM, individually and as)
designated officer of Athas Servicing)
Corporation,)
)
Respondents.)
_____)

ORDER NUNC PRO TUNC

It having been called to the attention of the Real Estate Commissioner that there is a mistake in the terms of the Order of the Stipulation and Agreement in Settlement and Order dated October 11, 2023, effective November 23, 2023, and good cause appearing therefor, the Order is amended as follows:


Page 4, Section II, Line 9-11, is amended to read as follows:

“All licenses and licensing rights of Respondent ALIM KASSAM under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:”

1 This Order shall become effective immediately.

2 IT IS SO ORDERED 2/26/24.

3 CHIKA SUNQUIST
4 REAL ESTATE COMMISSIONER

5 
6 By: Marcus L. McCarther
7 Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

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8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of

DRE No. H-42529 LA

12 ATHAS SERVICING CORPORATION, and
13 ALIM KASSAM, individually, and as designated
14 officer of Athas Servicing Corporation,

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

15 Respondents.
16

17 It is hereby stipulated by and between Respondents ATHAS SERVICING
18 CORPORATION and ALIM KASSAM (collectively "Respondents") and their attorney of record,
19 Michael Flynn, and the Complainant, acting by and through Kevin H. Sun, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusations
21 filed on March 10, 2023, in Case No. H-42529 LA:

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

27 2. Respondents have received, read and understand the Statement to Respondents,

1 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in
2 this proceeding.

3 3. On or about March 21, 2023, Respondents filed Notices of Defense pursuant to
4 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in
5 the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
6 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
7 will thereby waive their rights to require the Commissioner to prove the allegations in the
8 Accusation at a contested hearing held in accordance with the provisions of the APA and that they
9 will waive other rights afforded to them in connection with the hearing such as the right to present
10 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

11 4. This Stipulation is based on the factual allegations contained in the Accusations.
12 In the interest of expedience and economy, Respondents choose not to contest these allegations, but
13 to remain silent, and understand that, as a result thereof, these factual allegations, without being
14 admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.
15 The Real Estate Commissioner shall not be required to provide further evidence to prove said
16 factual allegations.

17 5. This Stipulation is made for the purpose of reaching an agreed disposition of this
18 proceeding and is expressly limited to this proceeding and any other proceeding or case in which
19 the Department or another licensing agency of this state, another state, or if the federal government
20 is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

21 6. It is understood by the parties that the Real Estate Commissioner may adopt the
22 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
23 Respondents' real estate licenses and license rights as set forth in the below "Order". In the event
24 that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be
25 void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the
26 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver
27 made herein.

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

5 **DETERMINATION OF ISSUES**

6 By reason of the foregoing stipulations, admissions and waivers and solely for the
7 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
8 the following determination of issues shall be made:

9 The conduct of Respondents, as described in the Accusation, are in violation of
10 California Business and Professions Code ("Code") 10145, 10159.2, 10232, 10232.25, 10232.4,
11 10232.45, and 10238 and Title 10, Chapter 6, California Code of Regulations ("Regulations")
12 Sections 2725, 2834, 2849.01, and 2846.8, and are grounds for the suspension or revocation of all
13 of the real estate license and license rights of Respondents under the provision of Code Section
14 10177(d), 10177(g) and 10177(h) (as to ALIM KASSAM).

15 **ORDER**

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 I.

18 (ATHAS SERVICING CORPORATION)

19 All licenses and licensing rights of Respondent ATHAS SERVICING
20 CORPORATION under the Real Estate Law are suspended for a period of thirty (30) days from the
21 effective date of this Decision and Order; provided, however, that:

- 22 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
23 following terms and conditions:
- 24 a. Respondent shall obey all laws, rules and regulations governing the rights,
25 duties and responsibilities of a real estate licensee in the State of California;
26 and,
 - 27 b. That no final subsequent determination be made, after hearing or upon

1 stipulation, that cause for disciplinary action occurred within two (2) years
2 from the effective date of this Decision and Order. Should such a
3 determination be made, the Commissioner may, in his discretion, vacate and
4 set aside the stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay imposed herein
6 shall become permanent.

7 II.

8 (ALIM KASSAM)

9 All licenses and licensing rights of Respondent ATHAS SERVICING
10 CORPORATION under the Real Estate Law are suspended for a period of thirty (30) days from the
11 effective date of this Decision and Order; provided, however, that:

- 12 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
13 following terms and conditions:
- 14 a. Respondent shall obey all laws, rules and regulations governing the rights,
15 duties and responsibilities of a real estate licensee in the State of California;
16 and,
- 17 b. That no final subsequent determination be made, after hearing or upon
18 stipulation, that cause for disciplinary action occurred within two (2) years
19 from the effective date of this Decision and Order. Should such a
20 determination be made, the Commissioner may, in his discretion, vacate and
21 set aside the stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay imposed herein
23 shall become permanent.
- 24 2. Respondent shall, **within nine (9) months from the effective date of this**
25 **Decision and Order**, present evidence satisfactory to the Commissioner that
26 Respondent has, since the most recent issuance of an original or renewal real
27 estate license, taken and successfully completed the continuing education

1 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
2 real estate license. If Respondent fails to satisfy this condition, Respondent's
3 real estate license shall automatically be suspended until Respondent presents
4 evidence satisfactory to the Commissioner of having taken and successfully
5 completed the continuing education requirements. **Proof of completion of the**
6 **continuing education courses must be delivered to the Department of Real**
7 **Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

- 8 3. All licenses and licensing rights of Respondent are indefinitely suspended unless
9 or until Respondent provides proof satisfactory to the Commissioner, of having
10 taken and successfully completed the continuing education course on trust fund
11 accounting and handling specified in paragraph (3) of subdivision (a) of Section
12 10170.5 of the Business and Professions Code. Proof of satisfaction of these
13 requirements includes evidence that Respondent has successfully completed the
14 trust fund account and handling continuing education courses, no earlier than
15 120 days prior to the effective date of the Decision and Order in this matter.
16 **Proof of completion of the trust fund accounting and handling course must**
17 **be delivered to the Department of Real Estate, Flag Section at P.O. Box**
18 **137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the**
19 **effective date of this Decision and Order.**

20 III.

21 (ATHAS SERVICING CORPORATION and ALIM KASSAM)

- 22 A. All licenses and licensing rights of Respondents are indefinitely suspended unless
23 or until Respondents pay the sum of **\$3,892.20** (\$2,317.80 investigation cost and \$1,574.40 for
24 enforcement cost) for the Commissioner's reasonable costs of the investigation and enforcement
25 which led to this disciplinary action. Said payment shall be in the form of a cashier's check made
26 payable to the Department of Real Estate. **The payment for the investigative and enforcement**
27 **costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,**

1 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. If**


2 Respondents fail to satisfy this condition, the Commissioner shall order suspension of

3 Respondents' licenses and license rights until the sum is paid.

4 B. Pursuant to Code Sections 10148, Respondents shall pay the Commissioner's
5 reasonable costs for the audit which led to this disciplinary action in the amount of \$5,208.50, or
6 show proof of payment. Respondents shall pay such costs within sixty (60) days of receiving an
7 invoice therefore from the Commissioner. Payment of the audit costs should not be made until
8 Respondents receives the invoice. If Respondents fails to satisfy this condition in a timely manner
9 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
10 payment is made in full, or until a decision providing otherwise is adopted following a hearing held
11 pursuant to this condition.

12 C. Pursuant to Code section 10148 of the Code, Respondents shall pay the
13 Commissioner's reasonable costs, not to exceed \$6,510.62, for a subsequent audit to determine if
14 Respondents has corrected the violations found in the Determination of Issues. In calculating the
15 amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average
16 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation
17 for travel time to and from the auditor's place of work. Respondents shall pay such costs within
18 sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs
19 should not be made until Respondents receive the invoice. If Respondents fail to satisfy this
20 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
21 automatically be suspended until payment is made in full, or until a decision, providing otherwise,
22 is adopted following a hearing held pursuant to this condition.

23
24 DATED: 8/30/2023

25 
26 Kevin H. Sun, Counsel for
27 Department of Real Estate

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1 Respondents' signatures below constitute acceptance and approval of the terms and
2 conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this
3 Stipulation, Respondents are bound by its terms as of the date of such signatures and that this
4 agreement is not subject to rescission or amendment at a later date except by a separate Decision
5 and Order of the Real Estate Commis

6
7 DATED: 8/29/23

8 Respondent

9 By: _____

10 DATED: 8/29/23

11 Respondent

12
13 DATED: 8-29-23

14
15 Counsel for Respondents
16 Approved as to Form

17 * * *

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondents ATHAS SERVICING CORPORATION and ALIM KASSAM in this matter and shall
20 become effective at 12 o'clock noon on NOV 23 2023, 2023.

21
22 IT IS SO ORDERED 10/11/23, 2023.

23 DOUGLAS R. McCAULEY
24 REAL ESTATE COMMISSIONER

25
26 for Doug McCauley