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1 Richard K. Uno, Counsel III (SBN 98275)
2 Department of Real Estate
3 P. O. Box 137007
4 Sacramento, CA 95813-7007

FILED

4 Telephone: (916) 576-8700
5 (916) 576-7848 (direct)
6 (916) 263-3767 (fax)

NOV 07 2019

DEPARTMENT OF REAL ESTATE
By *K. Kropp*

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	
)	NO. H-12408 SF
13 SECURED CAPITAL LENDING, INC.,)	
14 and VICTORIA BOYADJIAN,)	<u>FIRST AMENDED</u>
)	<u>ACCUSATION</u>
15 Respondents.)	
16)	

17 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
18 State of California, for cause of Accusation against SECURED CAPITAL LENDING, INC.
19 (SCL) and VICTORIA BOYADJIAN (BOYADJIAN), collectively Respondents, is informed and
20 alleges as follows:

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22 The Complainant makes this Accusation in her official capacity.

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24 At all times herein mentioned, SCL was and is presently licensed and/or has
25 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
26 Professions Code (the Code), by the Department of Real Estate (the Department) as a corporate
27 real estate broker.

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From and since November 15, 2018, SCL has held a company Mortgage Loan Originator (MLO) Endorsement.

All times herein mentioned, BOYADJIAN was and is presently licensed and/or has license rights as a real estate broker.

From and since November 18, 2014, BOYADJIAN has held an individual MLO Endorsement.

From and since November 15, 2018, BOYADJIAN has held a company MLO Endorsement.

At all times herein mentioned, BOYADJIAN was licensed by the Department as the designated officer of SCL. As the designated officer, BOYADJIAN was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of SCL for which a real estate license is required.

Whenever reference is made in an allegation in this Accusation to an act or omission of SCL, such allegation shall be deemed to also mean that BOYADJIAN committed such act or omission while engaged in furtherance of the business or operation of SCL and while acting within the course and scope of her employment.

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a loan brokerage business with the public wherein, on behalf of others, for

1 compensation, or in expectation of compensation, Respondents solicited lenders and borrowers
2 for loans secured directly or collaterally by liens on real property.

3 FIRST CAUSE OF ACTION

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5 Complainant refers to Paragraphs 1 through 9 above, and incorporates them
6 herein, by reference.

7 11

8 In or around January of 2017, Patricia G. through real estate broker John Mark
9 Scott (Scott) and unlicensed Abel Cabrera Martinez (Cabrera), submitted an offer to buy that
10 certain real property commonly known as 225 College Avenue, Vallejo, California (College
11 Property).

12 12

13 The offer was accepted and escrow was opened on the College Property.

14 13

15 A check in the amount of \$1,500.00 was deposited into escrow, listing the payer
16 as "Reynaldo Gallegos."

17 14

18 The listing agent, Duane Margreiter (Margreiter), communicated with Tjoman
19 Sugiono Budistaslim, aka Joe Lim (Lim) of FastTrack Home Loans, which was unlicensed. Lim
20 represented that Patricia G.'s FHA Loan application was taken by BOYADJIAN, by telephone.

21 15

22 BOYADJIAN signed and submitted the loan application for Patricia G. and
23 represented that she had taken the information from Patricia G. by phone.

24 16

25 The loan application for Patricia G. included documents that she purportedly
26 signed.

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2 The loan application also included a letter purportedly from "Reynaldo Gallegos"
3 asserting that he was a relative of Patricia G. and that he had contributed funds toward the
4 purchase of the property.

5 18

6 The representations that Respondents made in Paragraphs 13 through 17, above,
7 were untrue and BOYADJIAN knew them to be untrue at the time they made them and were for
8 the purpose of getting fees.

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10 The true facts were that BOYADJIAN never spoke to Patricia G., that Patricia G.
11 did not sign any loan documents, and Patricia G. does not have a relative named Reynaldo
12 Gallegos and, therefore, Respondents made the payment.

13 20

14 The acts and/or omissions alleged above violate Sections 10176(a) (material
15 misrepresentation), 10176(b) (false promises to influence, persuade, or induce), 10176(i) (other
16 conduct/fraud or dishonest dealing), and 10177(j) (other conduct: fraud, dishonest dealing) of the
17 Code and are grounds for the suspension or revocation of the licenses and license rights of
18 Respondents under Sections 10176(a), 10176(b), 10176(i), 10177(d) (violate real estate law), and
19 10177(j) of the Code.

20 21

21 *The acts and/or omissions alleged above violate Sections 10166.05(c) (financial*
22 *responsibility, character, general fitness) of the Code and are grounds for the suspension or*
23 *revocation of the MLO Endorsements of Respondents under Section 10166.51 of the Code.*

24 SECOND CAUSE OF ACTION

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26 Complainant refers to Paragraphs 1 through 21, above, and incorporates them
27 herein by reference.

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In or around January of 2017, Idalia V., through Scott and Cabrera, submitted an offer to buy that certain real property commonly known as 17410 Pheasant Downs Road, Lathrop, California (Pheasant Downs Property).

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The offer was accepted and escrow was opened on the Pheasant Downs Property.

25

A check in the amount of \$1,500.00 was deposited into escrow, listing the payer as "Geraldo Valencia."

26

The listing agent, Gloria Tovar (Tovar), communicated with Lim of FastTrack Home Loans. Lim represented that Idalia V.'s FHA Loan application was taken by BOYADJIAN, by telephone.

27

BOYADJIAN signed and submitted the loan application for Idalia V. and represented that she had taken the information from Idalia V. by phone.

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The loan application for Idalia V. included documents that she purportedly signed.

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The loan application also included a letter purportedly from "Geraldo Valencia" asserting that he was a relative of Idalia V. and that he had contributed funds toward the purchase of the property.

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The representations that Respondents made in Paragraphs 25 through 29, above, were untrue and BOYADJIAN knew them to be untrue at the time they made them and were for the purpose of getting fees.

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2 The true facts were that BOYADJIAN never spoke to Idalia V., that Idalia V. did
3 not sign any loan documents, and Idalia V. does not have a relative named Geraldo Valencia and,
4 therefore, Respondents made the payment.

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6 Respondents' acts and/or omissions alleged above violate Sections 10176(a),
7 10176(b) (false promises to influence, persuade, or induce), 10176(i), and 10177(j) of the Code
8 and are grounds for the suspension or revocation of the licenses and license rights of
9 Respondents under Sections 10176(a), 10176(b), 10176(i), 10177(d), and 10177(j) of the Code.

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11 *The acts and/or omissions alleged above violate Sections 10166.05(c) (financial*
12 *responsibility, character, general fitness) of the Code and are grounds for the suspension or*
13 *revocation of the MLO Endorsements of Respondents under Section 10166.51 of the Code.*

14 THIRD CAUSE OF ACTION

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16 Complainant refers to Paragraphs 1 through 33, above, and incorporates them
17 herein by reference.

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19 On or about January 29, 2018, Idalia V. filed a complaint against Respondents
20 based on their activities set forth in the SECOND CAUSE OF ACTION.

21 36

22 On or about February 1, 2018, a Department's Special Investigator requested the
23 loan file for Idalia V. from Respondents.

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25 On or about February 20, 2018, Department received three (3) copies of a letter
26 from Respondents, purportedly signed by Idalia V., stating that the complaint against
27 Respondents was resolved and that Idalia V. did not wish to pursue the complaint.

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In fact, Idalia V. did not draft or sign the letter received by the Department, nor did she wish to drop her complaint.

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Respondents' acts and/or omissions alleged above violate Sections 10176(a), 10176(b) (false promises to influence, persuade, or induce), 10176(i), and 10177(j) of the Code and are grounds for the suspension or revocation of the licenses and license rights of Respondents under Sections 10176(a), 10176(b), 10176(i), 10177(d), and 10177(j) of the Code.

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The acts and/or omissions alleged above violate Sections 10166.05(c) (financial responsibility, character, general fitness) of the Code and are grounds for the suspension or revocation of the MLO Endorsements of Respondents under Section 10166.51 of the Code.

FOURTH CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 40, above, and incorporates the same herein by reference.

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Beginning on June 12, 2018, and continuing intermittently through July 26, 2018, an audit was conducted of SCL's business for the period of January 1, 2016, through May 31, 2018, at SCL's office at 64090 Laurel Canyon Boulevard, Suite 620, North Hollywood, California 91606.

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During the audit, it was revealed that SCL did not notify the Department in writing within thirty (30) days after it satisfied the threshold criteria as required by Section 10232(e) of the Code.

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The acts or omissions of Respondents alleged above violate Sections 10232 of the Code and are grounds for the suspension or revocation of the licenses and license rights of Respondents under Sections 10177(d) and 10177(g) of the Code.

FIFTH CAUSE OF ACTION

Complainant refers to Paragraphs 1 through 44, above, and incorporates the same herein by reference.

At all times herein above mentioned, BOYADJIAN was responsible, as the supervising broker for SCL, for the supervision and control of the activities conducted on behalf of SCL's business by its employees. BOYADJIAN failed to exercise reasonable supervision and control over the property management activities of SCL. In particular, BOYADJIAN permitted, ratified, and/or caused the conduct described above to occur and failed to take reasonable steps, including but not limited to handling of trust funds, supervision of employees, and the implementation of policies, rules, and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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.

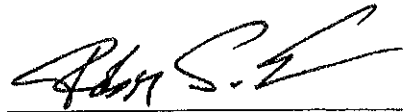
WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary

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1 action against all licenses and license rights of Respondents under the Code, for the reasonable
2 costs of investigation and prosecution of this case, including agency attorney's fees, and for such
3 other and further relief as may be proper under other provisions of law.

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6 ROBIN S. TANNER
7 Supervising Special Investigator

8 Dated at Oakland, California,
9 this 6th day of November, 2019.

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12 DISCOVERY DEMAND

13 The Department of Real Estate hereby requests discovery pursuant to Section
14 11507.6 of the California Government Code. Failure to provide discovery to the Department
15 may result in the exclusion of witnesses and/or documents at the hearing and other sanctions
16 as the Administrative Law Judge deems appropriate.