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FILED

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BUREAU OF REAL ESTATE

By John Quil

7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) CalBRE No. H – 39712 LA
11)
12 AB AMERICAN DREAM HOMES, INC.;) ACCUSATION
SECURELINE REALTY AND FUNDING, INC.;
13 KONSTANTINE KABILAFKAS,)
individually, and as designated officer of)
14 AB American Dream Homes, Inc. and)
Secureline Realty and Funding, Inc.;)
15 JULIO CESAR ANDIA; and)
TAMARA DADYAN,)
16 Respondents.)

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18 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of
19 California, for cause of Accusation against AB AMERICAN DREAM HOMES, INC.;
20 SECURELINE REALTY AND FUNDING, INC.; KONSTANTINE KABILAFKAS,
21 individually, and as designated officer of AB American Dream Homes, Inc. and Secureline
22 Realty And Funding, Inc.; JULIO CESAR ANDIA; and TAMARA DADYAN (collectively
23 “Respondents”), is informed and alleges as follows:
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1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

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

3.

Respondents are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Code).

4.

From December 22, 2006, through the present, Respondent AB AMERICAN DREAM HOMES, INC. ("AB") has been licensed and/or has license rights by the Bureau of Real Estate¹ ("Bureau") as a real estate corporation, License ID 01522701.

5.

From December 20, 2011 through the present, Respondent SECURELINE REALTY AND FUNDING, INC. ("SECURELINE") has been licensed and/or has license rights by the Bureau as a real estate corporation, License ID 01526599.

6.

From July 30, 1997, through the present, Respondent KONSTANTINE KABILAFKAS ("KABILAFKAS") has been licensed by the Bureau as a real estate broker, License ID 01176858.

¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate ("Bureau"). All references to the agency are to the successor Bureau.

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7.

From July 02, 2007, through the present, Respondent JULIO CESAR ANDIA (“ANDIA”) has been licensed by the Bureau as a real estate salesperson, License ID 01805188. At all times relevant herein, ANDIA was licensed under the employment of AB and did not hold an individual mortgage loan originator license endorsement.

8.

From October 17, 2000, through the present, Respondent TAMARA DADYAN (“DADYAN”) has been licensed by the Bureau as a real estate salesperson, License ID 01294823. At all times relevant herein, DADYAN was licensed under the employment of SECURELINE.

9.

At all times herein mentioned, Respondents AB and SECURELINE were licensed as real estate corporations, acting by and through Respondent KABILAFKAS as their designated broker-officer. As the broker-officer designated by Respondents AB and SECURELINE pursuant to Section 10211 of the Code, KABILAFKAS was responsible for the supervision and control of the activities conducted on behalf of Respondents AB and SECURELINE, by their officers and employees, as necessary to secure full compliance with Real Estate Law as set forth in Code Section 10159.2 and Regulation 2725.

10.

Respondent ANDIA is President and sole shareholder of AB. Respondent KABILAFKAS is Vice-President of AB.

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1 11.

2 Respondent DADYAN is the owner, Chief Executive Officer and sole director of
3 SECURELINE. Minas Voskami is the Agent for Service of Process for SECURELINE.

4 12.

5 At all times relevant herein, Nidya Anaya aka Nadya Anaya, Carlos Pena, Sheyla Andia,
6 and Minas Voskami were not licensed by the Bureau in any capacity and did not hold mortgage
7 loan originator license endorsements.

8 FIRST CAUSE OF ACCUSATION

9 (AB, KABILAFKAS, and ANDIA)

10 13.

11 On August 28, 2013, the Bureau received a complaint from the Wells Fargo Financial
12 Crimes Investigation Unit regarding Respondent AB. In 2013, Wells Fargo received loan
13 modification requests submitted by AB on behalf of five separate borrowers which contained
14 falsified or fraudulent documents concerning the borrowers' alleged income or employment.

15 Borrower Heriverto V.

16 14.

17 On April 18, 2013, borrower Heriverto V. signed a Third Party Authorization (TPA) form
18 which authorized AB to discuss his loan with his lender, Wells Fargo. The TPA listed ANDIA,
19 Sheyla Andia, and Nidya Anaya as agents of AB who were authorized to negotiate a "workout
20 agreement" or loan modification on behalf of the borrower with his lender. AB submitted the
21 TPA form to Wells Fargo's Loan Mitigation department by fax transmission on or about
22 April 24, 2013.

23 ///

1 15.

2 Between May and June of 2013, AB faxed a loan modification request on behalf of
3 borrower, Heriverto V. to Wells Fargo's loss mitigation department. The loan modification
4 packet included a letter signed by the borrower which states that he was not employed in 2012
5 and that he recently began employment with the company, Sysco, Inc. AB provided copies of
6 the borrower's paystubs purportedly from Sysco, Inc. and the borrower's tax returns for 2012 in
7 support of the loan modification request. Wells Fargo was unable to verify the borrower's
8 employment with Sysco, Inc. and suspected that the paystubs from Sysco, Inc. were false. Wells
9 Fargo denied the borrower's loan modification request. Thereafter, the borrower appealed Wells
10 Fargo's decision and claimed that Carlos Pena, the agent from AB who was handling his loan
11 modification, had submitted false documentation without the borrower's knowledge or consent
12 concerning his income and alleged employment with Sysco, Inc. The borrower submitted bank
13 statements showing that he received payroll deposits in 2012 from a different employer, not
14 Sysco, Inc.

15 Borrower Manuel G.

16 16.

17 On May 09, 2013, Wells Fargo received a TPA from borrower Manuel G. which
18 authorized AB to discuss their loan with Wells Fargo. ANDIA and Nidya Anaya are listed as
19 agents of AB who were authorized to negotiate a loan modification on behalf of the borrower
20 with his lender.

21 17.

22 On May 09, 2013, Wells Fargo received paystubs for borrower Manuel G. as part of the
23 loan modification packet received from AB. The paystubs indicated that borrower Manuel G.
24

1 was a salaried employee for Daniel Food Enterprises who earned \$2,023 bi-weekly. On June 13,
2 2013, Wells Fargo received a letter from borrower Manuel G. stating that AB was no longer
3 authorized to negotiate a loan modification on his behalf. Borrower Manuel G. then provided
4 paystubs from his employer, Daniel Food Enterprises dated April 28, 2013, and May 05, 2013,
5 which reflected that the borrower was paid hourly. Wells Fargo discovered that AB had
6 provided paystubs that falsely stated the borrower's actual earnings from his employer.

7 Borrower Alvina T.

8 18.

9 On June 10, 2013, Wells Fargo received a TPA from borrower Alvina T. which
10 authorized AB to discuss their loan with Wells Fargo. ANDIA and Nidya Anaya are listed as
11 agents of AB who were authorized to negotiate a loan modification on behalf of the borrower
12 with her lender.

13 19.

14 On July 10, 2013, Wells Fargo received paystubs for borrower Alvina T. as part of the
15 loan modification packet received from AB. The paystubs were supposedly issued by Nestle
16 Toll House Cafe. Wells Fargo contacted the manager for Nestle Toll House Case and discovered
17 that Alvina T. was never an employee of that establishment.

18 Borrowers Miguel and Maria M.

19 20.

20 On July 02, 2013, Wells Fargo received a TPA from borrowers Miguel and Maria M.
21 which authorized AB to discuss their loan with Wells Fargo. ANDIA and Nidya Anaya are
22 listed as agents of AB who were authorized to negotiate a loan modification on behalf of the
23 borrowers with their lender.

1 21.

2 Wells Fargo received paystubs for borrower Miguel M. as part of the loan modification
3 packet received from AB. The paystubs were falsified to note that Miguel M. was a salaried
4 employee earning \$28,028 annually. In fact, Miguel M. was an hourly employee earning over
5 \$40,000 annually. AB underreported the borrowers' actual income in order to qualify for a loan
6 modification.

7 Borrowers Ramiro and Consuelo A.

8 22.

9 Wells Fargo received a TPA from borrowers Ramiro and Consuelo A. which authorized
10 AB to discuss their loan with Wells Fargo. ANDIA, Sheyla Andia, and Nidya Anaya are listed
11 as agents from AB who was authorized to negotiate a loan modification on behalf of the
12 borrowers with their lender.

13 23.

14 Wells Fargo received paystubs for borrower Consuelo A. as part of the loan modification
15 packet received from AB. The paystubs were supposedly issued by Select Staffing, Inc. AB
16 provided a letter of explanation stating that Consuelo A. began her employment with Select
17 Staffing in December of 2012. Upon further review, Wells Fargo determined that the paystubs
18 submitted by AB for the loan modification were false.

19 24.

20 AB submitted the same template hardship letter with the loan modification requests sent
21 on behalf of borrowers Miguel M., Alvina T., Pedro A., and Ramiro and Consuelo A. The only
22 difference among the documents was the monthly mortgage payment amount stated for each of
23 the borrowers.

1 25.

2 The conduct, acts and/or omissions of Respondents AB and ANDIA as set forth above in
3 Paragraphs 13 through 24, constitute cause for the suspension or revocation of the mortgage loan
4 originator license endorsements, real estate licenses, and license rights of Respondents AB and
5 ANDIA pursuant to Code Sections Code sections 10166.051, subdivisions (a)(violation of
6 Article 2.1 or any rules or regulations adopted hereunder) and (b) (failure to meet requirements
7 of Code Section 10166.05(c)); Regulation 2945.1 (effect of license discipline on mortgage loan
8 originator endorsement); 10176(a) (substantial misrepresentation); and 10176(i) (fraud or
9 dishonest dealing) or 10177(j) (fraud or dishonest dealing).

10 26.

11 The conduct, acts and/or omissions of Respondent AB of employing or compensating
12 unlicensed persons Nadiya Anaya, Carlos Pena, and Sheyla Andia, to engage in activities that
13 require a real estate license pursuant to Code Section 10131(d), as set forth above in Paragraphs
14 13 through 24, constitutes cause for the suspension or revocation of the licenses and license
15 rights of Respondents AB pursuant to Code Sections Code sections 10177(d) (violation of the
16 Real Estate Law) and/or 10177(g) (negligence) for violation of Code Section 10137.

17 27.

18 The conduct, acts and/or omissions of Respondent KABILAFKAS, in allowing AB and
19 ANDIA to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent
20 KABILAFKAS to exercise the supervision and control over the activities of Respondents AB
21 and ANDIA as required by Code Section 10159.2 and Regulation 2725, and constitutes cause to
22 suspend or revoke the mortgage loan originator license endorsement, real estate license, and
23 license rights of Respondent KABILAFKAS under Code Sections 10177(h) (failure to
24

1 supervise); 10166.051, subdivisions (a)(violation of Article 2.1 or any rules or regulations
2 adopted hereunder) and (b) (failure to meet requirements of Code Section 10166.05(c));
3 Regulation 2945.1 (effect of license discipline on mortgage loan originator endorsement);
4 10177(d), and/or 10177(g).

5 SECOND CAUSE OF ACCUSATION

6 (SECURELINE, DADYAN, and KABILAFKAS)

7 28.

8 There is hereby incorporated in this Second, separate and distinct Cause of Accusation,
9 all of the allegations contained in Paragraphs 1 through 12, with the same force and effect as if
10 herein fully set forth.

11 29.

12 The Bureau received a complaint from Rodney G., a prospective purchaser who retained
13 Respondent DADYAN as his real estate agent to represent him in the purchase of a property
14 located at 22528 Paseo Terraza, Santa Clarita, California. SECURELINE is listed as the selling
15 broker on the purchase offer submitted by DADYAN on behalf of Rodney G. In response to
16 multiple purchase offers, the sellers made a counter offer for the buyers' highest and best offer.

17 30.

18 On or about June 27, 2013, DADYAN submitted another offer on behalf of Rodney G.
19 and instructed Rodney G. to provide an earnest money deposit of \$7,950 for escrow. Thereafter,
20 Rodney G. had difficulty in reaching DADYAN. The sellers accepted Rodney G.'s offer with
21 certain conditions. The seller's agent informed Rodney G. that he needed to provide \$250,000
22 cash to close escrow. DADYAN had provided proof of funds on behalf of Rodney G. which
23 consisted of falsified bank statements which purported to show that Rodney G. had the purchase
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1 amount for the property available in a savings account. In fact, Rodney G. was not able to
2 purchase the property in cash and needed a loan to purchase the subject property. Rodney G.
3 was forced to cancel escrow and as a result lost \$5,962.50 of his deposit.

4 31.

5 The conduct, acts and/or omissions of Respondents DADYAN and SECURELINE as set
6 forth above in Paragraphs 29 and 30, constitute cause for the suspension or revocation of the
7 license and license rights of Respondent DADYAN pursuant to Code Sections Code sections
8 10176(a) (substantial misrepresentation), 10176(i) (fraud or dishonest dealing) or 10177(j) (fraud
9 or dishonest dealing), 10177(d) (violation of the Real Estate Law), and/or 10177(g) (negligence).

10 32.

11 The conduct, acts and/or omissions of Respondent KABILAFKAS, in allowing
12 DADYAN and SECURELINE to violate the Real Estate Law, as set forth above, constitutes a
13 failure by Respondent KABILAFKAS to exercise the supervision and control over the activities
14 of Respondents DADYAN and SECURELINE as required by Code Section 10159.2 and
15 Regulation 2725, and constitutes cause to suspend or revoke the mortgage loan originator license
16 endorsement, real estate license, and license rights of Respondent KABILAFKAS under Code
17 Sections 10177(h) (failure to supervise); 10166.051, subdivisions (a)(violation of Article 2.1 or
18 any rules or regulations adopted hereunder) and (b) (failure to meet requirements of Code
19 Section 10166.05(c)); Regulation 2945.1 (effect of license discipline on mortgage loan originator
20 endorsement); 10177(d), and/or 10177(g).

21 33.

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

3 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
4 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
5 against all licenses and/or license rights of Respondents AB AMERICAN DREAM HOMES,
6 INC.; SECURELINE REALTY AND FUNDING, INC.; KONSTANTINE KABILAFKAS,
7 individually, and as designated officer of AB American Dream Homes, Inc. and Secureline
8 Realty And Funding, Inc.; JULIO CESAR ANDIA; and TAMARA DADYAN under the Real
9 Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of
10 investigation and enforcement as permitted by law, and for such other and further relief as may
11 be proper under other provisions of law.

12 Dated at Los Angeles, California

13 this 18th day of December, 2014.

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16 
17 MARIA SUAREZ
18 Deputy Real Estate Commissioner
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20 cc: AB American Dream Homes, Inc.
21 Secureline Realty And Funding, Inc.
22 Konstantine Kabilafkas
23 Julio Cesar Andia
24 Tamara Dadyan
Minas Voskami
Maria Suarez
Sacto