1	Julie L. To, Counsel (SBN 219482) Bureau of Real Estate	FILED
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7		
8	BEFORE THE BUREAU OF REAL ESTATE	
9	STATE OF CALIFORNIA	
10	* *	*
11	In the Matter of the Application of) No. H-40036 LA
12 13	DAVID JOHN MOUSSIGHI,) <u>STATEMENT OF ISSUES</u>
14	Respondent.) Mortgage Loan Originator) License Endorsement
15		ý
16		
17	The Complainant, Chika Sunquist	, a Supervising Special Investigator of the State
18	of California, for cause of Statement of Issues against DAVID JOHN MOUSSIGHI, a.k.a. David	
19	 Moussighi, ("Respondent") is informed and alleg	es as follows:
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21		
22	The Complainant, Chika Sunquist, a Supervising Special Investigator of the State	
2,3	of California, makes this Statement of Issues again	inst Respondent in her official capacity.
24	2	
	Respondent is licensed and/or has license rights under the Real Estate Law, Part	
25	of Division 4 of the Business and Professions Code ("Code"), BRE license ID 01462959.	
26	Respondent was first licensed by the Department (now "Bureau") of Real Estate ("BRE" or	
27	of the first invited of the population	
28		
20	CalBRE Statement of Issues – David John Moussighi	

didical of Issues — David John IV

"Bureau") as a real estate salesperson on or about January 6, 2004. Respondent is licensed under employing broker Omid Naimi, BRE license ID 01924368.

JUDGMENTS AGAINST RESPONDENT

3. .

On or about February 3, 2014, in the Superior Court of the State of California, County of Los Angeles, Northwest District – Small Claims Division, in Case No.

LAV 13V09087, Nazareth vs. Moussighi, the court entered a judgment in the amount of \$1,000.00 principal, plus \$50.00 costs, against Respondent based on a complaint that alleged fraud and breach of contract, wherein the Plaintiff alleged that he purchased a vehicle from the defendant, but subsequently discovered that the odometer had been altered to read 100,000 miles less than the actual mileage. On or about February 28, 2014, Respondent filed an appeal in the Superior Court of the State of California, County of Los Angeles, in Case No. 13V09087; on or about March 28, 2014, the court entered a judgment after trial de novo on appeal from the small claims court and entered a judgment in the amount of \$1,600.00 principal, plus \$50.00 costs, against Respondent. There is no evidence regarding Respondent's satisfaction of this judgment.

On or about July 10, 2013, in the Superior Court of the State of California, County of Los Angeles, Northwest District – Small Claims Division, in Case No. 13V03147, Helo and Aguilar vs. Moeir Moussighi and David Moussighi, the court entered a judgment in the amount of \$1,000.00 principal, plus \$124.00 costs, against Respondent and his co-defendant based on a complaint that alleged fraud and breach of contract wherein the Plaintiffs alleged that they paid \$1,000.00 to Respondent and his co-defendant as deposit for the purchase of a vehicle and that Respondent and his co-defendant subsequently failed to produce the vehicle or a refund of the deposit money. There is no evidence regarding Respondent's satisfaction of this judgment.

On or about November 26, 2012, in the Superior Court of the State of California, County of Los Angeles, Northwest District – Small Claims Division, in Case No. LAV 12V05590, Dimian vs. John Paul Enriguz, David Moussighi, and Chelsea Dawn Hodek-Enriguz, the court entered a judgment in the amount of \$9,200.00 principal, plus \$220.00 costs, against Respondent and his co-defendants based on a complaint wherein the Plaintiff alleged that Respondent and his co-defendants failed to pay rent for the period February 2012 through and including July 2012. There is no evidence regarding Respondent's satisfaction of this judgment.

AGGRAVATION: PENDING CIVIL CASE

6.

On or about September 26, 2014, in the Superior Court of the State of California, County of Los Angeles, in Case No. 14k12833, a civil complaint was filed against Respondent, in <u>Armitage vs. Moussighi</u>, and alleged fraud and breach of contract. This case is still pending.

MORTGAGE LOAN ORIGINATOR LICENSE ENDORSEMENT APPLICATION

7.

On or about March 13, 2013, Respondent submitted an application ("MU4") to the Bureau of Real Estate for an individual real estate salesperson mortgage loan originator ("MLO") license endorsement. In response to Question (D) of the disclosure section of the mortgage loan originator license endorsement application MU4, to wit: "Do you have any unsatisfied judgments or liens against you?" Respondent marked the answer box denoting "No," and failed to disclose the information described above in Paragraphs 3 through 5.

CalBRE Statement of Issues - David John Moussighi

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GROUNDS FOR DENIAL OF LICENSE ENDORSEMENT

(Lack of Evidence of Financial Responsibility)

8.

The Commissioner may deny a mortgage loan originator license endorsement if an applicant fails to demonstrate such financial responsibility, character, and general fitness as to command the confidence of the community and warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently. The facts alleged in Paragraphs 3 through 5, above, constitute cause for denial of Respondent's MLO license endorsement application pursuant to Code Section 10166.05(C) and Regulation 2758.3(A).

(Failure to Disclose)

9.

The Commissioner may deny a mortgage loan originator license endorsement if an applicant withholds information or makes a material misstatement in an application for a license endorsement or license endorsement renewal pursuant to Code section 10166.051(B). The facts alleged in Paragraph 7 above, constitute cause for denial of Respondent's application for a license endorsement under Code Section 10166.051(B).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and sections 11500 through 11528 of the California Government Code.

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CalBRE Statement of Issues - David John Moussighi