

FILED

May 21, 2012

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By  _____

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 To:)
12) NO. 11389 SF
13) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

15 The Real Estate Commissioner (Commissioner) of the State of California has
16 caused an investigation to be made of the activities of JIM DAMAN aka HOSSEIN
17 DAMANKESHIDEH (DAMAN), including engaging in the business of, acting in the capacity
18 of, advertising or assuming to act as a real estate broker in the State of California within the
19 meaning of Section 10131(d) of the California Business & Professions Code (the Code). Based
20 upon the findings of that investigation, as set forth below, the Commissioner has determined and
21 is of the opinion that DAMAN, has violated Section 10130 of the Code by engaging in the
22 business of or acting as a real estate salesperson or broker, within the meaning of Sections 10130
23 and 10131(d) of the Code without first having obtained a real estate license from the California
24 Department of Real Estate (Department).

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1 FINDINGS OF FACT

2 1. At no time mentioned herein was DAMAN licensed by the Department in
3 any capacity.

4 2. Effective February 14, 2003, Respondent's real estate salesperson license
5 was revoked in case H-8156 SF before the Department of Real Estate, for violation of Sections
6 490 and 10177(b) of the Code.

7 3. At all times mentioned herein between on or about July 7, 2010, and
8 continuing up to at least February 29, 2012, DAMAN engaged in the business of, acted in the
9 capacity of, or assumed to act as a real estate broker within the State of California within the
10 meaning of Section 10131(d) of the Code, including soliciting borrowers or lenders, negotiating
11 loans, collecting payments, or performing services for borrowers or lenders, including but not
12 limited to real property commonly known as: 3040 Christine Court, Fremont, CA 94536.

13 4. On or about July 7, 2010, and continuing up to at least February 29, 2012,
14 DAMAN solicited and/or received an advance-fee for services in connection with a loan secured
15 directly or collaterally by a lien on real property in violation of Section 10085.5(a) of the Code
16 and Section 2945.4 of the California Civil Code, including but not limited to real property
17 commonly known as: 3040 Christine Court Fremont, CA 94536.

18 5. On or about February 29, 2012, a Department Special Investigator made a
19 call to Respondent for a loan modification. During this call DAMAN solicited and/or
20 demanded an advance fee to perform a loan modification.

21 CONCLUSIONS OF LAW

22 Based on the findings of fact contained in paragraphs 1 through 5, DAMAN
23 among other things, solicited and/or performed services for borrowers and/or lenders, including
24 but not limited to soliciting borrowers or lenders for, negotiating loans, and/or collecting
25 payments and claiming, demanding, charging, receiving, collecting, or contracting for an
26 advance fee for such services. Thus, DAMAN violated Section 10085.5 (a) (Payment of
27 Advanced Fee), Section 10130 (Act as Real Estate Salesperson or Broker Without a License) and

1 10131(d) (Engaged in Mortgage Loan Activities) of the Code and Section 2945.4. (Claim,
2 demand, charge, collect, or receive any fee until after the foreclosure) of the California Civil
3 Code

4 DESIST AND REFRAIN ORDER

5 Based on the Findings of Fact and Conclusions of Law stated herein, JIM
6 DAMAN aka HOSSEIN DAMANKESHIDEH, whether doing business under your own name, or
7 any other name or fictitious name, IS HEREBY ORDERED to:

8 1. Immediately desist and refrain from charging, demanding, claiming,
9 collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
10 for any of the services you offer to others, unless and until he demonstrates and provides
11 evidence satisfactory to the Commissioner that he is properly licensed by the Department as a
12 real estate broker, and that JIM DAMAN aka HOSSEIN DAMANKESHIDEH:

13 (A) Has an advance fee agreement which has been submitted to the
14 Department and which is in compliance with Sections 2970 and 2972 of the Regulations;

15 (B) Has placed all previously collected advance fees into a trust
16 account for that purpose and are in compliance with Section 10146 of the Code;

17 (C) Has provided an accounting to trust fund owner-beneficiaries
18 pursuant to Section 2972 of the Regulations; and

19 (D) Is in compliance with California law, as amended effective as
20 of October 11, 2009, with respect to loan modification and/or forbearance services. Under
21 the amended law, you can only collect advance fees for loan modification or other mortgage
22 loan forbearance services related to commercial loans and loans for residential properties
23 containing five or more dwelling units.

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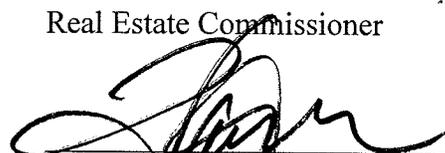
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1 2. Immediately desist and refrain from demanding, claiming, collecting and/or
2 receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and
3 under any conditions, with respect to the performance of loan modification or any other form of
4 mortgage loan forbearance services in connection with loans on residential property containing
5 four or fewer dwelling units.

6 DATED: 5/17/2012

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8 Real Estate Commissioner

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11 By WAYNE S. BELL
 Chief Counsel

12 -NOTICE-

13 Business and Professions Code Section 10139 provides that “Any person acting
14 as a real estate broker or real estate salesperson without a license or who advertises using words
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
19 (\$60,000). . . .”

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21 cc: JIM DAMAN aka HOSSEIN DAMANKESHIDEH
 3155 Stone Valley Road
22 Danville, CA 94526

23
24 ATTY RKU/ga
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