

1 DEPARTMENT OF REAL ESTATE
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FILED

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DEPARTMENT OF REAL ESTATE

By R. Jones

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 TO:

12) DRE No. H-4313 SD
13) PROPERTY FINANCE DEALERS, INC.,)
14) and VIKEN KAKOZIAN, an individual) ORDER TO DESIST AND REFRAIN
15) (B&P Code Section 10086)

16 The Commissioner of the California Department of Real Estate (hereinafter
17 "Commissioner") caused an investigation to be made of the activities of PROPERTY FINANCE
18 DEALERS, INC. ("PFD"), and VIKEN KAKOZIAN ("VK"). Based on the investigation, the
19 Commissioner has determined PFD and VK have engaged in, are engaging in, or are attempting
20 to engage in, acts or practices constituting violations of the California Business and Professions
21 Code (the "Code") and/or Title 10, Chapter 6, California Code of Regulations (the
22 "Regulations"), including the business of, acting in the capacity of, and/or advertising or
23 assuming to act as, a real estate broker in the State of California within the meaning of Section
24 10131(d) (performing services for borrowers in connection with loans secured by real property)
25 of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the
26 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
27 authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to PFD those acts are alleged to have been
2 done by, VK, acting by himself, or by and/or through one or more agent, associate, affiliate, its
3 subsidiaries which include: Fight The Bank Now; Federal Foreclosure Relief; Property Finance
4 Dealers, Inc.; PropertyFinanceDealers.org; National Short Sale Brokers; and Home Loan
5 Investigation Center; and/or co-conspirators.

6 FINDINGS OF FACT

7 1. At all times relevant herein neither PFD nor VK held a valid California
8 real estate license in any capacity.

9 2. During the period of time set out below, PFD, VK, and/or other agents,
10 associates, affiliates, and/or co-conspirators solicited one or more borrowers and negotiated to do
11 one or more of the following acts for another or others, for or in expectation of compensation:
12 negotiate one or more loans for, or perform services for, borrowers and/or lenders in connection
13 with loans secured directly or collaterally by one or more liens on real property; and charge or
14 demand a fee for any of the services offered which require a valid real estate license issued by
15 the Department, in violation of Sections 10130 (Real Estate Broker License Required to Perform
16 Certain Acts) and 10139 (Criminal Penalties for Unlicensed Activity) of the Code.

17 3. PFD is a Wyoming corporation identified as inactive- administratively
18 dissolved (tax) by the State of Wyoming, and not a California corporation nor registered with the
19 California Secretary of State as a foreign corporation in good standing and authorized to conduct
20 business in the state of California, but solely filed a fictitious business statement with the County
21 Recorder for San Diego County stating it is a corporation with offices in Vista, California.

22 4. On or about June 25, 2011, about three days before a Trustee Sale was
23 scheduled to be held and after a notice of default had been recorded against Pedro O's ("the
24 Borrower") Angus Street, Fresno, California property, VK met with the Borrower concerning a
25 possible residential mortgage loan modification for the Borrower's residential property. During
26 this meeting, the Borrower was informed by VK that PFD's fee to represent the Borrower for a
27 loan modification was a \$250.00 initial evaluation fee, paid in advance, and an additional fee

1 would be charged during the loan modification process. On June 25, 2011, the Borrower
2 provided a check payable to PFD in the amount of \$250.00 as an advance payment for loan
3 modification services to be rendered by PFD.

4 5. On or about August 23, 2011, a Deputy Real Estate Commissioner
5 acting undercover contacted VK about the possibility of obtaining a loan modification. The
6 deputy was informed that VK would charge \$100.00, in advance, for an "initial assessment"
7 which would be applied to a PFD \$350.00 intake fee. VK further stated that if a loan
8 modification was made, an additional fee of \$250.00 would be collected.

9 CONCLUSIONS OF LAW

10 6. Based on the findings of fact contained in paragraphs 1 through 5,
11 above, PFD, acting by and/or through VK and one or more agents, associates, affiliates, and/or
12 co-conspirators, unknown at this time, solicited one or more borrowers and performed services
13 for those borrowers and/or those borrowers' lenders in connection with loans secured directly
14 or collaterally by one or more liens on real property, acts which require a real estate license
15 under Section 10131(d) of the Code, during a period of time when PFD and VK were not
16 licensed by the Department in any capacity, in violation of Section 10130 of the Code.

17 DESIST AND REFRAIN ORDER

18 Based on the Findings of Fact and Conclusions of Law stated herein:

19 VIKEN KAKOZIAN, doing business under your own name, the corporate name
20 PROPERTY FINANCE DEALERS, INC., and/or any corporation which does not hold a valid
21 California Department of Real Estate corporate broker license or any other names or fictitious
22 names, is HEREBY ORDERED to:

23 1. Immediately desist and refrain from performing any acts within the State
24 of California for which a real estate broker license is required. In particular, VK is ordered to
25 desist and refrain from soliciting borrowers and/or performing services for borrowers or lenders
26 in connection with loans secured directly or collaterally by one or more liens on real property,
27 unless and until VK obtains a real estate broker license issued by the Department.

1 2. Immediately desist and refrain from charging, demanding, claiming,
2 collecting, and/or receiving advance fees, as that term is defined in Section 10026 of the Code,
3 for any of the services VK offers to others, unless and until VK demonstrates and provides
4 evidence satisfactory to the Commissioner that VK is properly licensed by the Department as a
5 real estate broker, and:

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

8 (B) VK has placed all previously collected advance fees into a trust account
9 for that purpose and is in compliance with Section 10146 of the Code;

10 (C) VK has provided an accounting to trust fund owner-beneficiaries pursuant
11 to Section 2972 of the Regulations; and

12 (D) VK is in compliance with California law, as amended effective as of
13 October 11, 2009, with respect to loan modification and/or forbearance services. Under the
14 amended law, VK can only collect advance fees for loan modification or other mortgage loan
15 forbearance services related to commercial loans and loans for residential properties containing
16 five or more dwelling units.

17 As to PROPERTY FINANCE DEALERS, INC., its subsidiaries which include:
18 Fight The Bank Now; Federal Foreclosure Relief; Property Finance Dealers, Inc.;
19 PropertyFinanceDealers.org;; National Short Sale Brokers; and Home loan Investigation Center,
20 and doing business as any other unknown corporation which does not hold a valid corporate
21 broker license issued by the Department and/or is doing business under all other subsidiaries
22 which does not hold a valid Department issued license, are HEREBY ORDERED to:

23 1. Immediately desist and refrain from performing any acts within the State of
24 California for which a real estate corporate broker license is required, and in particular, desist
25 and refrain from soliciting borrowers and/or performing services for borrowers or lenders in
26 connection with loans secured directly or collaterally by one or more liens on real property.

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1 2. Immediately desist and refrain from charging, demanding, claiming, collecting,
2 and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of
3 the services PFD offers to others, unless and until PFD, a Wyoming corporation Inactive-
4 administratively dissolved (tax) by the State of Wyoming, demonstrates and provides evidence
5 satisfactory to the Commissioner that PFD is a corporation in good standing with the State of
6 California, is authorized to conduct business within the State of California, is properly licensed
7 by the Department as corporate real estate brokers, and:

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

10 (B) PFD has placed all previously collected advance fees into a trust account
11 for that purpose and are in compliance with Section 10146 of the Code;

12 (C) PFD has provided an accounting to trust fund owner-beneficiaries
13 pursuant to Section 2972 of the Regulations; and

14 (D) PFD is in compliance with California law, as amended effective as of
15 October 11, 2009, with respect to loan modification and/or forbearance services. Under the
16 amended law, PFD can only collect advance fees for loan modification or other mortgage loan
17 forbearance services related to commercial loans and loans for residential properties containing
18 five or more dwelling units.

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20 DATED: 2/28/12

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22 BARBARA J. BIGBY
23 Acting Real Estate Commissioner

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NOTICE:

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2 Business and Professions Code Section 10139 provides that "Any person acting as a
3 real estate broker or real estate salesperson without a license or who advertises using words
4 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
5 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
6 imprisonment in the county jail for a term not to exceed six months, or by both fine and
7 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
8 (\$60,000)..."

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10 cc: PROPERTY FINANCE DEALERS, INC
11 1235 Buena Vista Drive
12 Vista, CA 92081

13 VIKEN KOKOZIAN
14 PO Box 1539
15 Vista, CA 92085

16 PROPERTY FINANCE DEALERS, INC
17 c/o SmallBiz Agents, Inc., Agent for Service of Process
18 109 w. 17th Street
19 Cheyenne, WY 82001
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