

1 DEPARTMENT OF REAL ESTATE
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FILED

AUG 6 2009

DEPARTMENT OF REAL ESTATE

By R Henry

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 To:)
11) NO. H-3999 SD
12)
13) ORDER TO DESIST AND
14) REFRAIN
15) (B&P Code Section 10086)
16)
17)

17 The Commissioner (Commissioner) of the California Department of Real Estate
18 (Department) caused an investigation to be made of the activities of ROB M. ZAKIR (ZAKIR)
19 doing business as UNITED SECURITY SERVICES, INC. (USSS), OMNI REAL ESTATE
20 NETWORK and/or USMODIFIEDLOAN.COM. Based on that investigation, the Commissioner
21 has determined that ZAKIR, as a real estate licensee, has engaged in acts or practices
22 constituting violations of the California Business and Professions Code (Code), including
23 Section 10130 (engaging in the business of advertising or assuming to act as a real estate broker
24 without first obtaining a real estate license), 10159.5 (failure to file fictitious business name with
25 the Department), 10177(c) (knowingly authorized or aided in the publication of a material false
26 statement concerning designation or certification), and 10177(d) (willfully disregarded or
27 violated the real estate law). Also, ZAKIR's activities are in violation of Title 10, California

1 Code of Regulations (Regulations), including Sections 2731(a) (failure to file fictitious business
2 name with the Department), 2728.5 (failure to file a branch office with the Department),
3 2848(a)(1) (using words such as "guaranteed" and "insured" to describe security of funds),
4 2848(a)(2) (use of ambiguous terms), 2848(a)(12) (implying governmental endorsement), and
5 2848(a) (13) (falsely representing the number and location of business offices) by knowingly
6 advertising or causing or permitting to be advertised statements or representations with regard to
7 rates, terms, or conditions for making or negotiating loans which are not in compliance with
8 advertising statutes and are also false, misleading or deceptive. Furthermore, based on the
9 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
10 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

11 Whenever acts referred to below are attributed to ZAKIR, those acts are alleged to
12 have been done by ZAKIR, acting by himself, or by and/or through one or more agents,
13 associates, affiliates, and/or co-conspirators, and using the names United Security Services, Inc.,
14 Omni Real Estate Network, USModifiedloans.com and/or other names or fictitious names
15 unknown at this time.

16 FINDINGS OF FACT

17 1. ZAKIR has been licensed by the Department as a real estate salesperson
18 since February 25, 2003 and as a real estate broker since February 18, 2009. ZAKIR is the
19 designated officer for USSI.

20 2. USSI was originally licensed as a real estate corporation under the name
21 Omni Mortgage Network, Inc. on February 8, 2006. USSI has the following three fictitious
22 business names: Omni Mortgage Network, Omni Real Estate Network, and
23 USModifiedloans.com.

24 3. On or about October 16, 2008, Sylvia I. Yrigollen (YRIGOLLEN), a Senior
25 Deputy Commissioner, sent a letter to ZAKIR addressing the violations on the
26 USModifiedloans.com website.

1 4. At that time, USModifiedloans.com was not licensed by the Department, the
2 Department had no record of the address listed on the website, the broker license designation was
3 missing, and the site used the phrases "approved by the DRE," "we guarantee it," and "we are
4 experts at loan modification."

5 5. On or about October 29, 2008, the Department received a letter from the
6 Respondent indicating that a DBA had been filed, the address had been corrected, and that the
7 words "approved by the DRE" meant he was licensed and "we guarantee it" referred to a money
8 back guarantee. The Respondent informed the Department that the website was no longer active
9 and that those comments would be removed.

10 6. On or about October 31, 2008, Yrigollen conducted an internet search to
11 verify compliance and found the website was still operational and the violations had not been
12 corrected.

13 7. The fictitious business name USModifiedloans.com is now listed on USSI's
14 license, the address is not licensed by the Department and is not a valid San Diego address, and the
15 words in violation of the advertising statute continue to be displayed on the USModifiedloans.com
16 website.

17 CONCLUSIONS OF LAW

18 8. Based on the findings of fact contained in paragraphs 1 through 7, ZAKIR,
19 acting by himself, or by and/or through one or more agents, associates, affiliates, and/or co-
20 conspirators, and using the name "United Security Services, Inc.," or other names or fictitious
21 names unknown at this time, violated Sections 10130 (engaging in the business of advertising or
22 assuming to act as a real estate broker without first obtaining a real estate license), 10159.5
23 (failure to file fictitious business name with the Department), 10177(c) (knowingly authorized or
24 aided in the publication of a material false statement concerning designation or certification), and
25 10177(d) (willfully disregarded or violated the real estate law) of the Code and Sections 2731(a),
26 2731(a) (failure to file fictitious business name with the Department), 2728.5 (failure to file a
27 branch office with the Department), 2848(a)(1) (using words such as "guaranteed" and "insured"

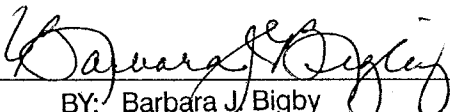
1 to describe security of funds), 2848(a)(2) (use of ambiguous terms), 2848(a)(12) (implying
2 governmental endorsement), and 2848(a) (13) (falsely representing the number and location of
3 business offices) of the Regulations.

4 DESIST AND REFRAIN ORDER

5 Based on the Findings of Fact and Conclusions of Law stated herein, you,
6 ROB M. ZAKIR, whether doing business under your own names, or any other
7 names or fictitious names, ARE HEREBY ORDERED to immediately desist and refrain from
8 causing to be published advertisements which include statements or representations with regard
9 to rates, terms, or conditions for making or negotiating loans which are not in compliance with
10 advertising statutes and are false, misleading or deceptive.

11 DATED: 7-30-09

12 JEFF DAVI
13 Real Estate Commissioner

14 By 
15 BY: Barbara J. Bigby
16 Chief Deputy Commissioner

17 cc: Rob M. Zakir
18 4730 Plummer Court
19 San Diego, CA 92130
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