

FILED

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DEPARTMENT OF REAL ESTATE
BY: Lana B. Dow

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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| | | |
|---------------------------------|---|--------------------------|
| 11 To: |) | No. H-37047 LA |
| |) | |
| 12 IHSSAN HADDAD, WASSAM ISMAIL |) | <u>ORDER TO DESIST</u> |
| 13 WENDY MARTINEZ, BRIGITTE |) | <u>AND REFRAIN</u> |
| 14 MUNIZ and VEKEN NAHHAS. |) | |
| |) | (B&P Code Section 10086) |
| 15 |) | |

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of IHSSAN HADDAD
18 ("HADDAD"), WASSAM ISMAIL ("ISMAIL"), WENDY MARTINEZ ("MARTINEZ")
19 BRIGITTE MUNIZ ("MUNIZ") and VEKEN NAHHAS ("NAHHAS"). Based on that
20 investigation the Commissioner has determined that HADDAD, ISMAIL, MARTINEZ, MUNIZ
21 and NAHHAS have engaged in or are engaging in acts or are attempting to engage in the
22 business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers
23 in the State of California within the meaning of Business and Professions Code Sections
24 10131(d) (soliciting, negotiating and performing services for borrowers in connection with loans
25 secured by real property) and 10131.2 (advance fee handling).

26 In addition, based on that investigation, the Commissioner has determined that
27 HADDAD, ISMAIL, MARTINEZ, MUNIZ and NAHHAS have engaged in or are engaging in

1 acts or are attempting to engage in practices constituting violations of the California Business
2 and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations").
3 Based on the findings of that investigation, set forth below, the Commissioner hereby issues the
4 following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the
5 authority of Section 10086 of the Code.

6 FINDINGS OF FACT

7 1. HADDAD is not presently licensed by the Department in any capacity.
8 From September 16, 1996 to October 14, 2005, HADDAD was licensed by the Department as a
9 real estate salesperson. Pursuant to Code Section 10201, HADDAD no longer retains any
10 renewal rights.

11 2. ISMAIL, MARTINEZ, MUNIZ and NAHHAS are not now, and have
12 never been, licensed by the Department in any capacity.

13 3. At the times set forth below HADDAD, ISMAIL, MARTINEZ, MUNIZ and
14 NAHHAS negotiated to do one or more of the following acts for another or others, for or in
15 expectation of compensation: engaged in the business of, acted in the capacity of, or advertised a
16 loan modification and negotiation service and advance fee brokerage with respect to loans which
17 were secured by liens on real property for compensation or in expectation of compensation and
18 for fees collected in advance of the transaction.

19 James M. Transaction

20 4. On or about January 31, 2009, after NAHHAS promised to perform loan
21 modification services, James M. signed a Loan Modification Contract, in which he agreed to
22 pay Pacific Loan Solutions Inc ("PLSI") \$6,400 in advance fees. These advance fees were
23 collected by NAHHAS.

24 Jerry B. Transaction

25 5. In or about February 2009, MARTINEZ solicited Jerry B. regarding loan
26 modification services. On or about February 10, 2009, Jerry B. signed a Loan Modification
27 Contact, in which he agreed to pay PLSI \$11,600 in advance fees. HADDAD and MUNIZ also

1 participated in the solicitation and negotiation of Jerry B.'s loan modification.

2 Victor S. Transaction

3 6. On or about February 12, 2009, ISMAIL and NAHHAS promised to
4 negotiate a loan modification for Victor S. In response, Victor S. signed a Loan Modification
5 Contact, in which he agreed to pay PLSI \$8,000 in advance fees. NAHHAS collected the
6 advance fees from Victor S.

7 Klara M. Transaction

8 7. On or about September 10, 2009, NAHHAS solicited Klara M. and offered to
9 negotiate a loan modification on her behalf. In response, Klara M. signed a contract to pay
10 \$7,859 in advance fees.

11 CONCLUSIONS OF LAW

12 8. Based on the information contained in Paragraphs 1 through 7 above,
13 HADDAD, ISMAIL, MARTINEZ, MUNIZ and NAHHAS violated Code Section 10130 by
14 engaging in activities requiring broker licenses without first obtaining broker licenses from the
15 Department.

16 DESIST AND REFRAIN ORDER

17 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
18 herein, it is hereby ordered that:

- 19 (A) IHSSAN HADDAD, immediately desist and refrain from: performing
20 any acts within the State of California for which a real estate broker
21 license is required, unless you are so licensed.
- 22 (B) WASSAM ISMAIL immediately desist and refrain from: performing any
23 acts within the State of California for which a real estate broker license is
24 required, unless you are so licensed.
- 25 (C) WENDY MARTINEZ immediately desist and refrain from: performing
26 any acts within the State of California for which a real estate broker
27 license is required, unless you are so licensed.

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(D) BRIGITTE MUNIZ immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed.

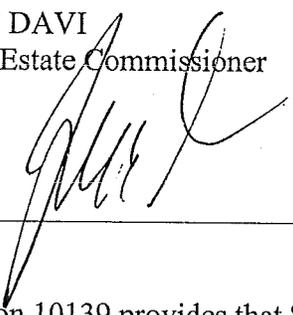
(E) VEKEN NAHHAS immediately desist and refrain from: performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed.

IT IS FURTHER ORDERED THAT IHSSAN HADDAD, WASSAM ISMAIL, WENDY MARTINEZ, BRIGITTE MUNIZ and VEKEN NAHHAS immediately desist and refrain from:

1. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loans on residential property containing four or fewer dwelling units.
2. Charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any of the other real estate related services offered to others, unless and until they demonstrate and provide evidence satisfactory to the Commissioner that they:
 - (a) have an advance fee agreement which has been submitted to the Department and which is in compliance with Section 10085 of the Code and Section 2970 of the Regulations;
 - (b) have placed all previously collected advance fees into a trust account for that purpose and is in compliance with Section 10146 of the Code; and
 - (c) have provided an accounting to trust fund owner-beneficiaries from whom advance fees have previously been collected in compliance with Section 10146 of the Code and Section 2972 of the Regulations.

1 DATED: 1-20-2011

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3 JEFF DAVI
Real Estate Commissioner

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

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20 cc: IHSSAN HADDAD
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22 Artesia, CA 90702
23 WASSAM ISMAIL
24 BRIGITE MUNIZ
25 VEKEN NAHHAS
26 WENDY MARTINEZ
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