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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: *Guadalupe Alvarez*

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Dept. of Real Estate

SEP 29 2011

8 BEFORE THE DEPARTMENT OF REAL ESTATE
MAIL SORT #2

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-37556 LA
12 NIGHTSTAR CONSULTING,)	
13 US FORECLOSURE RELIEF)	
14 ORGANIZATION and ALI)	<u>ORDER TO DESIST</u>
MANESH)	<u>AND REFRAIN</u>
)	
)	(B&P Code Section 10086)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of NIGHTSTAR
18 CONSULTING ("NIGHTSTAR"), US FORECLOSURE RELIEF ORGANIZATION
19 ("USFRO") and ALI MANESH ("MANESH"). Based on that investigation the Commissioner
20 has determined that NIGHTSTAR, USFRO and MANESH have engaged in, or are engaging in,
21 acts, or are attempting to engage in the business of, acting in the capacity of, and/or advertising
22 or assuming to act as real estate brokers in the State of California within the meaning of
23 Business and Professions Code Sections 10131(d) (negotiating loans, or collecting payments, or
24 performing services for borrowers in connection with loans secured by real property) and
25 10131.2 (advance fee handling).

26 In addition, based on that investigation, the Commissioner has determined that

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

7 FINDINGS OF FACT

8 1. NIGHTSTAR, USFRO and MANESH are not now, nor have they ever
9 been, licensed by the Department in any capacity.

10 2. At the times set forth below NIGHTSTAR, USFRO and MANESH
11 negotiated to do one or more of the following acts for another or others, for or in expectation of
12 compensation: engaged in the business of, acted in the capacity of, or advertised a loan
13 modification and negotiation service and advance fee brokerage with respect to loans which were
14 secured by liens on real property for compensation or in expectation of compensation and for
15 fees collected in advance of the transaction.

16 Keith J. Transaction

17 3. In or about July 15, 2008, Keith J. entered into an agreement in which
18 USFRO would negotiate a modification of Keith J.’s home mortgage loan in exchange for
19 payment of an advance fee. Also on July 15, 2008, Keith J. submitted \$5985 to NIGHTSTAR as
20 advance fees for a loan modification. After Keith J. entered into this advance fee agreement,
21 MANESH informed Keith J. that MANESH would negotiate the loan modification with Keith
22 J.’s lender.

23 CONCLUSIONS OF LAW

24 4. Based on the information contained in Paragraphs 1 through 3 above,
25 NIGHTSTAR, USFRO and MANESH violated Code Section 10130 by engaging in activities
26 requiring a broker license without first obtaining a broker license from the Department.

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DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that NIGHTSTAR CONSULTING, US FORECLOSURE RELIEF ORGANIZATION and ALI MANESH, whether doing business under their own names, or any other names, or any fictitious names, are hereby ordered to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required. In particular, they are ORDERED TO 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; and
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.

DATED: 9/26, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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

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cc: NIGHTSTAR CONSULTING
11950 Idaho Ave #116
Los Angeles, CA 90025

US FORECLOSURE RELIEF ORGANIZATION
ALI MANESH
19744 Beach Boulevard, Suite #148
Huntington Beach, CA 92648