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June 14*

FILED
JUN 14 2007
DEPARTMENT OF REAL ESTATE

R. Meadows

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28165 LA
)	
SAMEH AMIN SOLIMAN,)	
)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 20, 1999, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to apply for and be issued a restricted real estate broker license on certain terms and conditions. A restricted real estate broker license was issued to Respondent on September 21, 1999.

On or about October 20, 2003, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition.

///

1 ///

2 I have considered Respondent's petition and the
3 evidence and arguments in support thereof. Respondent has
4 failed to demonstrate to my satisfaction that Respondent has
5 undergone sufficient rehabilitation to warrant the
6 reinstatement of Respondent's real estate broker license, in
7 that:
8

9 I

10 In the Decision which revoked Respondent's real
11 estate broker license, there were Determination of Issues made
12 that there was cause to revoke Respondent's real estate license
13 pursuant to Business and Professions Code ("Code") Section
14 10177(d), for violation of Code Section 10145 and Sections 2831
15 and 2831.2, Title 10, Chapter 10, California Code of
16 Regulations ("Regulations").
17

18 The facts underlying said discipline were that on or
19 about November 20, 1998, the Department of Real Estate
20 completed an audit of Respondent's activities for the period
21 of November 1, 1997 through October 21, 1998. Said audit found
22 violations of the Real Estate Law.
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1 II

2 The burden of proving rehabilitation rests with the
3 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

4 A petitioner is required to show greater proof of honesty and
5 integrity than an applicant for first time licensure. The
6 proof must be sufficient to overcome the prior adverse judgment
7 on the applicant's character (Tardiff v. State Bar (1980) 27
8 Cal. 3d 395).

9
10 The Department has developed criteria in Regulation
11 2911, to assist in evaluating the rehabilitation of an
12 applicant for reinstatement of a license. Among the criteria
13 relevant in this proceeding are:
14

15 2911(k) - Respondent has not corrected business
16 practices. Subsequent audits were conducted of Respondent's
17 activities for the period of January 1, 1999 through January
18 31, 2000 and January 31, 2001 through January 31, 2004.

19 The audits found violations of the Real Estate Law.
20

21 2911(n) (1) - As part of the petition application
22 process, Respondent had an interview with a Deputy Real Estate
23 Commissioner. Respondent did not display a change in attitude.

24 Given the fact that Respondent has not established
25 that Respondent has complied with Regulation 2911(k) and
26 2911(n) (1), I am not satisfied that Respondent is sufficiently
27 rehabilitated to receive a plenary real estate broker license.

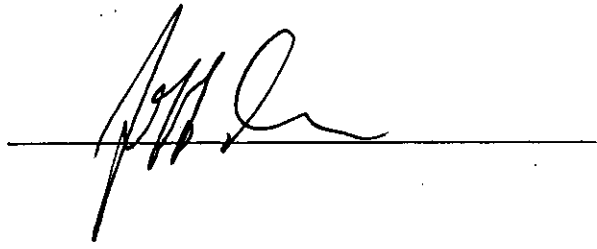
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NOW, THEREFORE, IT IS ORDERED that Respondent's
petition for reinstatement of Respondent's real estate broker
license is denied.

This Order shall become effective at 12 o'clock noon
on JUL 5 2007.

DATED: 6-8-07.

JEFF DAVI
Real Estate Commissioner



cc: Sameh A. Soliman
2482 Newport Blvd., # 5
Costa Mesa, CA 92627

1 Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

2 Telephone: (213) 576-6982
3 -or- (213) 576-6910 (Direct)

FILED
AUG 30 1999
DEPARTMENT OF REAL ESTATE

By C. B.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 SAMEH AMIN SOLIMAN, individually)
13 and dba Royal Pacific Funding)
Group, and A Class Act Properties,)
14 Respondent.)

NO. H- 28165 LA
L-1999070161

15 STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between SAMEH AMIN
17 SOLIMAN, individually and dba Royal Pacific Funding Group, and A
18 Class Act Properties (hereinafter "Respondent"), representing
19 himself, and the Complainant, acting by and through Chris Leong,
20 Counsel for the Department of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on
22 June 17, 1999, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation, filed by the Department of Real Estate in this
7 proceeding.

8 3. On July 7, 1999, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that Respondent
17 will waive other rights afforded to him in connection with the
18 hearing, such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. In the interest of expedience and economy,
22 Respondent chooses not to contest the factual allegations in
23 Paragraphs 1 through 9 of the Accusation, but to remain silent
24 and understands that, as a result thereof, these factual
25 statements, without being admitted or denied, will serve as a
26 prima facie basis for the disciplinary action stipulated to
27 herein. The Real Estate Commissioner shall not be required to



1 provide further evidence to prove such allegations.

2 5. It is understood by the parties that the Real
3 Estate Commissioner may adopt the Stipulation and Agreement as
4 his Decision in this matter thereby imposing the penalty and
5 sanctions on Respondent's real estate licenses and license
6 rights as set forth in the "Order" below. In the event that the
7 Commissioner in his discretion does not adopt the Stipulation
8 and Agreement, it shall be void and of no effect, and Respondent
9 shall retain the right to a hearing and proceeding on the
10 Accusation under all the provisions of the APA and shall not be
11 bound by any admission or waiver made herein.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions
14 and waivers and solely for the purpose of settlement of the
15 pending Accusation without a hearing, it is stipulated and
16 agreed that the following Determination of Issues shall be made:

17 The acts and omissions of Respondent, described in
18 Paragraphs 1 through 9 of the Accusation, are in violation of
19 Section 10145 of the Business and Professions Code and Sections
20 2831 and 2831.2 of the Regulations, which is cause for the
21 suspension or revocation of all real estate licenses and license
22 rights of Respondent under the provisions of Section 10177(d) of
23 the Business and Professions Code.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 A. The licenses and license rights of Respondent,
27 under the provisions of Part 1 of Division 4 of the Business and



1 Professions Code, are hereby revoked commencing on the effective
2 date of this Decision. However, Respondent shall be entitled to
3 apply for and be issued a restricted real estate broker license
4 pursuant to Section 10156.5 of the Code, if Respondent:

5 1. Makes application therefor and pay to the
6 Department the appropriate fee for said license within one year
7 from the effective date of this Decision.

8 2. The restricted license issued to Respondent shall
9 be subject to all of the provisions of Section 10156.7 of the
10 Business and Professions Code and to the following limitations,
11 conditions, and restrictions imposed under authority of Section
12 10156.6 of the Code.

13 3. The restricted license may be suspended prior to
14 hearing by Order of the Real Estate Commissioner in the event of
15 Respondent's conviction or plea of nolo contendere to a crime
16 which bears a significant relationship to Respondent's fitness
17 or capacity as a real estate licensee.

18 4. The restricted license may be suspended, prior to
19 and pending final determination after formal hearing by Order of
20 the Real Estate Commissioner based upon evidence satisfactory to
21 the Commissioner that Respondent has, subsequent to the date
22 hereof, violated provisions of the California Real Estate Law,
23 the Subdivided Lands Law, Regulations of the Real Estate
24 Commissioner or conditions attaching to the restricted license.

25 5. Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate license nor the removal
27 of any of the conditions, limitations or restrictions of the



1 restricted license until at least one year has elapsed from the
2 date of this Decision.

3 6. Respondent shall pay, pursuant to Section 10148 of
4 the Business and Professions Code, the Commissioner's reasonable
5 costs for an audit to determine if Respondent has corrected the
6 trust fund violations found in the Determination of Issues. In
7 calculating the amount of the Commissioner's reasonable costs,
8 the Commissioner may use the estimated average hourly salary for
9 all persons performing audits of real estate brokers, and shall
10 include an allocation for travel costs, including mileage, time
11 to and from the auditor's place of work, and per diem. The
12 Commissioner's reasonable costs shall in no event exceed
13 \$2,200.00.

14 a. Respondent shall pay such costs within 45 days of
15 receipt of an invoice from the Commissioner detailing the
16 activities performed during the audit and the amount of time
17 spent performing those activities;

18 b. Notwithstanding the provisions of any other
19 paragraph herein, if Respondent fails to pay, within 45 days
20 from receipt of the invoice specified above, the Commissioner's
21 reasonable costs for an audit to determine if Respondent has
22 corrected the violations found in the Determination of Issues,
23 the Commissioner may order the indefinite suspension of
24 Respondent's real estate license and license rights. The
25 suspension shall remain in effect until payment is made in full,
26 or until Respondent enters into an agreement satisfactory to the
27 Commissioner to provide for such payment. The Commissioner may



1 impose further reasonable disciplinary terms and conditions upon
2 Respondent's real estate license and license rights as part of
3 any such agreement.

4 7. Respondent shall, within six (6) months from the
5 effective date of this Decision, take and pass the Professional
6 Responsibility Examination administered by the Department,
7 including the payment of the appropriate examination fee. If
8 Respondent fails to satisfy this condition, the Commissioner may
9 order suspension of the license until Respondent passes the
10 examination.

11 8. Respondent shall, within nine (9) months from the
12 effective date of this Decision, present evidence satisfactory
13 to the Real Estate Commissioner that he has, since the most
14 recent issuance of an original or renewal real estate license,
15 taken and successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
17 for renewal of a real estate license. If Respondent fails to
18 satisfy this condition, the Real Estate Commissioner shall
19 afford Respondent the opportunity for a hearing pursuant to the
20 Administrative Procedure Act to present such evidence.

21 9. Any restricted license issued to Respondent under
22 the Real Estate Law is suspended for a period of thirty (30)
23 days from the issuance of; provided, however, the suspension
24 shall be permanently stayed upon condition that:

25 a. Respondent pays a monetary penalty pursuant to
26 Section 10175.2 of the Business and Professions Code at the rate
27



1 of \$50.00 for each day of the suspension for a total monetary
2 penalty of \$1,500.00.

3 b. Said payment shall be in the form of a cashier's
4 check or certified check made payable to the Recovery Account of
5 the Real Estate Fund. Said check must be delivered to the
6 Department prior to the effective date of the Decision in this
7 matter.

8 10. As a further condition of receiving a restricted
9 real estate broker license, Respondent shall pay complainant
10 Patricia Hayes \$1,000.00 prior to the date any such restricted
11 license is issued.


12 DATED: 8/10/99
13 CHRIS LEONG
14 CHRIS LEONG, ESQ.
15 Counsel for Complainant

16 * * *

17 I have read the Stipulation and Agreement and its
18 terms are understood by me and are agreeable and acceptable to
19 me. I understand that I am waiving rights given to me by the
20 California Administrative Procedure Act (including but not
21 limited to Sections 11506, 11508, 11509 and 11513 of the
22 Government Code), and I willingly, intelligently and voluntarily
23 waive those rights, including the right of requiring the
24 Commissioner to prove the allegations in the Accusation at a
25 hearing at which I would have the right to cross-examine
26 witnesses against me and to present evidence in defense and
27 mitigation of the charges.

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DATED: 8-9-99

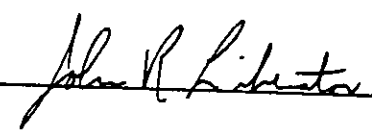

SAMEH AMIN SOLIMAN, individually
and dba Royal Pacific Funding
Group, and A Class Act
Properties, Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on September 21, 1999

IT IS SO ORDERED Aug. 20, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of)
)
SAMEH AMIN SOLIMAN, individually)
and dba Royal Pacific Funding)
Group and A Class Act Properties,)
)

Respondent (s)

Case No. H-28165 LA
OAH No. L-1999070161

FILED
JUL 15 1999
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By C. B. [Signature]

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, SEPTEMBER 9, 1999, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: July 15, 1999

By Chris Leong [Signature]
CHRIS LEONG, Counsel

cc: Sameh Amin Soliman
Sarapuddin/Fajardo
✓ Sacto.
OAH

CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)

FILED
JUN 17 1999
DEPARTMENT OF REAL ESTATE

By C. B. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
SAMEH AMIN SOLIMAN, individually)	NO. H-28165 LA
and dba Royal Pacific Funding)	<u>A C C U S A T I O N</u>
Group, and A Class Act Properties,)	
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SAMEH AMIN SOLIMAN, individually and dba Royal Pacific Funding Group, and A Class Act Properties (hereinafter "Respondent"), is informed and alleges as follows:

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

2.

All Sections of Title 10, Chapter 6, California Code of Regulations, are hereinafter referred to as "Regulations".

3.

1
2 At all times herein mentioned, Respondent was and
3 still is licensed and/or has license rights under the Real
4 Estate Law, Part 1 of Division 4 of the Business and Professions
5 Code (hereinafter "Code"), and was and still is licensed by the
6 Department of Real Estate of the State of California
7 (hereinafter "Department") as a real estate broker, individually
8 and dba Royal Pacific Funding Group, and A Class Act Properties.

9
4.

10 At all times mentioned herein, in Los Angeles County,
11 California, Respondent acted as a real estate broker in the
12 State of California, within the meaning of Code Section
13 10131(d), wherein he arranged, negotiated, processed and
14 consummated, on behalf of others, loans secured by an interest
15 in real property for others for compensation or in expectation
16 of compensation.

17
5.

18 On or about November 20, 1998, the Department
19 completed an audit, LA 980272, of the activities of Respondent,
20 for the period from November 1, 1997 through October 21, 1998.
21 The results of that audit are set forth in Paragraphs 6 and 7.

22
6.

23 During 1997 and 1998, in connection with his real
24 estate business activities, Respondent accepted or received
25 funds in trust (hereinafter "trust funds") from or on behalf of
26 owners and tenants and thereafter made disbursements of such
27 funds. These trust funds were maintained by Respondent in a



1 bank account at Bank of America, 2701-C Harbor Blvd., Costa
2 Mesa, CA. The account was known as Newport Coast Escrow Real
3 Estate Broker Trust Account, Account No. 08676-16680
4 (hereinafter "TA#1").

5 7.

6 In connection with those trust funds described in
7 Paragraph 6, Respondent:

8 (a) collected two advance fees of \$500.00, each, from
9 Patricia Hayes, for a total of \$1,000.00. Said fees were not
10 deposited into a trust account. Also, the "Equity Purchase
11 Agreement" provided by Respondent to Hayes was used without
12 prior approval from the Department. Further, Respondent
13 converted said funds for his personal use. This conduct
14 constitutes conversion, fraud and dishonest dealing, in
15 violation of Code Section 10176(i) and also constitutes an
16 advance fee violation, in violation of Code Section 10146 and
17 Section 2970 of the Regulations;

18 (b) failed to establish and maintain the trust
19 account in the name of the broker as trustee or in the name of a
20 licensed dba, in violation of Code Section 10145 and Section
21 2832 of the Regulations;

22 (c) failed to maintain any columnar records for the
23 trust funds showing all trust funds received, all disbursements,
24 and daily balances, in violation of Section 2831 of the
25 Regulations;

26
27



1 (d) failed to reconcile the balances of the separate
2 ledgers with the balance of the control records at least once a
3 month, in violation of Section 2831.2 of the Regulations;

4 (e) failed to provide or maintain Mortgage Loan
5 Disclosure Statements to or for borrowers, including Kanda
6 Sharawy, Donna Willis, Sylvia Abdel Wahab, Lillian Tanicus,
7 Nabil Abdelmalak, in violation of Code Section 10240 and Section
8 2840 of the Regulations;

9 (f) failed to disclose in the escrow instructions
10 that he had a financial interest in the escrow company, in
11 violation of Section 2950(h) of the Regulations; and

12 (g) used unlicensed dba's, including "Royal Pacific
13 Funding Corp.", "Newport Coast Escrow" and "Class Act
14 Properties", in violation of Section 2731 of the Regulations.

15 FIRST CAUSE OF ACCUSATION

16 (Violation by Respondent of Code Sections 10145, 10146, 10177(d)
17 and 10240 and Sections 2731, 2831, 2831.2, 2832, 2840, 2950(h)
18 and 2970 of the Regulations)

19 8.

20 As a First Cause of Accusation, Complainant
21 incorporates herein by this reference the Preamble and each of
22 the allegations in Paragraphs 1 through 7, herein above.

23 9.

24 The conduct of Respondent, in handling trust funds as
25 alleged in Paragraphs 5 through 7, constitutes violation under
26 Code Sections 10145, 10146 and 10240, and Sections 2731, 2831,
27 2831.2, 2832, 2840, 2950(h) and 2970 of the Regulations. Said

1 conduct is cause pursuant to Code Section 10177(d) for the
2 suspension or revocation of all licenses and license rights of
3 Respondent under the Real Estate Law.

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and license rights of Respondent,
8 SAMEH AMIN SOLIMAN, individually and dba Royal Pacific
9 Funding Group, and A Class Act Properties, under the Real
10 Estate Law (Part 1 of Division 4 of the Business and
11 Professions Code), and for such other and further relief as
12 may be proper under other applicable provisions of law,
13 including the imposition of a fine of up to \$10,000.00
14 pursuant to the provisions of Section 10139.5 of the Business
15 and Professions Code.

16 Dated at Los Angeles, California
17 this 17th day of June, 1999.

18
19 THOMAS MCCRADY
20 Deputy Real Estate Commissioner

21
22
23
24 cc: Sameh Amin Soliman
25 Thomas McCrady
26 Sacto.
27 LA Audit Section/Sarapuddin
SR