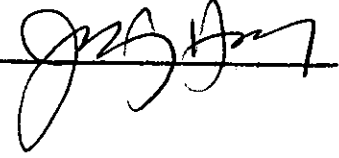


SACTO

FILED  
JUN 04 2002

DEPARTMENT OF REAL ESTATE

By 

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of Accusation of )  
 ) H-28296 LA  
 )  
VIJAY SONI, )  
 )  
Respondent. )

ORDER SUSPENDING REAL ESTATE LICENSE

TO: VIJAY SONI:

On or about November 4, 1999, in Case No. H-28296 LA, the Department of Real Estate ("Department") filed an Accusation against Respondent's real estate broker license. Said Accusation was resolved by Stipulation and Agreement ("Stipulation"). The Stipulation became the Decision of the Real Estate Commissioner effective July 5, 2000.

Said Stipulation suspended Respondent's real estate broker license for a period of sixty (60) days, with the initial thirty (30) day suspension stayed by the payment of a monetary penalty and the remaining thirty (30) day suspension stayed for a period of one year on various terms and conditions. Among said

1 terms, conditions and restrictions, you were required to pay,  
2 pursuant to Section 10148(b) of the Business and Professions Code  
3 ("Code"), the Commissioner's reasonable cost for a subsequent  
4 audit to determine if you had corrected the trust fund violations  
5 that led to the Accusation filed in Case No. H-28296 LA.

6 On or about October 17, 2001, and pursuant to Section  
7 10148(b) of the Code, you were presented with a bill for the cost  
8 of the subsequent audit. Pursuant to Section 10148(c), the cost  
9 of said audit was due and payable within 60 days of the mailing  
10 of the notice of billing. You sought and were granted an  
11 extension of time to January 29, 2002, to submit full payment.

12 The Commissioner has determined that as of the date of  
13 this Order, you have failed to pay the cost of the subsequent  
14 audit, and as such, you are in violation of Section 10148(c) of  
15 the Business and Professions Code.

16 NOW, THEREFORE, IT IS ORDERED under authority of  
17 Section 10148(c) of the Business and Professions Code of the  
18 State of California that the real estate broker license  
19 heretofore issued to Respondent VIAJY SONI and the exercise of  
20 any privileges thereunder is hereby suspended until such time as  
21 Respondent has paid the cost of the subsequent audit to the  
22 Department or until Respondent's right to renew his license has  
23 expired.

24 ///  
25 ///  
26 ///  
27 ///

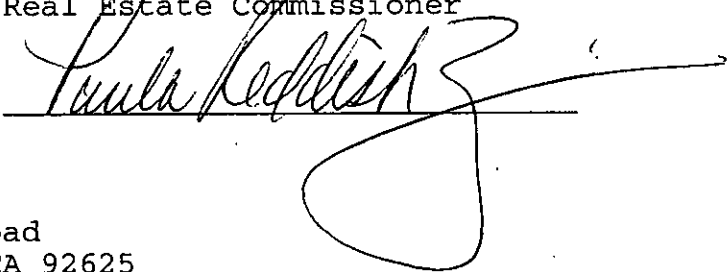
1 IT IS FURTHER ORDERED that all license certificates and  
2 identification cards issued by Department which are in the  
3 possession of Respondent be immediately surrendered by personal  
4 delivery or by mailing in the enclosed, self-addressed envelope  
5 to:

6 Department of Real Estate  
7 Attn: Flag Section  
8 P. O. Box 187000  
9 Sacramento, CA 95818-7000

10 This Order shall be effective immediately.

11 DATED: May 31, 2002

12  
13 PAULA REDDISH ZINNEMANN  
14 Real Estate Commissioner

15 

16 cc: Soni Vijay  
17 11 Rocky Point Road  
18 Corona Del Mar, CA 92625

19 Joseph Christopher, Esq.  
20 3345 Newport Blvd., Suite 200  
21 Newport Beach, CA 92663

22  
23  
24  
25  
26  
27

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

**FILED**  
JUN 15 2000  
DEPARTMENT OF REAL ESTATE

By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 VIJAY SONI, doing business )  
13 as Fastrak Funding and )  
14 First Countrywide Realty, )  
Respondent. )

NO. H-28296 LA  
L-1999110333

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between Respondent  
16 VIJAY SONI, doing business as Fastrak Funding and First  
17 Countrywide Realty (sometimes referred to herein as  
18 "Respondent"), and the Complainant, acting by and through  
19 Darlene Averetta, Counsel for the Department of Real Estate,  
20 as follows for the purpose of settling and disposing of the  
21 Accusation filed on November 4, 1999, in this matter.

22 ///

23 ///

24 ///

25 ///

26 ///

27



1 1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondent  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act ("APA"), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement.

8 2. Respondent has received, read and understands  
9 the Statement to Respondent, the Discovery Provisions of the  
10 APA and the Accusation filed by the Department of Real Estate  
11 ("Department") in this proceeding.

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

24 ///

25 ///

26 ///

27 ///



1 . 4. This Stipulation and Agreement ("Stipulation") is  
2 based on the factual allegations contained in the Accusation  
3 filed in this proceeding. In the interest of expedience and  
4 economy, Respondent chooses not to contest these factual  
5 allegations, but to remain silent and understands that, as a  
6 result thereof, these factual statements, without being admitted  
7 or denied, will serve as a prima facie basis for the disciplinary  
8 action stipulated to herein. This Stipulation and Respondent's  
9 decision not to contest the Accusation are hereby expressly  
10 limited to this proceeding and made for the sole purpose of  
11 reaching an agreed disposition of this proceeding. Respondent's  
12 decision not to contest the factual allegations is made solely  
13 for the purpose of effectuating this Stipulation and is intended  
14 by Respondent to be non-binding upon him in any actions against  
15 Respondent by third parties. The Real Estate Commissioner shall  
16 not be required to provide further evidence to prove such  
17 allegations.

18 5. This Stipulation and any Order made pursuant to  
19 this Stipulation shall have no collateral estoppel or res  
20 judicata effect in any proceedings in which the Respondent and  
21 the Department (or the Department's representative) are not  
22 parties. This Stipulation is made by Respondent and received  
23 by the Commissioner and the Department, with the express  
24 understanding and agreement that it is for the purpose of  
25 settling these proceedings only, and that this Stipulation is  
26 not intended as, and shall not be deemed, used, or accepted as  
27 an acknowledgment or admission of fact in any other judicial,



1 administrative, or other proceeding to which the Department is  
2 not a party.

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

13 7. The Order or any subsequent Order of the Real  
14 Estate Commissioner made pursuant to this Stipulation shall  
15 not constitute an estoppel, merger or bar to any further  
16 administrative or civil proceedings by the Department of Real  
17 Estate with respect to any matters which were not specifically  
18 alleged to be causes for accusation in this proceeding.

19 8. Respondent understands that by agreeing to this  
20 Stipulation, Respondent agrees to pay, pursuant to Business and  
21 Professions Code Section 10148, the cost of the audit which led  
22 to this disciplinary action. The amount of said cost is \$4,200.

23 ///

24 ///

25 ///

26 ///

27 ///



1 9. Respondent has received, read, and understands  
2 the "Notice Concerning Costs of Subsequent Audit". Respondent  
3 further understands that by agreeing to this Stipulation, the  
4 findings set forth below in the DETERMINATION OF ISSUES become  
5 final, and the Commissioner may charge Respondent for the cost  
6 of any subsequent audit conducted pursuant to Business and  
7 Professions Code Section 10148 to determine if the violations  
8 have been corrected. The maximum cost of said audit will not  
9 exceed \$4,200.

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations and waivers and  
12 solely for the purpose of settlement of the pending Accusation  
13 without a hearing, it is stipulated and agreed that the following  
14 determination of issues shall be made:

15 The conduct, acts and/or omissions of Respondent  
16 VIJAY SONI, as set forth in the Accusation, constitute cause to  
17 suspend or revoke the real estate license(s) and license rights  
18 of Respondent VIJAY SONI under the provisions of Business and  
19 Professions Code Section 10177(d) for violation of Business and  
20 Professions Code Sections 10130, 10163 and 10240 and Section 2831  
21 of Title 10, Chapter 6, California Code of Regulations.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///





ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent VIJAY SONI, under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision;

1. provided, however, that thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

(a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California.

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such determination be made, the Commissioner may, in her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. The initial thirty (30) day portion of said sixty (60) day suspension shall commence on the effective date of this Decision; provided, however, that if Respondent petitions, said suspension shall be stayed upon condition that:

(a) Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions in the amount of \$1,000.



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

6                    (c) If Respondent fails to pay the monetary  
7 penalty in accordance with the terms and conditions of the  
8 Decision, the Commissioner may, without a hearing, order the  
9 immediate execution of all or any part of the stayed suspension  
10 in which event the Respondent shall not be entitled to any  
11 repayment nor credit, prorated or otherwise, for money paid to  
12 the Department under the terms of this Decision.

13                    (d) If Respondent pays the monetary penalty and  
14 if no further cause for disciplinary action against the real  
15 estate license of Respondent occurs within one (1) year from the  
16 effective date of the Decision, the stay hereby granted shall  
17 become permanent.

18                    4. Pursuant to Section 10148 of the Business and  
19 Professions Code, Respondent VIJAY SONI shall pay the  
20 Commissioner's reasonable cost for: (a) the audit which led to  
21 this disciplinary action, and (b) a subsequent audit to determine  
22 if Respondent has corrected the trust fund violations found in  
23 the Determination of Issues. The cost of the audit which led to  
24 this disciplinary action is \$4,200. In calculating the amount of  
25 the Commissioner's reasonable cost for the subsequent audit, the  
26 Commissioner may use the estimated average hourly salary for all  
27 persons performing audits of real estate brokers, and shall



1 include an allocation for travel time to and from the auditor's  
2 place of work. Said amount for the subsequent audit shall not  
3 exceed \$4,200.

4 Respondent shall pay the cost of both audits within  
5 sixty (60) days of receiving an invoice from the Commissioner  
6 detailing the activities performed during the audit and the  
7 amount of time spent performing those activities. The  
8 Commissioner may in her discretion, vacate and set aside any stay  
9 order, if payment is not timely made as provided for herein, or  
10 as provided for in a subsequent agreement between the Respondent  
11 and the Commissioner. The vacation and set aside of the stay  
12 shall remain in effect until payment is made in full, or until  
13 Respondent enters into an agreement satisfactory to the  
14 Commissioner to provide for payment. Should no order vacating  
15 the stay be issued, the stay imposed herein shall become  
16 permanent.

17 DATED: April 28, 2000

*Darlene Averetta*  
DARLENE AVERETTA, Counsel for  
the Department of Real Estate

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\* \* \*

I have read the Stipulation and Agreement, have discussed it with my counsel. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 4-21-2000

Vijay Soni  
VIJAY SONI, Respondent

DATED: 4-21-2000

Frank M. Buda  
FRANK M. BUDA, Counsel for  
Respondent Vijay Soni  
Approved as to Form

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent VIJAY SONI, doing business as Fastrak Funding and First Countrywide Realty, and shall become effective at 12 o'clock noon on July 5, 2000.

IT IS SO ORDERED June 6, 2000.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner  
Paula Reddish Zinnemann

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of )

Case No. H-28296 LA

VIJAY SONI, )

OAH No. L-1999110333 )

Respondent(s)

FILED  
MAR 27 2000  
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent(s):

By *[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 MONDAY and TUESDAY, APRIL 17 and 18, 2000, 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

*[Signature]*

By DARLENE AVERETTA, Counsel

Dated: March 27, 2000

cc: Vijay Soni  
Frank M. Buda, Esq.  
J. Lin/Audits  
Sacto.  
OAH

SAC  
BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
 VIJAY SONI, )  
 )  
 )  
 )

Case No. H-28296 LA

OAH No. L-1999110333

\_\_\_\_\_  
Respondent(s)

FILED  
JAN 27 2000  
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent(s):

By C. B.

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 TUESDAY and WEDNESDAY, MARCH 14 and 15, 2000, 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: January 27, 2000

By

  
DARLENE AVERETTA, Counsel

cc: Vijay Soni  
Frank M. Buda, Esq.  
J. Lin/Audits  
Sacto.  
OAH

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
 VIJAY SONI, )  
 )  
 )

Case No. H-28296 LA

OAH No. L-1999110333

Respondent(s)

**FILED**  
NOV 22 1999  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By *CSB*

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 WEDNESDAY and THURSDAY, JANUARY 12 and 13, 2000, 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: November 22, 1999

By *Darlene Averetta*  
DARLENE AVERETTA, Counsel

cc: Vijay Soni  
Sacto.  
OAH

SAC

1 DARLENE AVERETTA, Counsel  
2 (SBN 159969)  
3 Department of Real Estate  
4 320 West 4th Street, Suite 350  
5 Los Angeles, California 90013-1105  
6  
7 Telephone: (213) 576-6982  
8 (Direct) (213) 576-6904  
9

FILED  
NOV - 4 1999  
DEPARTMENT OF REAL ESTATE

By C. B. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-28296 LA  
12 VIJAY SONI, doing business )  
13 as Fastrak Funding and ) A C C U S A T I O N  
14 First Countrywide Realty, )  
15 Respondent. )

16 The Complainant, Thomas McCrady, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against VIJAY SONI, doing business as Fastrak Funding and First  
19 Countrywide Realty, is informed and alleges as follows:

20 1.

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

24 2.

25 VIJAY SONI, doing business as Fastrak Funding and  
26 First Countrywide Realty ("Respondent"), is presently licensed  
27 and/or has license rights under the Real Estate Law, Part 1 of



1 Division 4 of the California Business and Professions Code  
2 ("Code").

3 3.

4 At all times material herein, Respondent was, and  
5 currently is, licensed by the Department of Real Estate of the  
6 State of California ("Department") as a real estate broker.

7 4.

8 All further references to "Respondent", unless  
9 otherwise specified, includes the party identified in  
10 Paragraphs 2 and 3, above, and also includes the employees,  
11 agents, managers, and real estate licensees employed by or  
12 associated with said party, who at all time herein mentioned  
13 were engaged in the furtherance of the business or operations  
14 of said party and who were acting within the course and scope  
15 of their authority, agency or employment.

16 FIRST CAUSE OF ACCUSATION

17 5.

18 On or about April 14, 1999, the Department completed  
19 an examination of Respondent's books and records pertaining to  
20 the real estate and trust fund handling activities described in  
21 Paragraph 6, below, covering a period from approximately  
22 January 16, 1999 through March 31, 1999. Said examination  
23 revealed violations of Title 10, Chapter 6, California Code of  
24 Regulations ("Regulations"), as set forth below.

25 ///

26 ///

27 ///

6.

1  
2 At all times material herein, Respondent engaged in the  
3 business of, acted in the capacity of, advertised or assumed to  
4 act as a real estate broker in the State of California within the  
5 meaning of Code Section 10131(a), for another or others, and for  
6 or in expectation of compensation. Said activity included  
7 the operation and conduct of a real estate sale business with  
8 the public wherein Respondent sold or offered to sell, bought  
9 or offered to buy, solicited prospective sellers or purchasers  
10 of, solicited or obtained listings of, or negotiated the  
11 purchase, sale or exchange of real property or a business  
12 opportunity.

7.

13  
14 In the course of activities described in Paragraph 6,  
15 above, and during the examination period described in Paragraph  
16 5, Respondent acted in violation of the Code and the Regulations  
17 as follows:

18 (a) Respondent failed to maintain a control record of  
19 all trust funds received and not placed in a trust, in violation  
20 of Regulation 2831.

21 (b) Respondent conducted residential resale activities  
22 within the meaning of Code Section 10131(a), at 1307 West 6th  
23 Street, #101, Corona, California, prior to obtaining a branch  
24 office license for said location from the Department, in  
25 violation of Code Section 10163.

26 ///

27 ///



1 (a) the operation and conduct of a real estate sale  
2 business with the public wherein Respondent sold or offered to  
3 sell, bought or offered to buy, solicited prospective sellers or  
4 purchasers of, solicited or obtained listings of, or negotiated  
5 the purchase, sale or exchange of real property or a business  
6 opportunity.

7 (b) the operation and conduct of a mortgage loan  
8 brokerage business with the public wherein Respondent solicited  
9 borrowers or lenders for, or negotiated loans, or collected  
10 payments or performed services, for borrowers or lenders or note  
11 owners in connection with loans secured directly or collaterally  
12 by liens on real property or on a business opportunity.

13 12.

14 At all times material herein, in connection with the  
15 activities described in Paragraph 11, above, Respondent accepted  
16 or received trust funds from or on behalf of parties to  
17 transactions handled by Respondent. Thereafter, Respondent  
18 made deposits and/or disbursements of such funds. From time  
19 to time herein mentioned, said trust funds were deposited  
20 and/or maintained by Respondent in a bank account including,  
21 but not necessarily limited to, Account No. 10158-01651,  
22 "First Countrywide Realty, Inc. Trust Account" at Bank of  
23 America, 4500 Barranca Parkway, Irvine, California 92604.

24 ///

25 ///

26 ///

27 ///

1 In the course of activities described in Paragraphs 11  
2 and 12, above, and during the examination period described in  
3 Paragraph 10, Respondent acted in violation of the Code and the  
4 Regulations as follows:

5 (a) Respondent conducted residential resale activities  
6 within the meaning of Code Section 10131(a), at 222 North  
7 Mountain Avenue, #100A, Upland, California, prior to obtaining a  
8 branch office license for said location from the Department, in  
9 violation of Code Section 10163.

10 (b) Respondent failed to maintain on file a copy of  
11 the written borrower disclosure statement, containing all the  
12 information required by Code Section 10241, in violation of  
13 Code Section 10240 and/or Regulation 2840 and 2840.1.

14 (c) Respondent conducted mortgage loan business within  
15 the meaning of Code Section 10131(d), in the name of Fastrak  
16 Funding Corporation (which was incorporated in the State of  
17 Nevada), without a corporate real estate broker license from the  
18 Department, in violation of Code Section 10130.

19 14.

20 The conduct, acts and/or omissions of Respondent, as  
21 described in Paragraph 13, above, constitutes cause for the  
22 suspension or revocation of Respondent's real estate licenses  
23 and license rights under the provisions of Code Sections 10165,  
24 10177(d) and/or 10177(g).

25 ///

26 ///

27



THIRD CAUSE OF ACCUSATION

(Violation of Code Section 10137)

15.

Complainant incorporates herein by reference the Preamble and the allegations of Paragraphs 1 through 14, inclusive, herein above.

16.

During a period of time in the past three years, in the course of the activities described in Paragraphs 11 and 12, above, Respondent employed and/or compensated Supriti Soni, also known as Sue Soni ("S. Soni"), to perform acts requiring a real estate license within the meaning of Code Section 10131(d), for another or others including, but not necessarily limited to, one, Chidi C. Omeze.

17.

Respondent knew or should have known that S. Soni was not licensed by the Department as a real estate salesperson or as a real estate broker.

18.

The conduct, acts and/or omissions of Respondent, in employing and/or compensating S. Soni, as described in Paragraphs 16 and 17, above, constitutes cause for the suspension or revocation of Respondent's real estate licenses and license rights under the provisions of Code Section 10137.

///

///

///



1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondent,  
5 VIJAY SONI, doing business as Fastrak Funding and First  
6 Countrywide Realty, under the Real Estate Law (Part 1 of Division  
7 4 of the Business and Professions Code), and for such other and  
8 further relief as may be proper under other applicable provisions  
9 of law, including the imposition of a fine of up to \$10,000  
10 pursuant to the provisions of Section 10139.5 of the Business and  
11 Professions Code.

12 Dated at Los Angeles, California  
13 this 4th day of November, 1999.

14 THOMAS McCRADY  
15 Deputy Real Estate Commissioner

16  
17  
18  
19  
20  
21  
22  
23  
24 cc: Vijay Soni  
25 LA Audits/Jennifer Lin  
26 Thomas McCrady  
27 SACTO  
SR