

SATI  
PLAN

FILED  
OCT 10 2003

DEPARTMENT OF REAL ESTATE

By [Signature]

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 the Accusation of	)	
	)	No. H-29408 LA
VIJAY SONI doing business as Fastrak)	)	
Funding and First Countrywide	)	
Realty,	)	
	)	
Respondent.	)	
	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE BROKER LICENSE

On March 1, 2002, the Accusation was filed in this matter against Respondent VIJAY SONI doing business as Fastrak Funding and First Countrywide Realty.

On October 6, 2003, Respondent SONI, petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent SONI'S, petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in

1 Respondent's Declaration dated October 6, 2003 (attached as  
2 Exhibit "A" hereto). Respondent's license certificate(s), pocket  
3 card(s) and any branch office license certificate shall be sent  
4 to the below listed address so that they reach the Department on  
5 or before the effective date of this Order:

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

10 This Order shall become effective immediately.

11 DATED: October 9, 2003

12  
13 PAULA REDDISH ZINNEMANN  
14 Real Estate Commissioner  
15  
16  
17  
18  
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

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-29408 LA
	)	
VIJAY SONI	)	
	)	
	)	
Respondent.	)	

DECLARATION

My name is VIAJY SONI and that I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am represented in this matter by Joseph Demetrius Christopher, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedures Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my  
2 license, that it can only be reinstated in accordance with the  
3 provisions of Section 11522 of the Government Code. I also  
4 understand that by so voluntarily surrendering my license, I  
5 agree to the following:


6 The filing of this Declaration shall be deemed as my  
7 petition for voluntary surrender. It shall also be deemed to be  
8 an understanding and agreement by me that, I waive all rights I  
9 have to require the Commissioner to prove the allegations  
10 contained in the Accusation filed in this matter at a hearing  
11 held in accordance with the provisions of the Administrative  
12 Procedures Act (Government Code Sections 11400 et seq.), and that  
13 I also waive other rights afforded to me in connection with the  
14 hearing such as the right to discovery, the right to present  
15 evidence in defense of the allegations in the Accusation and the  
16 right to cross examine witnesses.

17 I further agree that upon acceptance by the  
18 Commissioner, as evidenced by an appropriate order, that all  
19 allegations contained in the Accusation filed in the Department  
20 Case No. H-29408 LA, shall be deemed admitted and may be  
21 considered by the Department to be true and correct for the  
22 purpose of deciding whether or not to grant reinstatement of my  
23 license pursuant to Government Code Section 11522. Lastly, I  
24 agree that I will not seek reinstatement of my license for at  
25 least a period of five years from the effective date of any order  
26 of the Commissioner accepting my Petition to Surrender.

27

1 that I freely and voluntarily surrender my license and all  
2 license rights attached thereto.

3 10.6.03, ORANGE, CALIFORNIA  
4 Date and Place

  
VIJAY SONI

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

RECEIVED

JUL 28 2003

Dept. of Real Estate

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
VIJAY SONI, dba Fastrak Funding )  
and First Countrywide Realty, )

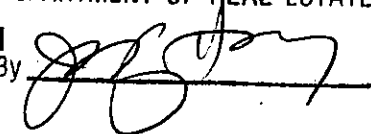
Case No. H-29408 LA

OAH No. L-2003010395

Respondent(s)

FILED  
JUL 24 2003  
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

By 

To the above-named Respondent(s):

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 OCTOBER 28, 2003, and proceed on a day-to-day basis, as necessary, through OCTOBER 31, 2003, 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.

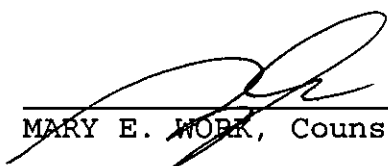
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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 24, 2003

By

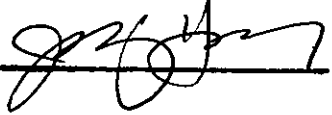
  
MARY E. WORK, Counsel

cc: Vijay Soni  
Joseph D. Christopher, Esq.  
Sacto.  
OAH

SAUTO

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

**RECEIVED**  
JUL 28 2003  
Dept. of Real Estate

**FILED**  
JUL 24 2003  
DEPARTMENT OF REAL ESTATE  
By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-29408 LA
	)	
VIJAY SONI, dba Fastrak Funding	)	L-2003010395
and First Countrywide Realty,	)	
	)	
Respondent.	)	

NOTICE OF PREHEARING CONFERENCE AND  
MANDATORY SETTLEMENT CONFERENCE

TO: VIJAY SONI, RESPONDENT  
and JOSEPH DEMETRIUS CHRISTOPHER, ATTORNEY OF RECORD.

On July 15, 2003, Presiding Administrative Law Judge  
Janis S. Rovner, Office of Administrative Hearings, issued the  
following Orders:

PREHEARING CONFERENCE AND MANDATORY SETTLEMENT CONFERENCE

YOU ARE HEREBY NOTIFIED that a prehearing and mandatory  
settlement conference shall be held on **October 3, 2003,**

1 at 1:30 p.m., before an Administrative Law Judge at the Office of  
2 Administrative Hearings, 320 West Fourth Street, 6<sup>th</sup> Floor, Suite  
3 630, Los Angeles, California.

4 Dated: July 24, 2003

5  
6   
7 \_\_\_\_\_  
8 MARY E. WORK  
9 Counsel for Complainant  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27



50270

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
VIJAY SONI, doing business )  
as Fastrak Funding and First )  
Countrywide Realty, )  
 )

Case No. H-29408 LA  
OAH No. L-2003010395

Respondent.

FILED  
JAN 30 2003

DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By 

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, JULY 31, 2003 and FRIDAY, AUGUST 1, 2003, 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.

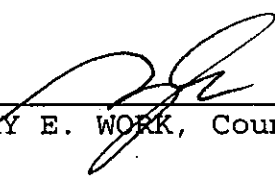
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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 30, 2003

By

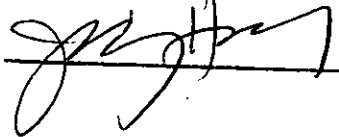
  
MARY E. WORK, Counsel

cc: Vijay Soni  
Joseph Demetrius Christopher, Esq.  
Sacto.  
OAH

SAUTS

FILED  
MAR 01 2002

DEPARTMENT OF REAL ESTATE

By 

1 MARY E. WORK, Counsel  
SBN 175887  
2 Department of Real Estate  
320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone (213) 576-6982  
-Direct- (213) 576-6916  
5  
6  
7

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

10	In the Matter of the Accusation of	)	No. H-29408 LA
11		)	
12	VIJAY SONI, doing business	)	<u>ACCUSATION</u>
13	as Fastrak Funding and First	)	
14	Countrywide Realty,	)	
15		)	
16	Respondent.	)	

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

20 1.

21 The Complainant, Janice Waddell, a Deputy Real Estate  
22 Commissioner of the State of California Department of Real Estate  
23 (hereinafter "Department"), makes this Accusation in her official  
24 capacity.

25 2.

26 VIJAY SONI (hereinafter "Respondent") is presently  
27 licensed and/or has license rights under the Real Estate Law,

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

3 3.

4 At all times material herein, Respondent was, and  
5 currently is, licensed by the Department as a real estate broker.  
6 At all times material herein, Respondent had the business names  
7 "Fastrak Funding" and "First Countrywide Realty" licensed to his  
8 broker license. Neither dba ("Fastrak Funding" nor "First  
9 Countrywide Realty") is currently active under Respondent's real  
10 estate broker license.

11 4.

12 At all times material herein, Respondent engaged in the  
13 business of, acted in the capacity of, advertised or assumed to  
14 act as a real estate broker in the State of California within the  
15 meaning of Code Sections 10131(a) and 10131(d), for another or  
16 others, and for or in expectation of compensation. Said activity  
17 included the operation and conduct of a real estate sale business  
18 with the public wherein Respondent sold or offered to sell,  
19 bought or offered to buy, solicited prospective sellers or  
20 purchasers or solicited or obtained listings of, or negotiated  
21 the purchase, sale or exchange of real property or a business  
22 opportunity and/or solicited borrowers or lenders for or  
23 negotiated loans or collected payments or performed services for  
24 borrowers or lenders or note owners in connections with loans  
25 secured directly or collaterally by liens on real property or on  
26 a business opportunity.

27

1 5.

2 Further, at all times herein, Respondent's wife,  
3 Supriti Soni, also known as Sue Soni, Priti Soni and Priti Devi,  
4 was not licensed by the Department. Effective June 4, 1996,  
5 Supriti Soni's real estate salesperson license was revoked by the  
6 Department in Case No. H-26394 LA. Thereafter, on November 15,  
7 1999, a D&R was issued against Supriti Soni in Case No.  
8 H-28297 LA after the Department determined that Supriti Soni was  
9 engaging in the business of a real estate broker without holding  
10 a license to do so.

11 6.

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

20 FIRST CAUSE OF ACTION

21 7.

22 During December 1998, Rafael A. Amaya and his wife,  
23 Maria Dora Mendez (the "Amayas"), entered into an agreement to  
24 purchase real property located at 2030 North Bush Street, Santa  
25 Ana, California. The seller of said property was Alma Vaja.  
26 Mr. and Mrs. Amaya were represented by Respondent Vijay Soni.  
27

1 Respondent's wife, Sue Soni, an unlicensed individual, as  
2 described above in Paragraph 4, arranged financing, including  
3 taking an application from the Amayas, quoting rates and  
4 receiving personal financial information from the Amayas,  
5 through Respondent's company, First Countrywide Realty. The  
6 escrow was conducted by Sea Wind Escrow and was assigned escrow  
7 no. 22928.

8 8.

9 Prior to the close of escrow for the property  
10 described above in Paragraph 7, Seller Vaja was contacted by  
11 Respondent's wife, Supriti ("Sue") Soni. Supriti Soni informed  
12 the seller that the buyers had noticed that the property  
13 required certain repairs and that they wanted the seller to pay  
14 for said repairs before the close of escrow. The seller agreed.  
15 Supriti Soni told the seller that she would submit a bill in the  
16 amount of \$4,000 to escrow for the alleged repairs. The \$4,000  
17 bill was in the form of an invoice reflecting that the repairs  
18 had been completed by a business named KSSR Contruction [sic]  
19 Company.

20 Escrow for said property closed on or about March 3,  
21 1999. On or about March 2, 1999, Sea Wind Escrow issued a check  
22 from the escrow proceeds in the amount of \$4,000, made payable  
23 to KSSR Construction Company in care of Fastrak Funding. On or  
24 about March 4, 1999, said check was deposited into KSSR Real  
25 Estate LLC's Bank of America account. Sometime after the close  
26 of escrow, Seller visited the property and learned from the  
27 buyers that no repairs had been completed by KSSR Construction

1 or any other contractor.

2 9.

3 KSSR Construction Company is not licensed by the State  
4 Contractor's License Board, however Respondent Vijay Soni does  
5 have a limited liability company registered with the California  
6 Secretary of State that is named KSSR Real Estate, LLC. KSSR  
7 Real Estate, LLC, is not licensed by the Department of Real  
8 Estate.

9 10.

10 The acts and omissions of Respondent, as set forth  
11 above in Paragraphs 7, 8 and 9, are in violation of Section  
12 2731, Title 10, Chapter 6 of the California Code of Regulations,  
13 and constitute cause under Sections 10176(a), 10176(i),  
14 10177(d), 10177(f), and/or 10177(j) of the Code for suspension  
15 or revocation of all licenses and license rights of Respondent  
16 under the Real Estate Law.

17 SECOND CAUSE OF ACTION

18 11.

19 Complainant incorporates herein by reference the  
20 Preamble and the allegation set forth in Paragraphs 1 through  
21 10, inclusive, herein above.

22 12.

23 During the transaction described at Paragraph 7 above,  
24 Respondent employed and/or compensated Supriti Soni, to perform  
25 acts requiring a real estate license within the meaning of Code  
26 Section 10131(d), for another or others, including, but not  
27 necessarily limited to, Mr. and Mrs. Amaya.

13.

1 Respondent knew or should have known that Supriti Soni  
2 was not licensed by the Department as a real estate salesperson  
3 or as a real estate broker.  
4

14.

5 The conduct, acts and/or omissions of Respondent, in  
6 employing and/or compensating Supriti Soni, as described in  
7 Paragraph 7, constitutes cause for suspension or revocation of  
8 Respondent's real estate licenses and license rights under the  
9 provisions of Code Section 10137.  
10

11 THIRD CAUSE OF ACTION

12 15.

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

15 16.

16 Late in 1999, and after the Amayas purchased the real  
17 property described above in Paragraph 7, Mr. Amaya was contacted  
18 by Downey Savings and Loan Association F.A. regarding a  
19 delinquent loan (no. 9022471643) that was held in his name and  
20 the name of his wife, on property located at 1041 West 2<sup>nd</sup>  
21 Street, Santa Ana, California.

22 Mr. and Mrs. Amaya learned from Downey Savings that,  
23 without their knowledge, permission or actual signatures, the  
24 property in question had been purchased in Amaya's name on April  
25 14, 1999. Mr. Amaya later determined that Respondent Vijay Soni  
26 had made payments on said property (drawn on Fastrak Funding  
27 Corporation's Bank America Account Number 1205904365) and had

1 collected rent on the same and deposited the rent monies into  
2 his (Respondent's) account at Bank of America. Mr. Amaya also  
3 learned that one of the sellers of said property was Devi Priti,  
4 aka Supriti Soni.

5 17.

6 The facts set forth above in Paragraph 16 constitute  
7 cause under Sections 10176(i), 10177(g) and/or 10177(j) of the  
8 Code for the suspension or revocation of all licenses and  
9 license rights of Respondent.

10 PRIOR DISCIPLINE

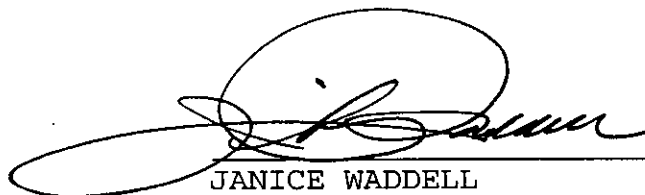
11 18.

12 On or about November 4, 1999, an Accusation, H-28296  
13 LA, was filed against Respondent by the Department. The matter  
14 was resolved by Stipulation and Agreement effective July 5,  
15 2000. Respondent's conduct, acts and/or omissions that  
16 constituted cause for discipline under Section 10177(d) of the  
17 Code were based on violations of Section 10130, 10163 and 10240  
18 and Section 2831 of Title 10, Chapter 6, California Code of  
19 Regulations. Respondent's Real Estate Broker license was  
20 suspended for a period of sixty (60) days, with said suspension  
21 stayed by payment of a monetary penalty and other terms and  
22 conditions.

23 WHEREFORE, Complainant prays that a hearing be conducted on  
24 the allegations of this Accusation and that upon proof thereof a  
25 decision be rendered imposing disciplinary action against all  
26 licenses and license rights of Respondent VIJAY SONI under the  
27 Real Estate Law (Part 1 of Division 4 of the Business and



1 Professions Code) and for such other and further relief as may be  
2 proper under other provisions of law.

3  
4 

5 JANICE WADDELL  
6 Deputy Real Estate Commissioner

7 Dated at Los Angeles, California,  
8 this 15 day of March, 2002.

9  
10 cc: Soni Vijay  
11 Janice Waddell  
12 ✓ SACTO  
13 JN  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27