

FILED

JAN 11 2013

DEPARTMENT OF REAL ESTATE

BY: ca

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
 SOLUTIONS NOW LOAN MODIFICATIONS)
 INC. and ZEINAB SALIM DONNER,)
 individually and as designated)
 officer of Solutions Now Loan)
 Modifications, Inc.,)
)
 Respondents.)
)

NO. H-38292 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on November 13, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On July 24, 2012, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, to Respondent SOLUTIONS NOW LOAN MODIFICATIONS INC. on July 26, 2012.

On November 13, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent SOLUTIONS NOW LOAN MODIFICATIONS INC.'S default was entered herein.

2.

From April 22, 2009, through the present, Respondent SOLUTIONS NOW LOAN MODIFICATIONS INC. ("SOLUTIONS NOW") has been licensed by the Department of Real Estate ("Department") as a real estate corporation, Department ID 01862791. From December 15, 2009, through the present, Respondent SOLUTIONS NOW has been licensed "NBA" (no broker affiliation) which precludes Respondent SOLUTIONS NOW from engaging in activities that require a real estate license.

3.

At no time mentioned herein, have Mahmoud S. Elachkar aka Michael Elachkar ("Elachkar"), Matthew James Solum, Joe Kahn, Efrain Zavala, or R&E Document Processing Corp. ever been licensed by the Department in any capacity.

4.

Respondent SOLUTIONS NOW is a California corporation. At all times relevant herein, Respondent ZEINAB SALIM DONNER and Elachker were officers or directors of SOLUTIONS NOW.

5.

On or about May 15, 2009, Respondent SOLUTIONS NOW submitted an advance fee agreement and accounting format to the Department for approval. On April 28, 2009, the Department issued a "no objection" letter of approval of the advance fee agreement and accounting format submitted by Respondent SOLUTIONS NOW. Said advance fee agreement included a provision that if the principal cancelled the agreement before the agreed completion date or before the agreed upon services are completed, all unearned advance fees would be refunded to the principal. In addition, where the broker [SOLUTIONS NOW] failed to perform any or all of the specified services, the principal is entitled to a full refund of any and all fees not earned by the broker within 5 business days of request.

6.

Tom Romero

On or about October 25, 2009, Joe Kahn solicited and offered to assist borrower Tom Romero ("Romero") with loan modification and negotiation services on behalf of Respondent SOLUTIONS NOW. Romero entered into a written advance fee agreement with Respondent SOLUTIONS NOW for loan modification and negotiation services in connection with a loan secured by a lien on real property. On November 18, 2009, Respondent SOLUTIONS NOW charged an advance fee of \$1,850.00 to Romero's credit card. Respondent SOLUTIONS NOW failed to perform the loan modification and negotiation services that had been promised to Romero. Romero did not obtain a loan modification through Respondent SOLUTIONS NOW. Respondent SOLUTIONS NOW refused Romero's request for a refund of the advance fee paid to Respondent SOLUTIONS NOW.

7.

Detric Edwards

On or about October 29, 2009, Efrain Zavala solicited and offered to assist borrower Detric Edwards ("Edwards") with loan modification and negotiation services on behalf of Respondent SOLUTIONS NOW. Edwards entered into a written advance fee agreement with Respondent SOLUTIONS NOW for loan modification and negotiation services in connection with a loan secured by a lien on real property. On October 29, 2009, Respondent SOLUTIONS NOW collected an advance fee of \$2,995.00 from Edwards. Matthew James Solum represented himself to Edwards as chief negotiator for Respondent SOLUTIONS NOW. Edwards did not obtain a loan modification through Respondent SOLUTIONS NOW. Respondent SOLUTIONS NOW refused Edwards's request for a refund of the advance fee paid to Respondent SOLUTIONS NOW.

8.

Sandra Emerson

On or about December 12, 2010, Elachkar solicited and offered to assist borrower Sandra Emerson ("Emerson") with loan modification and negotiation services on behalf of Respondent SOLUTIONS NOW. On December 12, 2010, Respondent SOLUTIONS NOW collected an advance fee of \$395.00 from Emerson. On January 12, 2011, Emerson paid an additional advance fee of \$300.00. Elachkar instructed Emerson to make the payment to R&E Document Processing Corp. Emerson did not obtain a loan modification through Respondent SOLUTIONS NOW or R&E Document Processing

Corp. Respondent SOLUTIONS NOW refused Emerson's request for a refund of the advance fee paid to Respondent SOLUTIONS NOW.

9.

Respondent SOLUTIONS NOW collected the advance fees described in Paragraphs 6 through 8, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Business and Professions Code ("Code") Section 10085.

10.

Use of a fictitious business name for activities requiring the issuance of a real estate license requires the filing of an application for the use of such name with the Department in accordance with the provisions of Code Section 10159.5 and Regulation 2731.

11.

Respondent SOLUTIONS NOW acted without Department authorization in using the fictitious business name "R&E Document Processing Corp." to engage in activities requiring the issuance of a real estate license.

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent SOLUTIONS NOW as set forth above, are in violation of Code Sections 10085.5 and 10085.6 and constitutes grounds for the suspension or revocation of the license and license rights of Respondent SOLUTIONS NOW pursuant to Code Sections 10177(d) and 10177(g).

2.

The activities described in Paragraphs 6 through 8, above, require a real estate license under Code Sections 10131(d) and 10131.2. Respondent SOLUTIONS NOW violated Code Section 10137 by employing and/or compensating individuals who were not licensed as real estate salespersons or as brokers to perform activities requiring a license. Respondent SOLUTIONS NOW employed or compensated Mahmoud S. Elachkar, Matthew James Solum, Joe Kahn, and Efrain Zavala, to solicit borrowers and perform some or all of the services alleged in Paragraphs 6 through 8 above, though they were not licensed as real estate salespeople or brokers. Respondent SOLUTIONS NOW's violation of

Code Section 10137 constitutes cause for the suspension or revocation of the license and license rights of Respondent SOLUTIONS NOW pursuant to Code Sections 10137, 10177(d) and 10177(g).

3.

The conduct, acts and/or omissions of Respondent SOLUTIONS NOW, as set forth in Paragraphs 10 and 11, above, violate Code Section 10159.5 and Regulation 2731, and are cause for the suspension or revocation of the license and license rights of Respondent SOLUTIONS NOW pursuant to Code Sections 10177(d) and 10177(g).

4.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

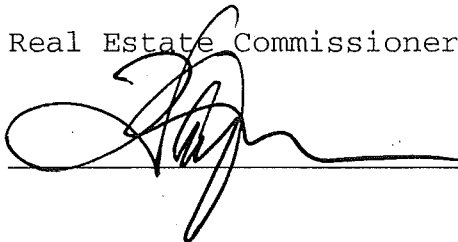
ORDER

The license and license rights of Respondent SOLUTIONS NOW LOAN MODIFICATIONS INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on January 31, 2013.

DATED: December 21, 2012

Real Estate Commissioner

A handwritten signature in black ink, appearing to be "John", written over a horizontal line.