Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED

JUL 21 2010

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of APOLLO FUNDING & REALTY, INC. and JUSTIN PETER SAMPAS, Respondents.	No. H-4069 SD OAH No. 2010031026 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER AS TO JUSTIN PETER SAMPAS ONLY

It is hereby stipulated by and between JUSTIN PETER SAMPAS (Respondent) and his attorney, Jozef G. Magyar, and the Complainant, acting by and through Angela L. Cash, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on January 27, 2010 in this matter:

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

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

3. Respondent filed a Notice of Defense on February 16, 2010 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This stipulation is based on the factual allegations contained in the Accusation. In the interest of expediency and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and Respondent's decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate (the Department), the state or federal government, an agency of this state, or an agency of another state is a party.

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

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

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions, and waivers, and for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determinations of issues shall be made:

The acts and/or omissions of Respondent JUSTIN PETER SAMPAS as stipulated above constitute grounds for disciplinary action against the real estate license and license rights of Respondent under the provision of Sections 10159.2, 10177(g) and 10177(h) of the California Business and Professions Code (the Code) and Section 2725 of Title 10 of the California Code of Regulations in conjunction with Section 10177(d) of the Code.

ORDER

1. All real estate license(s) and license rights of Respondent JUSTIN PETER SAMPAS are indefinitely suspended from the effective date of the Order herein until Respondent submits proof satisfactory to the Commissioner of having refunded the advance fees collected from the homeowners as described on page 2, paragraph 5 of the Accusation filed against Respondent on January 27, 2010, and set forth below:

HOMEOWNER	AMOUNT
Carol Ann Conere	$2,500
Jacob Adesina	$4,000
Anthony and Myrna Milano	$4,500
Essah and Anna Mack	$3,500
Richard and Norma Dasley	$5,500

In order to avoid suspension of Respondent's real estate license, Respondent must submit said proof to the Department prior to the effective date of the Order, which shall not be less than thirty (30) days.

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2. If, after the exercise of reasonable diligence, Respondent is unable to locate a homeowner identified above, Respondent may submit the homeowner's refund to the Department. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund.

6/21/10
DATED

ANGELA L. CASH
Counsel for Complainant

* * *

I have read the Stipulation and Agreement in Settlement, discussed it with my counsel, and 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, 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.

6/2/10
DATED

JUSTIN PETER SAMPAS
Respondent

I have reviewed the Stipulation and Agreement in Settlement as to form and content and have advised my clients accordingly.

6/11/10
DATED

JOZEF G. MAGYAR
Attorney for Respondent

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted as my Decision and shall become effective at 12 o'clock noon on AUG 20 2010.

IT IS SO ORDERED 7/14/2010

JEFF DAVI
REAL ESTATE COMMISSIONER

FILED

JUL 21 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of APOLLO FUNDING & REALTY INC., and and JUSTIN PETER SAMPAS Respondents.	No. H-4069 SD

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On January 27, 2010, an Accusation was filed in this matter against the above-entitled Respondents.

On June 7, 2010, Respondent APOLLO FUNDING & REALTY INC. petitioned the Commissioner to voluntarily surrender its real estate corporation license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondent APOLLO FUNDING & REALTY INC. for voluntary surrender of its real estate corporation license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent APOLLO FUNDING & REALTY INC. on June 7, 2010 (attached as Exhibit "A" hereto).

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Respondent APOLLO FUNDING & REALTY INC.'s license certificate and pocket card shall be sent to the below-listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on AUG 20 2010.

DATED: 7-14-2010

JEFF DAVI
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of APOLLO FUNDING AND REALTY, INC., JUSTIN PETER SAMPAS, Respondents.	)	No. H-4069 SD <u>Voluntary Surrender Petition as to Apollo Funding and Realty, Inc. only</u>

DECLARATION

APOLLO FUNDING AND REALTY, INC. ("APOLLO FUNDING") is licensed as a corporate real estate broker and/or has license rights with respect to said license. My name is Justin Peter Sampas and I am a majority shareholder of APOLLO FUNDING, and I am authorized to sign this declaration on behalf of APOLLO FUNDING. I am acting on behalf of APOLLO FUNDING.

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

It is understood that by so voluntarily surrendering this license, APOLLO FUNDING may be relicensed as a broker corporation only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering said license, APOLLO FUNDING agrees to the following:

The filing of this Declaration shall be deemed as the petition of APOLLO FUNDING for voluntary surrender. It shall also be deemed to be an understanding and agreement by APOLLO FUNDING that it hereby waives all rights it may have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that APOLLO FUNDING also waives other rights afforded to it in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses. APOLLO FUNDING further agrees that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation heretofore filed in the Department Case No. H-4069 SD, may be considered by the Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that APOLLO FUNDING freely and voluntarily surrender all license(s) and license rights under the Real Estate Law.

6/7/10 San Diego CA
Date and Place

Justin Peter Sampas for
APOLLO FUNDING AND REALTY, INC.

ANGELA L. CASH, Counsel
State Bar No. 230882
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0805

FILED

JAN 27 2010

DEPARTMENT OF REAL ESTATE

By R Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of APOLLO FUNDING AND REALTY, INC., and JUSTIN PETER SAMPAS, Respondents.	NO. H- 4069 SD ACCUSATION

The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the State of California (hereinafter "Complainant"), for Accusation against Respondents APOLLO FUNDING AND REALTY, INC. (hereinafter "APOLLO FUNDING") and JUSTIN PETER SAMPAS (hereinafter "SAMPAS") (collectively referred to as "Respondents"), is informed and alleges as follows:

1

Complainant makes this Accusation against Respondents in his official capacity.

2

At all times herein mentioned, APOLLO FUNDING was and now is licensed by the State of California Department of Real Estate (hereinafter the "Department") as a corporate real estate broker by and through SAMPAS as designated officer-broker of APOLLO FUNDING to qualify said corporation and to act for said corporation as a real estate broker.

3

At all times herein mentioned, SAMPAS was and now is licensed by the Department as a real estate broker, individually and to and until November 3, 2008 as designated officer-broker of APOLLO FUNDING. As said designated officer-broker, SAMPAS was at all times mentioned herein responsible pursuant to Section 10159.2 of the California Business and Professions Code (hereinafter the "Code") for the supervision of the activities of the officers, agents, real estate licensees, and employees of APOLLO FUNDING for which a license is required.

4

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

5

In connection with the operation and conduct of the real estate activities described in Paragraph 4, Respondents engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fee") of the Code including but not limited to the following:

HOMEOWNER	DATE	AMOUNT
Carol Ann Conere	July 24, 2008	$2,500
Jacob Adesina	July 31, 2008	$4,000
Anthony and Myrna Milano	July 30, 2008	$4,500
Essah and Anna Mack	September 15, 2008	$3,500
Richard and Norma Dasley	October 8, 2008	$5,500

6

In connection with the collection and handling of said advance fees, Respondents:

(a) failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations");

(b) failed to immediately deliver said trust funds into a neutral escrow depository, or into a trust fund account in violation of Section 10146 of the Code; and

(c) failed to furnish the principal borrower the verified accounting required by Section 10146 of the Code and Section 2972 of the Regulations.

7

The acts and/or omissions of Respondents described above constitute violation of Section 10177(d) (suspension or revocation of license for willful disregard or violation of the Real Estate Law §§ 10000 et seq. of the Code, or of the Regulations) of the Code in conjunction with Sections 10085 (Submission of Advance Fee Agreements and Materials), 10145 (Handling of Trust Funds) and 10146 (Advance Fees to be Deposited in Trust Account) of the Code, and Sections 2970 (Submission of Advance Fee Agreement and Materials) and 2972 (Advance Fees Accounting Content) of the Regulations, and are cause for the suspension or revocation of Respondents' license and license rights.

8

In connection with the collection and handling of said advance fees, Respondents failed to perform the services that they promised to the borrowers listed in Paragraph 3, above, after receiving advance fee payments from each of the borrowers listed above. Respondents did not repay the advance fees received from these borrowers.

9

Respondents failure to provide the services promised or to refund the borrowers' funds constitutes dishonest dealing and are grounds for the revocation or suspension of

Respondents' real estate license or license rights under Sections 10176(i) (engaged in any other conduct, whether of the same or different character than specified in this section, constituting fraud or dishonest dealing) and/or 10177(j) (engaged in any other conduct, while acting in a licensed capacity whether of the same or different character than specified in this section, constituting fraud or dishonest dealing) of the Code.

10

At all times mentioned herein, Respondent SAMPAS failed to exercise reasonable supervision over the acts of Respondent APOLLO FUNDING and its agents and employees in such a manner as to allow the acts and omissions on the part of Respondent APOLLO FUNDING, described above, to occur.

11

The acts and/or omissions alleged above are grounds for the suspension or revocation of the license or license rights of Respondent SAMPAS under Sections 10177(g) (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license), 10177(h) (suspension or revocation for broker or designated broker/officer who fails to exercise reasonable supervision of licensed employees or licensed activities of broker corporation) and 10159.2 (designated broker/officer responsible for supervision and control of activities conducted on behalf of corporation by officers, licensed salespersons and employees to secure compliance with the Real Estate Law) of the Code, and Section 2725 (broker shall exercise reasonable supervision over licensed employees; establish policies and procedures for compliance with Real Estate Law; supervise transactions requiring a real estate license; trust fund handling; etc.) of the Regulations, in conjunction with Section 10177(d) of the Code.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code and for such other and further relief as may be proper under other provisions of law.

JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 29 day of December, 2009.