

1 Order as set forth below, based upon the understanding and
2 agreement expressed in Respondent's Declaration dated September
3 18, 2013, (attached as Exhibit "A" hereto). Respondent's
4 license certificate, pocket card and any branch office license
5 certificate shall be sent to the below listed address so that
6 they reach the Bureau on or before the effective date of this
7 Order:

8
9 Bureau of Real Estate
10 Attn: Licensing Flag Section
11 P.O. Box 137013
12 Sacramento, CA 95813-7013

13 This Order shall become effective at 12 o'clock noon
14 on OCT 29 2013.

15 DATED: OCT 01 2013

16 REAL ESTATE COMMISSIONER

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19 **By: JEFFREY MASON**
20 **Chief Deputy Commissioner**

EXHIBIT "A"

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	DRE No. H-38292 LA
SOLUTIONS NOW LOAN MODIFICATIONS)	
INC. and <u>ZEINAB SALIM DONNER,</u>)	OAH No. L-2012110912
individually and as former)	
designated officer of)	
Solutions Now Loan Modifications)	
Inc.,)	
)	
Respondents.)	

DECLARATION

My name is ZEINAB SALIM DONNER, and I was licensed as a real estate broker and have license rights with respect to said license. I am representing myself in this matter.

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 my real estate license, issued by the Bureau (formerly Department) of Real Estate ("Bureau"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my
2 license, I may be relicensed as a broker or as a salesperson, or
3 issued a mortgage loan originator endorsement, only by
4 petitioning for reinstatement pursuant to Section 11522 of the
5 Government Code. I also understand that by so voluntarily
6 surrendering my real estate salesperson license, I agree to the
7 following:

8 1. The filing of this Declaration shall be deemed as
9 my petition for voluntary surrender.

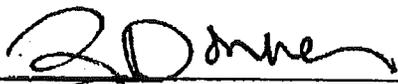
10 2. It shall also be deemed to be an understanding and
11 agreement by me that I waive all rights I have to require the
12 Commissioner to prove the allegations contained in the
13 Accusation filed in this matter at a hearing held in accordance
14 with the provisions of the Administrative Procedure Act
15 (Government Code Sections 11400 et seq.), and that I also waive
16 other rights afforded to me in connection with the hearing such
17 as the right to discovery, the right to present evidence in
18 defense of the allegations in the Accusation and the right to
19 cross-examine witnesses.

20 3. I further agree that upon acceptance by the
21 Commissioner, as evidenced by an appropriate order, all
22 affidavits and all relevant evidence obtained by the Bureau in
23 this matter prior to the Commissioner's acceptance, and all
24 allegations contained in the Accusation filed in the Bureau Case
25 No. H-38292 LA, may be considered by the Bureau to be true and
26 correct for the purpose of deciding whether to grant relicensure
27 or reinstatement pursuant to Government Code Section 11522.

1 4. I freely and voluntarily surrender all of my
2 licenses and license rights under the Real Estate Law.

3 5. A copy of the Commissioner's Criteria of
4 Rehabilitation is attached hereto. If and when a petition
5 application is made for reinstatement of a surrendered license
6 or endorsement, the Real Estate Commissioner will consider as
7 one of the criteria of rehabilitation, whether or not
8 restitution has been made to any person who has suffered
9 monetary losses through "substantially related" acts or
10 omissions of Respondent, whether or not such persons are named
11 in the investigation file in this case.

12 I declare under penalty of perjury under the laws of
13 the State of California that the above is true and correct and
14 that this declaration was executed 9/18, 2013,
15 at Sunnyvale, California.
16 (City)

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19 Respondent ZEINAB SALIM DONNER
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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 Edward'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



1 2.

2 Respondents are presently licensed and/or have license
3 rights under the Real Estate Law (Part 1 of Division 4 of the
4 California Business and Professions Code, "Code").

5 3.

6 From April 22, 2009, through the present, Respondent
7 SOLUTIONS NOW LOAN MODIFICATIONS INC. ("SOLUTIONS NOW") has been
8 licensed by the Department of Real Estate ("Department") as a
9 real estate corporation, Department ID 01862791.

10 4.

11 From April 29, 2008, through April 28, 2012,
12 Respondent ZEINAB SALIM DONNER, aka Zeinab Salim Elachkar
13 ("DONNER") was licensed by the Department as a real estate
14 broker, Department ID 01836407. Respondent's license expired on
15 April 28, 2012. The Department retains jurisdiction pursuant to
16 Code Section 10103. From April 22, 2009, through December 14,
17 2009, Respondent SOLUTIONS NOW was authorized to act by and
18 through Respondent DONNER as its broker designated pursuant to
19 Code Section 10159.2 to be responsible for ensuring compliance
20 with the Real Estate Law. From December 15, 2009, through the
21 present, Respondent SOLUTIONS NOW has been licensed "NBA" (no
22 broker affiliation) which precludes Respondent SOLUTIONS NOW
23 from engaging in activities that require a real estate license.
24

25 5.

26 At no time mentioned herein, have Mahmoud S. Elachkar
27 aka Michael Elachkar ("Elachkar"), Matthew James Solum, Joe
28 Kahn, Efrain Zavala, or R&E Document Processing Corp., ever been

1 licensed by the Department in any capacity.

2 6.

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

6 FIRST CAUSE OF ACCUSATION

7 7.

8 Code Section 10132 defines a real estate salesperson
9 as a person who, for compensation or in expectation of
10 compensation, is employed by a licensed real estate broker to do
11 one or more of the acts set forth in Code Sections 10131,
12 10131.1, 10131.2, 10131.3, 10131.4, and 10131.6. Code Section
13 10131 defines a real estate broker as a person who: (d) solicits
14 borrowers, negotiate loans, collects payments or perform
15 services for borrowers in connection with loans secured directly
16 or collaterally by liens on real property.

17 8.

18 Code Section 10026, in pertinent part, defines an
19 advance fee as a fee that is claimed, demanded, charged,
20 received, or collected by a licensee for services requiring a
21 license. A person who proposes to collect an advance fee as
22 defined in Code Section 10026 must submit to the Commissioner
23 not less than ten calendar days before publication or other use,
24 all materials to be used in advertising, promoting, soliciting
25 and negotiating an agreement calling for the payment of an
26 advance fee including the form of advance fee agreement proposed
27 for use, pursuant to Code Section 2970, Regulations of the Real
28

1 Estate Commissioner, Title 10, Chapter 6, Code of Regulations
2 ("Regulations"). Code Section 10085 also allows the
3 Commissioner to require that any and all materials used in
4 obtaining advance fee agreements, including contract forms, be
5 submitted at least 10 calendar days before they are used.

6 9.

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

20 10.

21 On October 11, 2009, then Governor Arnold
22 Schwarzenegger signed Senate Bill 94 (Calderon), and the
23 legislation took effect immediately upon his signature. Thus,
24 California law prohibited any person, including real estate
25 licensees and attorneys, from demanding or collecting an advance
26 fee from a consumer for loan modification or mortgage loan
27 forbearance services affecting 1 - 4 unit residential dwellings.
28

1 11.

2 The following notice was prominently featured on the
3 Department's website as of October 11, 2009:

4 "IF YOU ARE A REAL ESTATE BROKER, OR THE DESIGNATED
5 OFFICER OF A LICENSED CORPORATION, WHO HAS BEEN ISSUED A "NO
6 OBJECTION" LETTER BY THE DEPARTMENT OF REAL ESTATE FOR LOAN
7 MODIFICATION OR OTHER MORTGAGE LOAN FORBEARANCE SERVICES, YOU
8 CAN NO LONGER ENTER INTO THESE AGREEMENTS EFFECTIVE AS OF
9 OCTOBER 11, 2009, NOR CAN YOU COLLECT ANY ADVANCE FEES FOR SUCH
10 SERVICES. Agreements entered into and advance fees collected
11 prior to October 11, 2009 are not affected. Advance fees
12 inadvertently collected after October 11, 2009 must be fully
13 refunded. All real estate licensees should become familiar with
14 the provisions of SB94 as there are substantial administrative
15 and criminal penalties for violations."
16

17 12.

18 Tom Romero

19 On or about October 25, 2009, Joe Kahn solicited and
20 offered to assist borrower Tom Romero ("Romero") with loan
21 modification and negotiation services on behalf of Respondent
22 SOLUTIONS NOW. Romero entered into a written advance fee
23 agreement with Respondent SOLUTIONS NOW for loan modification
24 and negotiation services in connection with a loan secured by a
25 lien on real property. On November 18, 2009, Respondent
26 SOLUTIONS NOW charged an advance fee of \$1,850.00 to Romero's
27 credit card. Respondent SOLUTIONS NOW failed to perform the
28 loan modification and negotiation services that had been

1 promised to Romero. Romero did not obtain a loan modification
2 through Respondent SOLUTIONS NOW. Respondent SOLUTIONS NOW
3 refused Romero's request for a refund of the advance fee paid to
4 Respondent SOLUTIONS NOW.

5 13.

6 Detric Edwards

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

22 Sandra Emerson

23 14.

24 On or about December 12, 2010, Elachkar solicited and
25 offered to assist borrower Sandra Emerson ("Emerson") with loan
26 modification and negotiation services on behalf of Respondent
27 SOLUTIONS NOW. On December 12, 2010, Respondent SOLUTIONS NOW
28 collected an advance fee of \$395.00 from Emerson.

1 On January 12, 2011, Emerson paid an additional advance fee of
2 \$300.00. Elachkar instructed Emerson to make the payment to R&E
3 Document Processing Corp. Emerson did not obtain a loan
4 modification through Respondent SOLUTIONS NOW or R&E Document
5 Processing Corp. Respondent SOLUTIONS NOW refused Emerson's
6 request for a refund of the advance fee paid to Respondent
7 SOLUTIONS NOW.

8
9 15.

10 Respondent SOLUTIONS NOW collected the advance fees
11 described in Paragraphs 12 through 14, above, pursuant to the
12 provisions of a written agreement which constitutes an advance
13 fee agreement within the meaning of Code Section 10085.

14 16.

15 The conduct, acts and/or omissions of Respondent
16 SOLUTIONS NOW as set forth above, are in violation of Code
17 Sections 10085.5 and 10085.6 and constitutes grounds for the
18 suspension or revocation of the license and license rights of
19 Respondent SOLUTIONS NOW pursuant to Code Sections 10177(d) or
20 10177(g).

21 17.

22 The conduct, acts and/or omissions of Respondent
23 DONNER, in allowing Respondent SOLUTIONS NOW to violate the Real
24 Estate Law, as set forth above, constitutes a failure by
25 Respondent DONNER, as the officer designated by the corporate
26 broker licensee, to exercise the supervision and control over
27 the activities of Respondent SOLUTIONS NOW, as required by Code
28 Section 10159.2 and Regulation 2725, and is cause to suspend or

1 revoke the real estate licenses and license rights of Respondent
2 DONNER under Code Sections 10177(h), 10177(d) and/or 10177(g).

3 SECOND CAUSE OF ACCUSATION

4 (Unlicensed activity)

5 18.

6 There is hereby incorporated in this Second, separate
7 Cause of Accusation, all of the allegations contained in
8 Paragraphs 1 through 17, above, with the same force and effect
9 as if herein fully set forth.

10 19.

11 The activities described in Paragraphs 12 through 14,
12 above, require a real estate license under Code Sections
13 10131(d) and 10131.2. Respondent SOLUTIONS NOW violated Code
14 Section 10137 by employing and/or compensating individuals who
15 were not licensed as real estate salespersons or as brokers to
16 perform activities requiring a license. Respondent SOLUTIONS
17 NOW employed or compensated Mahmoud S. Elachkar, Matthew James
18 Solum, Joe Kahn, and Efrain Zavala, to solicit borrowers and
19 perform some or all of the services alleged in Paragraphs 12
20 through 14 above, though they were not licensed as real estate
21 salespeople or brokers.

22 20.

23 The conduct, acts and/or omissions of Respondent
24 SOLUTIONS NOW as set forth in Paragraph 19, above, violates Code
25 Section 10137, and are cause for the suspension or revocation of
26 the licenses and license rights of Respondent SOLUTIONS NOW
27 pursuant to Code Sections 10137, 10177(d) or 10177(g).
28

1 21.

2 The conduct, acts and/or omissions of Respondent
3 DONNER, in allowing Respondent SOLUTIONS NOW to violate the Real
4 Estate Law, as set forth above, constitutes a failure by
5 Respondent DONNER, as the officer designated by the corporate
6 broker licensee, to exercise the supervision and control over
7 the activities of Respondent SOLUTIONS NOW, as required by Code
8 Section 10159.2 and Regulation 2725, and is cause to suspend or
9 revoke the real estate licenses and license rights of Respondent
10 DONNER under Code Sections 10177(h), 10177(d) and/or 10177(g).

11 THIRD CAUSE OF ACCUSATION

12 (Use of Unlicensed Fictitious Business Name)

13 22.

14 There is hereby incorporated in this Third, separate
15 Cause of Accusation, all of the allegations contained in
16 Paragraphs 1 through 21, above, with the same force and effect
17 as if herein fully set forth.

18 23.

19 Use of a fictitious business name for activities
20 requiring the issuance of a real estate license requires the
21 filing of an application for the use of such name with the
22 Department in accordance with the provisions of Code Section
23 10159.5 and Regulation 2731.

24 24.

25 Respondent SOLUTIONS NOW acted without Department
26 authorization in using the fictitious business name "R&E
27
28

1 Document Processing Corp." to engage in activities requiring the
2 issuance of a real estate license.

3 25.

4 The conduct, acts and/or omissions of Respondent
5 SOLUTIONS NOW, as set forth in Paragraphs 23 and 24 above,
6 violate Code Section 10159.5 and Regulation 2731, and are cause
7 for the suspension or revocation of the licenses and license
8 rights of Respondent SOLUTIONS NOW pursuant to Code Sections
9 10177(d) and/or 10177(g).

10 26.

11 Code Section 10106 provides, in pertinent part, that
12 in any order issued in resolution of a disciplinary proceeding
13 before the Department of Real Estate, the Commissioner may
14 request the administrative law judge to direct a licensee found
15 to have committed a violation of this part to pay a sum not to
16 exceed the reasonable costs of the investigation and enforcement
17 of the case.

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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/or license rights of Respondents
5 SOLUTIONS NOW LOAN MODIFICATIONS INC. and ZEINAB SALIM DONNER,
6 individually and as former designated officer of Solutions Now
7 Loan Modifications Inc. under the Real Estate Law (Part 1 of
8 Division 4 of the Business and Professions Code), for the cost
9 of investigation and enforcement as permitted by law, and for
10 such other and further relief as may be proper under other
11 provisions of law.

12 this 24 day of July, 2012.

13
14 
15 ROBIN TRUJILLO
16 Deputy Real Estate Commissioner
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23 cc: Solutions Now Loan Modifications Inc.
24 Zeinab Salim Donner
25 Robin Trujillo
26 Sacto.
27
28