

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

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FILED

APR 16 2014

BUREAU OF REAL ESTATE

By *J. Amouri*

9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 WALID, INC, and)

14 MOHAMED H. AMMOURI,)

15 Respondents.)

NO. H-4412 SD

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

(As to Mohamed H. Ammouri only)

17 It is hereby stipulated by and between Respondent MOHAMED H. AMMOURI
18 ("Respondent"), and his attorney, Robert E. Muir, and the Complainant, acting by and through
19 John W. Barron, Counsel for the Bureau of Real Estate ("the Bureau"), as follows for the purpose
20 of settling and disposing of the First Amended Accusation filed on January 15, 2013, in this
21 matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
24 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
25 shall instead and in place thereof be submitted solely on the basis of the provisions of this
26 Stipulation and Agreement in Settlement and Order.
27

1 2. Respondent has received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

3 3. A Notice of Defense was filed on October 18, 2012, by Respondent, pursuant
4 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
6 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
7 Defense, he will thereby waive his right to require the Real Estate Commissioner
8 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
9 accordance with the provisions of the APA and that he will waive other rights afforded to him
10 in connection with the hearing such as the right to present evidence in defense of the
11 allegations in the Accusation and the right to cross-examine witnesses.

12 4. This Stipulation and Agreement in Settlement and Order is based on the
13 factual allegations contained in the Accusation. In the interests of expedience and economy,
14 Respondent chooses not to contest these allegations at hearing, but rather understands that, as a
15 result thereof, these allegations, without being admitted or denied, will serve as a prima facie
16 basis for the disciplinary action stipulated to herein. The Commissioner shall not be required
17 to provide further evidence to prove said factual allegations.

18 5. This Stipulation and Respondent's decision not to contest the Accusation are
19 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
20 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
21 federal government, an agency of this state, or an agency of another state is involved.

22 6. It is understood by the parties that the Commissioner may adopt the
23 Stipulation and Agreement in Settlement and Order as his decision in this matter thereby
24 imposing the penalty and sanctions on Respondent's real estate license and license rights as set
25 forth in the below "Order". In the event that the Commissioner in his discretion does not adopt
26 the Stipulation and Agreement in Settlement and Order, it shall be void and of no effect, and
27

1 Respondent shall retain the right to a hearing and proceeding on the Accusation under all the
2 provisions of the APA and shall not be bound by any admission or waiver made herein.

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

7 8. Respondent understands that by agreeing to this Stipulation and Agreement,
8 Respondent agrees to pay, pursuant to Section 10148 of the California Business and Professions
9 Code ("the Code"), the cost of the audit which resulted in the determination that Respondent
10 committed the violation(s) found in the Determination of Issues. The amount of such costs is
11 \$8,649.59.

12 9. Respondent further understands that by agreeing to this Stipulation and
13 Agreement, the findings set forth below in the Determination of Issues become final, and that the
14 Commissioner may charge said Respondent for the costs of any audit conducted pursuant to
15 Section 10148 of the Code to determine if the violations have been corrected. The maximum
16 cost of said audit shall not exceed \$8,649.59.

17 10. Respondent further understands that by agreeing to this Stipulation and
18 Agreement, the findings set forth below in the Determination of Issues become final, and that the
19 Commissioner may charge Respondent for the costs of the investigation herein. The amount of
20 such costs is \$1,442.30.

21 DETERMINATION OF ISSUES

22 The acts and omissions of Respondent as described in the Accusation are
23 grounds for the suspension or revocation of the license and license rights of Respondent under
24 Sections 10085.5 (collection of advance fees), 10085.6 (collection of advance fees), 10145 (trust
25 fund handling), 10146 (deposit of advance fees into trust account), 10148 (record retention),
26 10176(a) (misrepresentation), 10176(e) (commingling), 10176(i) (fraud/dishonest dealing),
27 10177(d) (willful disregard/violation of Real Estate Law) and/or 10177(g)

(negligence/incompetence), 10177(h) (broker supervision) and 10177(q) (failure to comply with Civil Code) of the Code; Sections 2725 (broker supervision), 2742(c) (good standing of corporation to conduct broker activity), 2831 (trust fund records maintenance), 2831.1 (separate records for each beneficiary or transaction), 2831.2 (trust account reconciliation), 2832 (trust fund handling) and 2835 (commingling) of Title 10 of the California Code of Regulations; and Section 2944.7 (loan modification services) of the California Civil Code.

ORDER

All licenses and licensing rights of Respondent under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed, upon the condition that Respondent petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate of \$75.00 for each day of the suspension for a total monetary penalty of \$2,250.00.

a. Said payment shall be in the form of a cashier's check or certified check made payable to the Consumer Recovery Account of the Real Estate Fund. Said check must be delivered to the Bureau prior to the effective date of the Decision in this matter.

b. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the decision in this matter.

c. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner shall, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event, Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of this decision.

d. If Respondent pays the monetary penalty, and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years

1 from the effective date of the Decision herein, then the stay hereby granted shall become
2 permanent.

3 2. The remaining thirty (30) days of said suspension shall be stayed for two
4 (2) years upon the following terms and conditions:

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

7 b. That no final subsequent determination be made, after hearing or
8 upon stipulation, that cause for disciplinary action occurred within two (2) years from the
9 effective date of this Order. Should such a determination be made, the Commissioner shall, in
10 his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
11 suspension. Should no such determination be made, the stay imposed herein shall become
12 permanent.

13 3. Respondent shall, within six (6) months from the effective date of this
14 Order, take and pass the Professional Responsibility Examination administered by the Bureau,
15 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
16 condition, Respondent's real estate license shall automatically be suspended until Respondent
17 passes the examination.

18 4. Notwithstanding any other provision of this Order, all licenses and
19 licensing rights of Respondent are indefinitely suspended unless and until he provides proof
20 satisfactory to the Commissioner that he has taken and successfully completed the continuing
21 education course on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of
22 the Code. The course must have been completed no earlier than one hundred twenty (120) days
23 prior to the effective date of this Order.

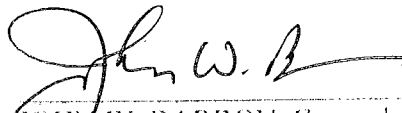
24 5. Respondent shall pay the sum of \$8,649.59 for the Commissioner's cost of
25 the audit which led to this disciplinary action. Respondent shall pay such cost within sixty (60)
26 days of receiving an invoice therefore from the Commissioner. Respondent's real estate
27 license and license rights shall automatically be suspended until payment is made in full or

2 payment, or until a decision providing otherwise is adopted following a hearing held pursuant
3 to this condition.

4 6. Respondent shall pay the Commissioner's costs, not to exceed \$8,649.59,
5 of any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
6 corrected the violations described in the Determination of Issues, above, and any other
7 violations found in the audit which led to this disciplinary action. In calculating the amount of
8 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
9 salary for all persons performing audits of real estate brokers, and shall include an allocation
10 for travel time to and from the auditor's place of work. Respondent shall pay such cost within
11 sixty (60) days of receiving an invoice therefore from the Commissioner detailing the activities
12 performed during the audit and the amount of time spent performing those activities. If
13 Respondent fails to pay such cost within the sixty (60) days, the Commissioner shall
14 automatically suspend all licenses and licensing rights of Respondent under the Real Estate
15 Law until payment is made in full or until Respondent enters into an agreement satisfactory to
16 the Commissioner to provide for payment, or until a decision providing otherwise is adopted
17 following a hearing held pursuant to this condition. Upon full payment, the indefinite
18 suspension provided for in this paragraph shall be stayed.

19 7. All licenses and licensing rights of Respondent are indefinitely suspended
20 unless or until Respondent pays the sum of \$1,442.30 for the Commissioner's reasonable cost
21 of the investigation and enforcement which led to this disciplinary action. Said payment shall
22 be in the form of a cashier's check or certified check made payable to the Real Estate Fund and
23 mailed to: Bureau of Real Estate, P. O. Box 137007, Sacramento, CA 95813-7007 or delivered
24 to the Bureau of Real Estate at 1651 Exposition Boulevard, Sacramento, CA 95815.

25 1/23/14
26 DATED
27


JOHN W. BARRON, Counsel
BUREAU OF REAL ESTATE

* * *

I have read the Stipulation and Agreement in Settlement and Order 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 APA (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.

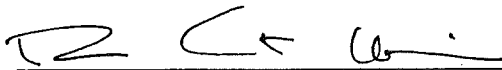
DATED

MOHAMED H. AMMOURI, Respondent

* * *

I have reviewed this Stipulation and Agreement In Settlement and Order as to form and content and have advised my client accordingly.

January 23, 2014
DATED


ROBERT E. MUIR
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

IT IS SO ORDERED

REAL ESTATE COMMISSIONER

2 I have read the Stipulation and Agreement in Settlement and Order and its terms
3 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
4 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
5 11509 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
6 those rights, including the right of requiring the Commissioner to prove the allegations in the
7 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
8 and to present evidence in defense and mitigation of the charges.

9
10 January 23 - 2014
11 DATED


12 MOHAMED H. AMMOURI, Respondent

13 * * *

14 *I have reviewed this Stipulation and Agreement In Settlement and Order as to*
15 *form and content and have advised my client accordingly.*

16 DATED

17 ROBERT E. MUIR
18 Attorney for Respondent

19 * * *

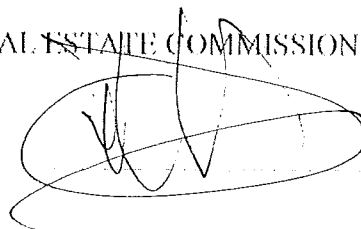
20 The foregoing Stipulation and Agreement in Settlement and Order is hereby
21 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

22 MAY 07 2014

23 IT IS SO ORDERED

24 APR 08 2014

25 REAL ESTATE COMMISSIONER

26 

27 By: JEFFREY MASON
Chief Deputy Commissioner