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FILED

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BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 UNITED MUTUAL, INC., and QAIS MAQDOOR,)
13 Respondents.)

No. H-6594 SAC
ACCUSATION

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15 The Complainant, CHIKA SUNQUIST, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 UNITED MUTUAL, INC. (UMI), and QAIS MAQDOOR (MAQDOOR), sometimes
18 collectively referred to as Respondents, is informed and alleges as follows:

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20 Respondents are presently licensed and/or have license rights under the Real
21
22 Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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25 At all times mentioned, UMI was and is licensed by the State of California
26 Bureau of Real Estate (Bureau) as a real estate broker corporation and a mortgage loan

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1 originator. UMI held an Approved Company Mortgage Loan Originator license endorsement
2 between April 21, 2011, and January 12, 2017.

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4 At all times mentioned, MAQDOOR was and is licensed by the Bureau
5 individually as a real estate broker, and as the designated broker-officer of UMI. As the
6 designated officer, MAQDOOR was responsible, pursuant to Section 10159.2 of the Business
7 and Professions Code (Code), for the supervision of the activities of officers, agents, real estate
8 licensees and employees of UMI for which a real estate license is required to ensure the
9 compliance of the corporation with the Real Estate Law and Regulations. At all times
10 mentioned, MAQDOOR had a mortgage loan originator license endorsement.

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12 Whenever reference is made in an allegation in this Accusation to an act or
13 omission of UMI, such allegation shall be deemed to mean that the officers, directors,
14 employees, agents and real estate licensees employed by or associated with UMI committed
15 such acts or omissions while engaged in furtherance of the business or operation of UMI and
16 while acting within the course and scope of their corporate authority and employment.

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18 At all times herein mentioned, Respondents engaged in the business of, acted in
19 the capacity of, advertised, or assumed to act as a mortgage loan originator within the State of
20 California within the meaning of Section 10166.01 (b) of the Code, including taking residential
21 mortgage loan applications or offering or negotiating terms of a residential mortgage loan for
22 compensation or gain.

23 FIRST CAUSE OF ACTION

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25 Each and every allegation in Paragraphs 1 through 4, inclusive, is incorporated by this
26 reference as if fully set forth herein.

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On or about April 1, 2017, the annual Financial Condition Mortgage Call Report became delinquent for Respondent's fiscal year ending December 31, 2016. Respondents have not submitted the report to the Nationwide Mortgage Licensing System and Registry (NMLS).

The act and/or omission described above constitutes a violation of Section 10166.08 (Failure to Submit Reports to NMLS & R) of the Code, and is grounds for discipline under Sections 10166.051 (a) (Denial, Suspension or Revocation for Violation of Article 2.1), 10177(d) (Willful Disregard of Real Estate Laws) and 10177(g) (Negligence/Incompetence of Licensee).

SECOND CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 7, inclusive, is incorporated by this reference as if fully set forth herein.

Respondent MAQDOOR failed to exercise reasonable supervision and control over the property management activities of UMI. In particular, MAQDOOR permitted, ratified and/or caused the conduct described above to occur, and failed to take reasonable steps, including but not limited to, supervision of employees, and the implementation of policies, rules and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

The above acts and/or omissions of MAQDOOR violate Section 2725 (Broker Supervision) of the California Code of Regulations and Section 10159.2 (Responsibility/Designated Officer) of the Code and constitute grounds for disciplinary action under the provisions of Sections 10177(d), 10177(g) and/or 10177(h) (Broker Supervision) of the Code.

1 FACTORS IN AGGRAVATION

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3 On June 29, 2017, the Bureau, Citation No. C-4-17-0627-003, issued and served
4 UMI a citation for failure to timely submit the 2016 Quarter 4 Mortgage Call Report to the
5 NMLS that became due on February 15, 2017. UMI was required to pay by August 1, 2017, the
6 fine amount of \$2,500 for violating Section 10166.08 of the Code. UMI has not paid the
7 citation.

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9 On June 29, 2017, the Bureau, Citation No. C-4-17-0627-004, issued and served
10 MAQDOOR a citation for failure to timely submit the 2016 Quarter 4 Mortgage Call Report to
11 the NMLS that became due on February 15, 2017. MAQDOOR was required to pay by August
12 8, 2017, the fine amount of \$2,500 for violating Section 10166.08 of the Code. MAQDOOR has
13 not paid the citation.

14 COST RECOVERY

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16 Section 10106 of the Code provides, in pertinent part, that in any order issued in
17 resolution of a disciplinary proceeding before the department, the commissioner may request the
18 administrative law judge to direct a licensee found to have committed a violation of this part to
19 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

20 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
21 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and
22 license rights of Respondent under the Real Estate Law, for the cost of investigation and

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1 enforcement as permitted by law, and for such other and further relief as may be proper under
2 other provisions of law.

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5 CHIKA SUNQUIST
6 Supervising Special Investigator

7 Dated at Sacramento, California, on
8 this 6th day of November, 2017.

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