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1 Department of Real Estate  
185 Berry Street, Room 3400  
2 San Francisco, California 94107-1770

FILED  
JUL 1 1994

3 Telephone: (415) 904-5917  
4

DEPARTMENT OF REAL ESTATE

By S. Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of ) No. H-6991 SF  
12 SAMUEL PINCHAS SOROKIN, ) STIPULATION AND AGREEMENT  
13 Respondent. ) IN SETTLEMENT AND ORDER

14  
15 It is hereby stipulated by and between (Respondent)  
16 SAMUEL PINCHAS SOROKIN, and the Complainant, acting by and  
17 through Deidre L. Johnson, Counsel for the Department of Real  
18 Estate, as follows for the purpose of settling and disposing the  
19 Accusation as to him filed on November 16, 1993 in this matter:

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

27

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

5           3. On November 29, 1993, Respondent filed his Notice of  
6 Defense pursuant to Section 11505 of the Government Code for the  
7 purpose of requesting a hearing on the allegations in the  
8 Accusation. Respondent hereby freely and voluntarily withdraws  
9 said Notice of Defense. Respondent acknowledges that he  
10 understands that by withdrawing said Notice of Defense he will  
11 thereby waive his right to require the Commissioner to prove the  
12 allegations in the Accusation at a contested hearing held in  
13 accordance with the provisions of the APA, and that he will waive  
14 other rights afforded to him in connection with the hearing such  
15 as the right to present evidence in defense of the allegations in  
16 the Accusation and the right to cross-examine witnesses.

17           4. Respondent has read the Discovery Provisions of the  
18 APA and is aware of his right to conduct discovery in the  
19 proceeding, and by entering into this stipulation, freely and  
20 voluntarily waives his right to conduct further discovery.

21           5. Respondent, pursuant to the limitations set forth  
22 below, hereby admits that the factual allegations set forth in the  
23 Accusation as to him are true and correct and the Real Estate  
24 Commissioner shall not be required to provide further evidence of  
25 such allegations. A true copy of the Accusation is attached  
26 hereto as Annex A and incorporated herein by reference.

27



1 action against the real estate license and license rights of  
2 Respondent under the provisions of Section 10177(d) of the Code.

3 ORDER

4 All licenses and licensing rights of Respondent SAMUEL  
5 PINCHAS SOROKIN under the Real Estate Law are suspended for a  
6 period of thirty (30) days from the effective date of this  
7 Decision; provided, however, that said suspension shall be stayed  
8 for one (1) year upon the following terms and conditions:

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

12 2. That no final subsequent determination be made,  
13 after hearing or upon stipulation, that cause for disciplinary  
14 action occurred within one (1) year of the effective date of this  
15 Decision. Should such a determination be made, the Commissioner  
16 may, in his discretion, vacate and set aside the stay order and  
17 reimpose all or a portion of the stayed suspension. Should no  
18 such determination be made, the stay imposed herein shall become  
19 permanent.

20  
21 DATED: June 9, 1994

Deidre L. Johnson  
DEIDRE L. JOHNSON  
Counsel for the Complainant

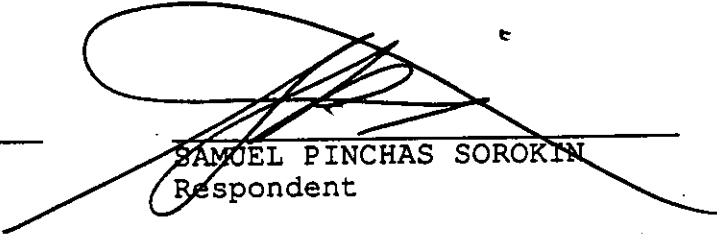
22  
23 \* \* \*

24 I have read the Stipulation in Settlement and Agreement,  
25 understand I have the right to discuss it with private counsel,  
26 and its terms are understood by me and are agreeable and  
27 acceptable to me. I understand that I am waiving rights given to

1 me by the California Administrative Procedure Act, and I  
2 willingly, intelligently and voluntarily waive those rights,  
3 including the right of requiring the Commissioner to prove the  
4 allegations in the Accusation at a hearing at which I would have  
5 the right to cross-examine witnesses against me and to present  
6 evidence in defense and mitigation of the charges.

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DATED: 6/7/94

  
SAMUEL PINCHAS SOROKIN  
Respondent

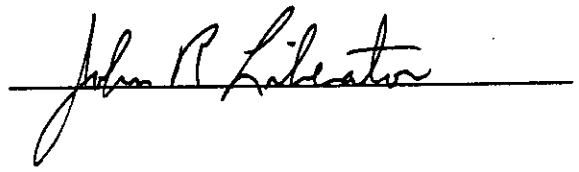
\* \* \*

DECISION AND ORDER

The foregoing Stipulation and Agreement in Settlement is  
hereby adopted as my Decision and Order and shall become effective  
at 12 o'clock noon on July 20th, 1994.

IT IS SO ORDERED June 27, 1994.

CLARK WALLACE  
Real Estate Commissioner



BY: **John R. Liberator**  
**Chief Deputy Commissioner**

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**COPY**

**FILED**

JAN 26 1994

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Lynda Montiel  
Lynda Montiel

*In the Matter of the Accusation of*

SAMUEL PINCHAS SOROKIN,

Case No. H-6991 SF

OAH No. N 9312092

Respondent

**NOTICE OF HEARING ON ACCUSATION**

**To the above named respondent:**

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_

OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING,

455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on Friday, May 6, 1994 (1/2 day), at the hour of 9:00 am,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: January 26, 1994

By Deidre L. Johnson / sm  
DEIDRE L. JOHNSON, Counsel

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NOV 16 1993

DEPARTMENT OF REAL ESTATE

1 DEIDRE L. JOHNSON, Counsel  
Department of Real Estate  
2 185 Berry Street, Room 3400  
San Francisco, CA 94107-1770

3  
4 Telephone: (415) 904-5917

by Lynda Montiel  
Lynda Montiel

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-6991 SF  
12 SAMUEL PINCHAS SOROKIN, ) ACCUSATION  
13 )  
14 Respondent. )

15 The Complainant, LES R. BETTENCOURT, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against SAMUEL PINCHAS SOROKIN is informed and alleges  
18 as follows:

19 I.

20 The Complainant, LES R. BETTENCOURT, a Deputy Real  
21 Estate Commissioner of the State of California, makes this  
22 Accusation in his official capacity and not otherwise.

23 II

24 SAMUEL PINCHAS SOROKIN (hereafter Respondent) is  
25 presently licensed and/or has license rights under the Real Estate  
26 Law, Part 1 of Division 4 of the Business and Professions Code  
27 (Code).

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III

At all times mentioned herein, Respondent was licensed as a real estate salesperson. At no time herein was Respondent licensed as a real estate broker.

IV

Whenever reference is made in this accusation to Respondent, or an act or omission of Respondent, such allegation shall refer also to the agents and/or employees of Respondent who performed, failed to perform, authorized, or permitted such acts or omissions while engaged in the furtherance of the business or activities of Respondent, and while acting within the course and scope of their authority and employment.

V

Beginning in about June of 1992, and continuing until on or about July 8, 1993, Respondent conducted a business known as "RENTAL SOLUTIONS" for which a real estate broker license is required in the State of California pursuant to Business and Professions Code Section 10131(b). Respondent offered to locate rental properties for his customers, prequalify the customers, inspect the units and arrange meetings with the owners of the properties, among other services. RENTAL SOLUTIONS charged advance fees in the sum of \$200 per bedroom or \$175 per studio for location of a satisfactory unit, and provided for certain refunds.

VI

Beginning in about June of 1992, Respondent attempted to qualify the above business for licensure as a proposed prepaid rental listing service (PRLS) and submitted an application for

1 such licensure to the Department of Real Estate. The Department  
2 did not issue the license.


3 VII

4 Subsequent to June of 1992, Respondent began the  
5 operation and conduct of the above business, and advertised and  
6 solicited customers when Respondent did not have a real estate  
7 broker license or PRLS license. Respondent continued the  
8 operation of the business until on or about July 8, 1993, when  
9 RENTAL SOLUTIONS became duly licensed as the fictitious business  
10 name of a licensed real estate broker.

11 XIII

12 The acts and/or omissions of Respondent constitute  
13 grounds for disciplinary action under the provisions of Section  
14 10130 in conjunction with Section 10177(d) of the Code.

15 WHEREFORE, the Complainant prays that a hearing be  
16 conducted on the allegations of this Accusation and that upon  
17 proof thereof, a decision be rendered imposing disciplinary action  
18 against all licenses and license rights of Respondents under the  
19 Real Estate Law (Part 1 of Division 4 of the Business and  
20 Professions Code), and for such other and further relief as may be  
21 proper under other provisions of law.

22  
23   
24 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

25 Dated at San Francisco, California,  
26 this 29th day of October, 1993.  
27