

JASON D. LAZARK, Counsel (SBN 263714)  
Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007  
Telephone: (916) 227-0822

**FILED**

DEC 09 2011

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

NEIL NABIL SALEM,

Respondent.

No. H-11239 SF

FIRST AMENDED  
ACCUSATION

The Complainant, E.J. HABERER II, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against NEIL NABIL SALEM (herein "Respondent"), alleges as follows:

1.

Respondent is presently licensed and/or has license right under the Real Estate Law Part 1 of Division 4 of the Business and Professions Code (herein "the Code") as a real estate broker.

LICENSE APPLICATION FRAUD

2.

On or about December 11, 2002, Financial Partners, Inc. was issued a real estate corporation license with the Department of Real Estate (herein "the Department"). Currently, Financial Partners, Inc. has license rights with the Department but is on expired status and has no active broker affiliation.

1 3.

2 On or about March 25, 2010, Respondent made application to the Department to  
3 become the designated broker officer of Financial Partners, Inc.

4 4.

5 In response to Question 17 of said application, to wit: HAVE YOU EVER BEEN  
6 CONVICTED OF A MISDEMEANOR OR FELONY? CONVICTIONS EXPUNGED  
7 UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY  
8 OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR  
9 OR FELONY," Respondent concealed and failed to disclose the conviction described below in  
10 Paragraph 6.

11 CRIMINAL CONVICTIONS

12 5.

13 On or about September 30, 2010, in the Superior Court of the State of California,  
14 County of Santa Clara, Case No. C1079962, Respondent was convicted of violating section  
15 12316(b) of the Penal Code (possession of ammunition while prohibited from owning a  
16 firearm), a misdemeanor which bears a substantial relationship under section 2910, title 10,  
17 California Code of Regulations (herein "the Regulations") to the qualifications, functions or  
18 duties of a real estate licensee.

19 6.

20 On or about February 10, 2010, in the Superior Court of the State of California,  
21 County of Glenn, Case No. 09SCR05946, Respondent was convicted of violating section 11350  
22 of the Health & Safety Code (possession of a controlled substance), a felony which bears a  
23 substantial relationship under section 2910, title 10, of the Regulations to the qualifications,  
24 functions or duties of a real estate licensee.

25 7.

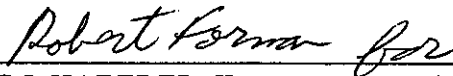
26 In failing to reveal the conviction described above in Paragraph 6, Respondent  
27 procured or attempted to procure a real estate license by fraud, misrepresentation, or deceit, or

1 by making a material misstatement of fact in said application, which constitutes cause under  
2 section 10177(a) of the Code for the suspension or revocation of all licenses and license rights  
3 of Respondent under Part 1 of Division 4 of the Code (herein "the Real Estate Law").

4 8.

5 The facts alleged above in Paragraphs 5 and 6 constitute grounds for the  
6 suspension or revocation of all licenses and license rights of Respondent under section 490(a)  
7 and 10177(b) of the Code.

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

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15 E.J. HABERER, II  
16 Deputy Real Estate Commissioner

17 Dated at Oakland, California,  
18 this 5TH day of DECEMBER, 2011.  
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LICENSE APPLICATION FRAUD

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CRIMINAL CONVICTIONS

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1 deceit, or by making a material misstatement of fact in said application, which constitutes cause  
2 under sections 10177(a) of the Business and Professions Code (herein "the Code") for the  
3 suspension or revocation of all licenses and license rights of Respondent under Part 1 of  
4 Division 4 of the Code (herein "the Real Estate Law").

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15 E.J. HABERER, II  
16 Deputy Real Estate Commissioner

17 Dated at Oakland, California,  
18 this 27 day of October, 2011.  
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