

1 Department of Real Estate  
107 South Broadway, Room 8107  
2 Los Angeles, California, 90012  
3 Telephone: (213) 620-4790  
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FILED

DEC 18 1991

DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 In the Matter of the Accusation of )  
12 MOUSSA AMIRIEH, aka ) H-24332 LA  
13 John Amirieh, individually, ) STIPULATION IN  
14 dba Excell Capital Group, Inc., ) SETTLEMENT AND ORDER  
15 and Excell Capital Group, )  
Respondent. )

16  
17 It is hereby stipulated by and between MOUSSA AMIRIEH  
18 (sometimes referred to as "Respondent"), and the Complainant, acting  
19 by and through Sean Crahan, Counsel for the Department of Real  
20 Estate, as follows for the purpose of settling and disposing of the  
21 Accusation filed on October 16, 1990 in this matter:

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

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

5           3.     On October 29, 1990, Respondent filed a 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 said  
9 Notice of Defense. Respondent acknowledges that he understands that  
10 by withdrawing said Notice of Defense, he will thereby waive his  
11 right to require the Commissioner to prove the allegations in the  
12 Accusation at a contested hearing held in accordance with the  
13 provisions of the APA and that he will waive other rights afforded  
14 to him in connection with the hearing such as the right to present  
15 evidence in defense of the allegations in the Accusation and the  
16 right to cross-examine witnesses.

17           4.     Respondent, pursuant to the limitations set forth  
18 below, hereby admits that the factual allegations in Paragraphs one  
19 (1) through six (6) of the Accusation filed in this proceeding are  
20 true and correct and the Real Estate Commissioner shall not be  
21 required to provide further evidence of such allegations.

22           5.     It is understood by the parties that the Real Estate  
23 Commissioner may adopt the Stipulation In Settlement and Order as  
24 his decision in this matter thereby imposing the penalty and  
25 sanctions on Respondent's real estate licenses and license rights as  
26 set forth in the below "Order". In the event that the Commissioner  
27 in his discretion does not adopt the Stipulation In Settlement and

1 Order, the Stipulation In Settlement and Order shall be void and of  
2 no effect, and Respondent shall retain the right to a hearing and  
3 proceeding on the Accusation under all the provisions of the APA and  
4 shall not be bound by any admission or waiver made herein.

5 6. The Order or any subsequent Order of the Real Estate  
6 Commissioner made pursuant to this Stipulation shall not constitute  
7 an estoppel, merger or bar to any further administrative or civil  
8 proceedings by the Department of Real Estate with respect to any  
9 matters which were not specifically alleged to be causes for  
10 accusation in this proceeding.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions and  
13 waivers and solely for the purpose of settlement of the pending  
14 Accusation without a hearing, it is stipulated and agreed that the  
15 following determination of Issues shall be made:

16 The conduct or omissions of Respondent MOUSSA AMIRIEH as  
17 set forth in paragraph seven (7) of the Accusation constitute cause  
18 to suspend or revoke his real estate licenses and license rights  
19 under the provisions of Business and Professions Code Section  
20 10177(d) for violation of Code Sections 10130, 10159.5 and  
21 Regulations 2715 and 2731 from Title 10, Chapter 6, California Code  
22 of Regulations.

23 ORDER

24 WHEREFORE, THE FOLLOWING ORDER is hereby made:

25 The licenses and license rights of MOUSSA AMIRIEH under  
26 Part 1 of Division 4 of the Business and Professions Code are  
27 suspended for thirty (30) days.

1           However, if respondent petitions in writing, pursuant to  
2 Code Section 10175.2, the first fifteen (15) days of said thirty  
3 (30) day suspension are stayed if respondent pays \$1,500 to the Real  
4 Estate Recovery Account.

5           The Commissioner, in exercising his discretion under Code  
6 Section 10175.2, agrees by adopting this Order that it would not be  
7 against the public interest to permit such petitioning respondent to  
8 pay the aforesaid monetary penalty.

9           Payment of the aforementioned monetary penalty shall be in  
10 the form of a cashier's check or certified check, made payable to  
11 the Recovery Account of the Real Estate Fund. Payment must be made  
12 prior to the effective date of this Decision.

13           The second fifteen (15) days of said thirty (30) day  
14 suspension are stayed upon condition of no further violations of the  
15 Real Estate Law. If no further cause for disciplinary action occurs  
16 against respondent's real estate license within one (1) year from  
17 the effective date of this Order, the stay hereby granted shall  
18 become permanent. If it is determined pursuant to the  
19 Administrative Procedure Act that further cause for disciplinary  
20 action against the real estate license of respondent has occurred  
21 within one (1) year from the effective date of this Decision, the  
22 stay of suspension hereby granted, or such portion thereof, as the  
23 Real Estate Commissioner shall deem to be appropriate, shall be  
24 vacated.

25           I have read the Stipulation In Settlement and its terms  
26 are understood by me and are agreeable and acceptable to me. I  
27 understand that I am waiving rights given to me by the California

1 Administrative Procedure Act (including but not limited to Sections  
2 11506, 11508, 11509 and 11513 of the Government Code), and I  
3 willingly, intelligently and voluntarily waive those rights,  
4 including the right of requiring the Commissioner to prove the  
5 allegations in the Accusation at a hearing at which I would have the  
6 right to cross-examine witnesses against me and to present evidence  
7 in defense and mitigation of the charges.

8  
9 DATED: 11-18-'91

*Moussa Amirieh*  
MOUSSA AMIRIEH, Respondent.

10  
11 DATED: 12-16-91

*Sean Crahan*  
SEAN CRAHAN, Counsel for the  
Department of Real Estate.

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1           The foregoing Stipulation In Settlement and Order is  
2 hereby adopted as the Decision and Order in the above entitled  
3 matter as to Respondent MOUSSA AMIRIEH and this Order shall become  
4 effective at 12 o' clock noon on January 7, 1992.

5           IT IS SO ORDERED December 12, 1991.

6                           CLARK WALLACE  
7                           Real Estate Commissioner

8           By: John R. Liberator  
9                           JOHN R. LIBERATOR  
                          Chief Deputy Commissioner

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SEAN CRAHAN, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
(213) 620-4790

FILED

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DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	No. H-24332 LA
	)	
MOUSSA AMIRIEH,	)	<u>A C C U S A T I O N</u>
aka John Amirieh,	)	
individually, dba	)	
Excell Capital Group, Inc.,	)	
and Excell Capital Group,	)	
	)	
Respondent.	)	

The complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MOUSSA AMIRIEH, aka John Amirieh, individually, dba Excell Capital Group, Inc., and Excell Capital Group, alleges as follows:

1.

The complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

MOUSSA AMIRIEH (hereafter referred to as Respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereafter cited as the Code). At all times herein

1 pertinent, Respondent was licensed by the Department of Real Estate of the State of  
2 California (hereafter the Department) as a real estate broker. At no time herein pertinent  
3 was Respondent licensed to do business under the fictitious business name of Excell  
4 Capital Group or Excell Capital Group, Inc.

5 3.

6 Excell Capital Group, aka Excell Capital Group, Inc. (hereafter referred to  
7 as Excell), was at all times herein pertinent a California corporation. At all times herein  
8 pertinent, Respondent was sole officer and director of Excell. At no time herein pertinent  
9 was Excell licensed by the Department as a real estate corporation. On February 1, 1988,  
10 the corporate powers of Excell were suspended by the California Secretary of State.

11 4.

12 At all times herein pertinent, Respondent was performing acts for which a  
13 real estate license was required within the meaning of Code Section 10131(a) and was  
14 doing so as a principal, director and officer of and in the name of Excell.

15 5.

16 On or about January 29, 1988, Respondent, acting for Excell, accepted a  
17 listing from Zenon Kesik in which Excell was employed to solicit purchasers for and to  
18 negotiate the sale or exchange of 1315 North Bullis Road, Compton, California (hereafter  
19 the Property). Between on or about February 8, 1988, through June 24, 1988,  
20 Respondent, acting on behalf of Excell, which was acting on behalf of Zenon Kesik,  
21 negotiated the exchange of the Property with Siranouche Alajian. Escrow closed and  
22 Excell was paid \$80,000 as compensation for its efforts and the efforts of Respondent in  
23 negotiating said exchange.

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6.

At all times herein pertinent, Respondent and Excell were doing business at 1718 Westwood Boulevard, Los Angeles, California 90024. At all times herein pertinent, Respondent was licensed by the Department as a broker with a main office address of 1401 El Camino, 4th Floor, Sacramento, California 95826. Respondent had no branch office licenses in effect. Respondent omitted to notify the Department of his address at 1718 Westwood Boulevard, Los Angeles, California.

7.

The conduct or omissions of Respondent as set forth above constitute grounds to suspend or revoke his real estate license under Code Section 10177(d) for violation of, or failure to comply with, the following Code Sections or Regulations of the Real Estate Commissioner:

(a) Code Section 10130 for aiding or abetting an unlicensed corporation to perform acts for which a real estate license is required, as set forth in Paragraphs 3 through 5 above.

(b) Code Section 10159.5 and Section 2731 of Title 10, Chapter 6 of the California Code of Regulations (hereafter the Regulations), for the use of a fictitious business name in transactions for which a license is required, without having a license bearing said fictitious name, as set forth in Paragraphs 2 through 5 above.

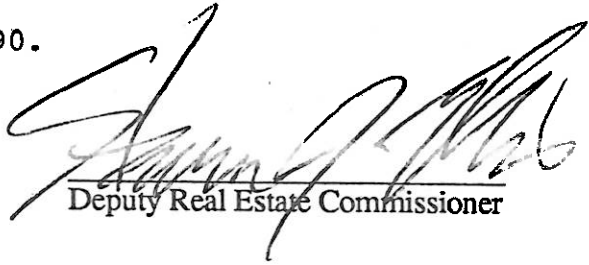
(c) Regulation 2715 for omitting to notify the Department of his main or branch office address, as set forth in Paragraph 6 above.

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondent MOUSSA AMIRIEH, aka John Amirieh, individually, dba Excell Capital Group, Inc., and Excell

/

1 Capital Group, under the Real Estate Law (Part 1 of Division 4 of the Business and  
2 Professions Code) and for such other and further relief as may be proper under other  
3 applicable provisions of law.

4 Dated at Los Angeles, California  
5 this 16th day of October, 1990.

  
Deputy Real Estate Commissioner

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cc: Moussa Amirieh  
Sacto.  
AS