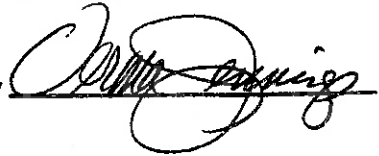


ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
FEB 15 1995
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-26051 LA
	)	
SAHON FINANCIAL SERVICES,	)	A C C U S A T I O N
INC.; and OGIE JACKSON	)	
OBASEKI, individually and	)	
as designated officer of	)	
Sahon Financial Services,	)	
Inc.,	)	
	)	
Respondents.	)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against SAHON FINANCIAL SERVICES, INC., a corporation; and OGIE JACKSON OBASEKI, individually and as designated officer of Sahon Financial Services, Inc., is informed and alleges in his official capacity as follows:

I

SAHON FINANCIAL SERVICES, INC. (SFSI), and OGIE JACKSON OBASEKI (OBASEKI), sometimes collectively referred to as respondents, are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California

1 Business and Professions Code).

2 II .

3 All references to the "Code" are to the California
4 Business and Professions Code and all references to "Regulations"
5 are to Chapter 6, Title 10, California Code of Regulations.

6 III

7 At all mentioned times, SFSI was licensed by the
8 Department of Real Estate of the State of California (Department)
9 as a corporate real estate broker by and through OBASEKI as
10 designated officer.

11 IV

12 At all mentioned times, OBASEKI was licensed by the
13 Department as designated officer of SFSI to qualify SFSI and to
14 act for SFSI as a real estate broker and, as provided by Section
15 10159.2 of the Code, was responsible for the supervision and
16 control of the activities conducted on behalf of SFSI by its
17 officers, managers and employees as necessary to secure full
18 compliance with the provisions of the Real Estate Law including
19 the supervision of the salespeople licensed to the corporation in
20 the performance of acts for which a real estate license is
21 required by Section 10159.2 of the Code.

22 V

23 Whenever reference is made in an allegation in the
24 Accusation to an act or omission of SFSI, such allegation shall be
25 deemed to mean that the officers, directors, managers, employees,
26 agents and real estate licensees employed by or associated with
27 SFSI, including OBASEKI, committed such acts or omissions while

1 engaged in the furtherance of the business or operation of SFSI
2 and while acting within the course and scope of its corporate
3 authority, agency and employment.

4 VI

5 At all mentioned times, SFSI and OBASEKI were acting as
6 the agent or employee of the other and within the course and scope
7 of such agency or employment.

8 VII

9 At all mentioned times, in the city of Beverly Hills,
10 Los Angeles County, respondents engaged in the business of, acted
11 in the capacity of, advertised, or assumed to act as real estate
12 brokers, within the meaning of Section 10131(d) of the Code,
13 including the operation of a mortgage loan brokerage business with
14 the public wherein lenders and borrowers were solicited for loans
15 secured directly or collaterally by liens on real property,
16 wherein such loans were arranged, negotiated, processed and
17 consummated on behalf of others for compensation or in expectation
18 of compensation and for fees often collected in advance.

19 VIII

20 At all times mentioned herein, in connection with the
21 activities described in Paragraph VII, above, respondents accepted
22 or received funds in trust (herein "trust funds") from or on
23 behalf of borrowers and lenders and thereafter made disbursements
24 of such funds including appraisal and loan processing fees.
25 Respondents did not maintain a trust account.

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IX

On or about October 7, 1994, the Department completed an examination of respondent SFSI's books and records pertaining to the mortgage loan banking and loan servicing business and trust fund handling activities of respondent SFSI, for the period beginning on January 1, 1992, to June 30, 1994, which revealed violations of the Code and the Regulations as set forth in the following paragraphs.

X

In connection with the activities described above in Paragraphs VII and VIII, SFSI and OBASEKI failed to provide certified written mortgage loan disclosure statements and specifically failed to provide complete material information in the Good Faith Estimate to various borrowers including, but not limited to, Yordan Trenev, before said borrowers became obligated to perform under the terms of their respective loans. This conduct constitutes a violation of Section 10240 of the Code and Regulations 2840 and 2840.1 and is cause to suspend or revoke respondents' respective real estate licenses and license rights under Section 10177(d) of the Code.

XI

The audit examination further revealed SFSI and OBASEKI, jointly and severally, engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fees in the amount of \$1,800 from Yordan Trenev, during the measured period, as described in Paragraph VIII, within the meaning of Sections 10026 and 10131.2 of the

1 Code.

2 XII

3 In connection with the loan transaction described above
4 in Paragraph XI, SFSI and OBASEKI, acting jointly and severally,
5 collected advance fees within the meaning of Section 10026 of the
6 Code, specifically with respect to Yordan Trenev, the borrower
7 named in Paragraph X, in the amount of \$1,800. Said advance fee
8 collected from the aforesaid borrower and other similar advance
9 fees from other borrowers were collected by each would-be borrower
10 when submitting a loan application to SFSI and before the
11 commencement of any loan processing, which constitutes an advance
12 fee agreement within the meaning of Sections 10026 and 10085 of
13 the Code and Section 2970 of the Regulations. The failure of SFSI
14 and OBASEKI to submit an advance fee agreement to the Commissioner
15 of Real Estate five days prior to its use is a violation of
16 Section 10085 of the Code and Section 2970 of the Regulations and
17 is cause to suspend or revoke all licenses and license rights of
18 the respondents under Section 10177(d) of the Code.

19 XIII

20 In connection with the activities described above in
21 Paragraphs X through XII and with reference to the lack of an
22 advance fee agreement, SFSI and OBASEKI failed to provide a
23 complete description of services to be rendered provided to each
24 would-be borrower; 10 point type font; and, an allocation and
25 disbursement of the amount collected as the advance fee, in
26 violation of Section 2972 of the Regulations. This conduct and
27 violation are cause to suspend or revoke the real estate licenses

1 and license rights of respondents under Section 10177(d) of the
2 Code.

3 XIV

4 The audit examination conducted by personnel of the
5 Department revealed that SFSI and OBASEKI failed to establish and
6 maintain a trust account at a bank or other recognized financial
7 institution in the name of the broker for deposit of advance fees
8 collected by SFSI and OBASEKI in the Yordan Trenev loan
9 transaction in violation of Section 10146 of the Code. Said
10 conduct is cause to suspend or revoke all licenses and license
11 rights of the respondents under Section 10177(d) of the Code.

12 XV

13 The conduct of respondents SFSI and OBASEKI by failing
14 to disclose to borrower Yordan Trenev all material information
15 contained in the Good Faith Estimate pertaining to their
16 responsibility to disclose such information to the borrower, as
17 described in Paragraphs X through XII, constitutes a
18 misrepresentation. This conduct and violation are cause to
19 suspend or revoke the real estate licenses and license rights of
20 respondents SFSI and OBASEKI pursuant to Section 10176(a).

21 XVI

22 The investigative audit revealed with respect to the
23 Yordan Trenev loan transaction that respondent OBASEKI mixed and
24 commingled trust funds in the form of an advance fee in the amount
25 of \$1,800 received from Yordan Trenev and deposited into his
26 personal funds thereby failing to deposit said funds into a trust
27 account. This conduct constitutes a violation of Section 10146 of

1 the Code and such violation is cause to suspend or revoke the real
2 estate licenses and license rights of respondent pursuant to
3 Section 10177(d) of the Code.

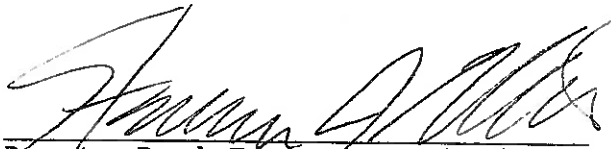
4 XVII

5 The conduct of respondent OBASEKI, in allowing
6 respondent SFSI to violate the Code and Regulations, as described
7 in Paragraphs X through XV herein above, during the time that
8 OBASEKI was the designated officer of SFSI, constitutes negligence
9 or incompetence in violation of Section 10177(g) of the Code.
10 This conduct and violation are cause for the suspension or
11 revocation of all real estate licenses and license rights of
12 respondent OBASEKI under the provisions of Sections 10177(g) and
13 10177(h) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of respondents SAHON FINANCIAL
5 SERVICES, INC.; and OGIE JACKSON OBASEKI, individually and as
6 designated officer of Sahon Financial Services, Inc., under the
7 Real Estate Law (Part 1 of Division 4 of the Business and
8 Professions Code) and for such other and further relief as may be
9 proper under other applicable provisions of law.

10 Dated at Los Angeles, California,
11 this 15th day of February, 1995.

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14 Deputy Real Estate Commissioner

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25 cc: Sahon Financial Services, Inc.
26 Ogie Jackson Obaseki
27 Sacto.
 TCD