

FILED

OCT - 5 2010

1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

DEPARTMENT OF REAL ESTATE
BY: James B. Olson

3 (213) 576-6982
4 (213) 620-6430

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-36337 LA
12)
12 FIRST UNITED HOME LOANS, a) STIPULATION AND AGREEMENT
13 corporate real estate broker;)
13 MARK DAVID CHISICK, individually) (AMIR SAEED DELKASH)
14 and as former designated officer)
14 AMIR SAEED DELKASH, individually)
15 and as designated broker-officer)
15 of First United Home Loans;)
16 and NASSER SALAMA,)
16)
17 Respondents.)
18)

19 It is hereby stipulated by and between AMIR SAEED
20 DELKASH (sometimes referred to herein as "Respondent"),
21 represented in this matter by Julia L. Greenfield, Attorney at
22 Law, and the Complainant, acting by and through Martha J.
23 Rosett, Counsel for the Department of Real Estate, as follows
24 for the purpose of settling and disposing of the Accusation
25 filed on November 2, 2009 in this matter:
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27

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and
3 Respondent at a formal hearing on the Accusation, which hearing
4 was to be held in accordance with the provisions of the
5 Administrative Procedure Act (APA), shall instead and in place
6 thereof be submitted solely on the basis of the provisions of
7 this Stipulation and Agreement.

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA
10 and the Accusation filed by the Department of Real Estate in
11 this proceeding.

12 3. On November 16, 2009, Respondent filed a Notice
13 of Defense pursuant to Section 11506 of the Government Code for
14 the purpose of requesting a hearing on the allegations in the
15 Accusation. In order to effectuate this settlement, Respondent
16 hereby freely and voluntarily withdraws said Notice of Defense.
17 Respondent acknowledges that he understands that by withdrawing
18 said Notice of Defense, he will thereby waive his right to
19 require the Commissioner to prove the allegations in the
20 Accusation at a contested hearing held in accordance with the
21 provisions of the APA and that he will waive other rights
22 afforded to him in connection with the hearing such as the
23 right to present evidence in defense of the allegations in the
24 Accusation and the right to cross-examine witnesses.

25 4. Respondent, pursuant to the limitations set forth
26 below, although not admitting or denying the truth of the
27 allegations, will not contest the factual allegations contained

1 in the Accusation filed in this proceeding and the Real Estate
2 Commissioner shall not be required to provide further evidence
3 of such allegations.

4 5. It is understood by the parties that the Real
5 Estate Commissioner may adopt the Stipulation and Agreement as
6 his Decision in this matter, thereby imposing the penalty and
7 sanctions on Respondent's real estate license and license
8 rights as set forth in the below "Order". In the event that
9 the Commissioner in his discretion does not adopt the
10 Stipulation and Agreement, it shall be void and of no effect,
11 and Respondent shall retain the right to a hearing and
12 proceeding on the Accusation under all the provisions of the
13 APA and shall not be bound by any stipulation or waiver made
14 herein.

15 6. The Order or any subsequent Order of the Real
16 Estate Commissioner made pursuant to this Stipulation and
17 Agreement shall not constitute an estoppel, merger or bar to
18 any further administrative proceedings by the Department of
19 Real Estate with respect to any matters which were not
20 specifically alleged to be causes for accusation in this
21 proceeding.

22 7. This Stipulation and Respondent's decision not to
23 contest the Accusation are made for the purpose of reaching an
24 agreed disposition of this proceeding, and are expressly
25 limited to this proceeding and any other proceeding or case in
26 which the Department of Real Estate ("Department"), or another
27 licensing agency of this state, another state or if the federal

1 government is involved and otherwise shall not be admissible in
2 any other criminal or civil proceedings.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and waivers
5 and solely for the purpose of settlement of the pending
6 Accusation without a hearing, it is stipulated and agreed that
7 the following Determination of Issues shall be made:

8 The conduct, acts or omissions of Respondent AMIR
9 SAEED DELKASH, as set forth in the Accusation, constitute cause
10 to suspend or revoke the real estate license and licensing
11 rights of Respondent AMIR SAEED DELKASH under the provisions of
12 Business and Professions Code ("Code") Section 10176(a).

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent AMIR
16 SAEED DELKASH under the Real Estate Law are revoked; provided,
17 however, a restricted real estate broker license shall be issued
18 to Respondent pursuant to Section 10156.5 of the Business and
19 Professions Code if Respondent makes application therefor and
20 pays to the Department of Real Estate the appropriate fee for the
21 restricted license within 90 days from the effective date of this
22 Decision. The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the
24 Business and Professions Code and to the following limitations,
25 conditions and restrictions imposed under authority of Section
26 10156.6 of that Code:

1 1. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions of
15 a restricted license until two years have elapsed from the
16 effective date of this Decision.


17 4. Respondent shall, within nine months from the
18 effective date of this Decision, present evidence satisfactory to
19 the Real Estate Commissioner that Respondent has, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
23 for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may order the suspension
25 of the restricted license until the Respondent presents such
26
27

1 evidence. The Commissioner shall afford Respondent the
2 opportunity for a hearing pursuant to the Administrative
3 Procedure Act to present such evidence.

4 5. Respondent shall, within six months from the
5 effective date of this Decision, take and pass the Professional
6 Responsibility Examination administered by the Department
7 including the payment of the appropriate examination fee. If
8 Respondent fails to satisfy this condition, the Commissioner may
9 order the suspension of Respondent's license until Respondent
10 passes the examination.

11
12 DATED:

8/5/10


13 MARTHA J. ROSETT
14 Counsel for Complainant

15 * * *

16 I have read the Stipulation and Agreement, have
17 discussed it with counsel, and its terms are understood by me
18 and are agreeable and acceptable to me. I understand that I am
19 waiving rights given to me by the California Administrative
20 Procedure Act (including but not limited to Sections 11506,
21 11508, 11509 and 11513 of the Government Code), and I
22 willingly, intelligently and voluntarily waive those rights,
23 including the right of requiring the Commissioner to prove the
24 allegations in the Accusation at a hearing at which I would
25 have the right to cross-examine witnesses against me and to
26 present evidence in defense and mitigation of the charges.

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Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576 6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 7-8-10

[Signature]

AMIR SAEED DELKASH
Respondent

DATED: 7/8/10

[Signature]

Julia L. Greenfield,
Attorney at Law,
Counsel for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____

IT IS SO ORDERED _____

JEFF DAVI
Real Estate Commissioner

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Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: _____
AMIR SAEED DELKASH
Respondent

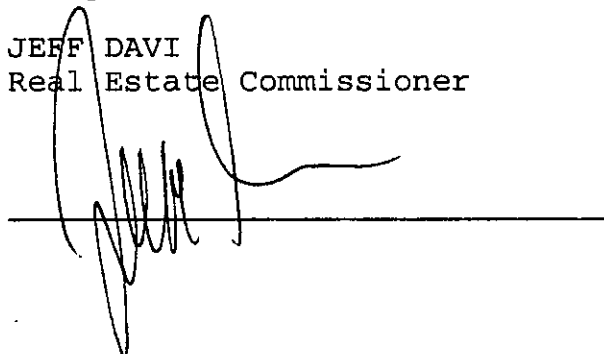
DATED: _____
Julia L. Greenfield,
Attorney at Law,
Counsel for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on OCT 25 2010.

IT IS SO ORDERED 8-17-2010

JEFF DAVI
Real Estate Commissioner



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1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

OCT - 5 2010

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Sam B. [Signature]

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-36337 LA
12)
13 FIRST UNITED HOME LOANS, a) STIPULATION AND
14 corporate real estate broker;) AGREEMENT
15 **MARK DAVID CHISICK**, individually) (MARK DAVID CHISICK)
16 and as former designated officer)
17 AMIR SAEED DELKASH, individually)
18 and as designated broker-officer)
19 of First United Home Loans;)
20 and NASSER SALAMA,)
21 Respondents.)

22 It is hereby stipulated by and between Respondent
23 MARK DAVID CHISICK (hereinafter "Respondent"), represented in
24 this matter by Daniel A. Nassie, Esq., and the Complainant,
25 acting by and through Martha J. Rosett, Counsel for the
26 Department of Real Estate, as follows for the purpose of
27 settling and disposing of the Accusation filed on November 2,
2009, in this matter:

1. All issues which were to be contested and all

1 evidence which was to be presented by Complainant and Respondent
2 at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative
4 Procedure Act (APA), shall instead and in place thereof be
5 submitted solely on the basis of the provisions of this
6 Stipulation and Agreement (hereinafter "Stipulation").

7
8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12
13 3. On November 17, 2009, Respondent filed a Notice
14 of Defense pursuant to Section 11506 of the Government Code for
15 the purpose of requesting a hearing on the allegations in the
16 Accusation. In order to effectuate this settlement, Respondent
17 hereby freely and voluntarily withdraws said Notice of Defense.
18 Respondent acknowledges that he understands that by withdrawing
19 said Notice of Defense, he will thereby waive his right to
20 require the Commissioner to prove the allegations in the
21 Accusation at a contested hearing held in accordance with the
22 provisions of the APA and that he will waive other rights
23 afforded to him in connection with the hearing such as the
24 right to present evidence in defense of the allegations in the
25 Accusation and the right to cross-examine witnesses.

1 4. This Stipulation represents the settlement of
2 disputed claims and is not an admission of fault or liability
3 by either party.

4 5. This Stipulation is made for the purpose of
5 reaching an agreed disposition of this proceeding and is
6 expressly limited to this proceeding and any other proceeding
7 or case in which the Department of Real Estate, or another
8 licensing agency of this state, another state or of the federal
9 government, and otherwise shall not be admissible in any other
10 criminal or civil proceedings.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation as his decision
13 in this matter thereby imposing the penalty and sanctions on
14 Respondent's real estate license and license rights as set
15 forth in the below "Order". In the event that the Commissioner
16 in his discretion does not adopt the Stipulation, the
17 Stipulation shall be void and of no effect, and Respondent
18 shall retain the right to a hearing on the Accusation under all
19 the provisions of the APA and shall not be bound by any
20 stipulation or waiver made herein.


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

27 ///

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

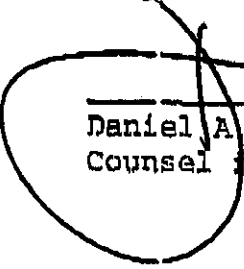
6 Respondent may signify acceptance and approval of the
 7 terms and conditions of this Stipulation and Agreement by faxing
 8 a copy of the signature page, as actually signed by Respondent,
 9 to the Department at the following telephone/fax number: (213)
 10 576-6917. Respondent agrees, acknowledges and understands that
 11 by electronically sending to the Department a fax copy of her
 12 actual signature as it appears on the Stipulation and Agreement,
 13 that receipt of the faxed copy by the Department shall be as
 14 binding on Respondent as if the Department had received the
 15 original signed Stipulation and Agreement.
 16
 17

18
 19 DATED: 7-8-10



 MARK DAVID CHISICK
 Respondent

20
 21 DATED: 7/8/10



 Daniel A. Nassie, Esq.
 Counsel for Respondent

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

6 Respondent may signify acceptance and approval of the
7 terms and conditions of this Stipulation and Agreement by faxing
8 a copy of the signature page, as actually signed by Respondent,
9 to the Department at the following telephone/fax number: (213)
10 576-6917. Respondent agrees, acknowledges and understands that
11 by electronically sending to the Department a fax copy of her
12 actual signature as it appears on the Stipulation and Agreement,
13 that receipt of the faxed copy by the Department shall be as
14 binding on Respondent as if the Department had received the
15 original signed Stipulation and Agreement.
16
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18
19 DATED: _____

MARK DAVID CHISICK
Respondent

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21
22 DATED: _____

Daniel A. Nassie, Esq.
Counsel for Respondent

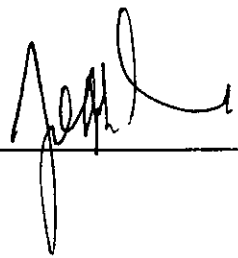
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on OCT 25 2010.

IT IS SO ORDERED 8-17-2010.

JEFF DAVI
Real Estate Commissioner



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OCT - 5 2010

DEPARTMENT OF REAL ESTATE
BY: Jane B. [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36337 LA
)	L-2010020449
<u>FIRST UNITED HOME LOANS, INC.</u> ,)	
MARK DAVID CHISICK,)	
AMIR SAEED DELKASH, and)	
NASSER SALAMA,)	
Respondents)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 02, 2009, an Accusation was filed in this matter against Respondent FIRST UNITED HOME LOANS.

On June 18, 2010, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent FIRST UNITED HOME LOANS's petition for voluntary surrender of its real estate broker license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated June 18, 2010, (attached as Exhibit "A" hereto). Respondent's license

1 certificate(s), pocket card(s) and any branch office license
2 certificate(s) shall be sent to the below listed address so that
3 they reach the Department on or before the effective date of this
4 Order:

5 DEPARTMENT OF REAL ESTATE
6 Attn: Licensing Flag Section
7 P. O. Box 187000
8 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon
9 on OCT 25 2010

10 DATED: _____

8/17/2010

11 JEFF DAVI
12 Real Estate Commissioner

[Handwritten signature]

1 I understand that by so voluntarily surrendering its license, FIRST UNITED
2 HOME LOANS, INC. may be relicensed as a broker only by petitioning for reinstatement
3 pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily
4 surrendering its license, FIRST UNITED HOME LOANS, INC. agrees to the following:

5 1. The filing of this Declaration shall be deemed as its petition for voluntary
6 surrender.

7 2. The filing of this Declaration shall also be deemed to be an understanding and
8 agreement by FIRST UNITED HOME LOANS, INC. that it waives all rights it has to require
9 the Commissioner to prove the allegations contained in the Accusation filed in this matter at a
10 hearing held in accordance with the provisions of the Administrative Procedure Act
11 (Government Code Sections 11400 et seq.), and that it also waives other rights afforded to it in
12 connection with the hearing such as the right to discovery, the right to present evidence in
13 defense of the allegations in the Accusation and the right to cross-examine witnesses.


14 3. I further agree on behalf of FIRST UNITED HOME LOANS, INC. that upon
15 acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all
16 relevant evidence obtained by the Department in this matter prior to the Commissioner's
17 acceptance, and all allegations contained in the Accusation filed in Department Case No.
18 HI-36337 I.A may be considered by the Department to be true and correct for the purpose of
19 deciding whether or not to grant relicensure or reinstatement of FIRST UNITED HOME
20 LOANS, INC.'s license pursuant to Government Code Section 11522.

21 4. Respondent FIRST UNITED HOME LOANS, INC. freely and voluntarily
22 surrenders all its licenses and license rights under the Real Estate Law.

23 I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct and that I am acting freely and voluntarily on behalf of FIRST UNITED
25 HOME LOANS, INC. to surrender its license and all license rights attached thereto.

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I declare under penalty of perjury under the laws of the State of California that the
above is true and correct and that this declaration was executed 6-18, 2010, at
Archie, California.


AMIR SAEED DELKASH,
Officer, on behalf of
FIRST UNITED HOME LOANS, INC.

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FILED

OCT - 5 2010

DEPARTMENT OF REAL ESTATE
BY: Laura B. Dean

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36337 LA
)	L-2010020449
FIRST UNITED HOME LOANS,)	
MARK DAVID CHISICK,)	
AMIR SAEED DELKASH and)	
<u>NASSER SALAMA,</u>)	
)	
)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 02, 2009, an Accusation was filed in this matter against Respondents FIRST UNITED HOME LOANS, MARK DAVID CHISICK, AMIR SAEED DELKASH and NASSER SALAMA.

On June 14, 2010, Respondent NASSER SALAMA petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent NASSER SALAMA'S petition for voluntary surrender of his real estate salesperson

1 license is accepted as of the effective date of this Order as set
2 forth below, based upon the understanding and agreement expressed
3 in Respondent's Declaration dated June 14, 2010, (attached as
4 Exhibit "A" hereto). Respondent's license certificate and pocket
5 card shall be sent to the below listed address so that they reach
6 the Department on or before the effective date of this Order:

7
8 DEPARTMENT OF REAL ESTATE
9 Attn: Licensing Flag Section
10 P. O. Box 187000
11 Sacramento, CA 95818-7000

12 This Order shall become effective at 12 o'clock noon on

13 OCT 25 2010

14 DATED: _____

15 JEFF DAVIS
16 Real Estate Commissioner
17 _____
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1 I understand that by so voluntarily surrendering my license, I may be relicensed as
2 a salesperson or as a broker only by petitioning for reinstatement in accordance with the
3 provisions of Section 11522 of the Government Code. I also understand that by so voluntarily
4 surrendering my license, I agree to the following:

5 1. The filing of this Declaration shall be deemed as my petition for voluntary
6 surrender.

7 2. The filing of this Declaration shall also be deemed to be an understanding and
8 agreement that I waive all rights I have to require the Commissioner to prove the allegations
9 contained in the Accusation filed in this matter at a hearing held in accordance with the
10 provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and
11 that I also waive other rights afforded to it in connection with the hearing, such as the right to
12 discovery, the right to present evidence in defense of the allegations in the Accusation and the
13 right to cross-examine witnesses.

14 3. I further agree that upon acceptance by the Commissioner, as evidenced by an
15 appropriate order, all affidavits and all relevant evidence obtained by the Department in this
16 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
17 filed in Department Case No. H-36337 LA may be considered by the Department to be true and
18 correct for the purpose of deciding whether or not to grant relicensure or reinstatement my
19 license pursuant to Government Code Section 11522.

20 4. Respondent NASSER SALAMA freely and voluntarily surrenders all his
21 licenses and license rights under the Real Estate Law.

22 I declare under penalty of perjury under the laws of the State of California that the
23 above is true and correct and that I am acting freely and voluntarily to surrender my license and
24 all license rights attached thereto.

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I declare under penalty of perjury under the laws of the State of California that the
above is true and correct and that this declaration was executed June 14th, 2010, at
La Mirada, California.



NASSER SALAMA

Sivets Jay

FILED

NOV -2 2009

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: Jane B. Chan

4 (213) 576-6982
5 (213) 620-6430

6
7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * * *

10 In the Matter of the Accusation of) No. H-36337 LA
11)
12 FIRST UNITED HOME LOANS, a) A C C U S A T I O N
13 corporate real estate broker;)
14 MARK DAVID CHISICK, individually)
15 and as former designated officer)
16 AMIR SAEED DELKASH, individually)
and as designated broker-officer)
of First United Home Loans;)
and NASSER SALAMA,)
Respondents.)

17
18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner, for cause of Accusation against FIRST UNITED HOME
20 LOANS; MARK DAVID CHISICK, individually and as former designated
21 broker-officer of First United Home Loans; AMIR SAEED DELKASH,
22 individually and as designated officer of First United Home
23 Loans; and NASSER SALAMA, is informed and alleges as follows:

24 1.

25 The Complainant, Robin Trujillo, makes this Accusation
26 in her official capacity.
27

2.

1
2 Respondent FIRST UNITED HOME LOANS ("FIRST UNITED"),
3 was and is licensed and/or has license rights under the Real
4 Estate Law (Part 1 of Division 4 of the Business and Professions
5 Code) as a corporate real estate broker. Respondent FIRST UNITED
6 was originally licensed by the Department of Real Estate
7 ("Department") as a corporate real estate broker on or about May
8 10, 2000. Beginning on or before May 10, 2004 and continuing
9 through October 12, 2007, Respondent MARK DAVID CHISICK was FIRST
10 UNITED's broker-officer designated pursuant to Business and
11 Professions Code (hereinafter "Code") Section 10159.2 to be
12 responsible for ensuring compliance with the Real Estate Law.
13 Beginning on or about October 12, 2007 and continuing to the
14 present time, AMIR SAEED DELKASH, aka "Tom Delkash" was and is
15 the broker-officer of FIRST UNITED.
16

17
18 3.

19 Respondent MARK DAVID CHISICK ("CHISICK") is licensed
20 by the Department as a real estate broker. Respondent CHISICK
21 has been licensed by the Department since March 26, 1990.
22 Between on or before May 10, 2004 and October 12, 2007,
23 Respondent CHISICK was the designated broker-officer of First
24 United Home Loans.

25
26 4.

27 Respondent AMIR SAEED DELKASH, dba Tom Delkash
("DELKASH") is licensed by the Department as a real estate

1 broker. Respondent was first licensed as a real estate broker on
2 August 2, 2001. Beginning on or about October 13, 2007, and
3 continuing to the present time, Respondent DELKASH has been the
4 designated broker-officer of Respondent FIRST UNITED.

5 5.

6 Respondent NASER SALAMA, aka Alex Young, is licensed
7 and/or has license rights as a real estate salesperson.

8 Respondent SALAMA was first licensed by the Department as a
9 conditional real estate salesperson on or about July 2, 2007.

10 Respondent has not completed conditional education requirements
11 pursuant to Code Section 10153.4, and his license was therefore
12 suspended on January 2, 2009. Respondent SALAMA retains license
13 rights.

14 6.

15 FIRST UNITED is a California corporation. Respondent
16 DELKASH is the corporate President and CEO of FIRST UNITED.

17 Respondent FIRST UNITED is also licensed under the California
18 Finance Lenders Law. Respondent FIRST UNITED conducts real
19 estate business under the following licensed "dbas":
20

21 DBA Bill Green, Loan Specialist

22 1st United Home Loans

23 DBA Heather Sinclair, Loan Specialist

24 LoanExpertsOnLine [sic]

25 First United Home Loans Escrow Division

26 DBA Steve Palmer, Loan Specialist
27

1 DBA Sara Carpenter, Loan Specialist

2 DBA Paul Sanders, Loan Specialist

3 DBA Jim Wilson, Loan Specialist

4 7.

5 All further references to "Respondents" include the
6 parties listed in Paragraphs 1 through 6 above, as well as the
7 officers, agents and employees of the parties listed in
8 Paragraphs 1 through 6 above.

9 8.

10 At all times material herein, Respondents engaged in
11 the business of, acted in the capacity of, advertised or assumed
12 to act as real estate brokers in the State of California within
13 the meaning of Code Section 10131(d), for another or others in
14 expectation of compensation. Said activity included representing
15 borrowers and lenders of loans secured by real property, and
16 performing loan servicing and escrow activities in relation to
17 those loans pursuant to the exemption set forth in Financial Code
18 Section 17006(a)(4).
19

20 Prior Discipline

21 9.

22 On or about September 18, 2006, in Department Case No.
23 H-32347 LA, the corporate broker license of Respondent FIRST
24 UNITED and the broker license of Respondent CHISICK were
25 suspended for 90 days, which suspensions were stayed for two
26 years. The grounds for disciplinary action against FIRST UNITED
27

1 included violations of Code Sections 10177(d) and 10177(g).
2 Grounds for disciplinary action against CHISICK included
3 violation of Code Section 10177(h).

4 Loan Transactions relating to 15653 Patricia Street

5 10.

6 Between on or about August 1, 2004 and on or about May
7 22, 2007, Respondent FIRST UNITED represented Helen Johnson
8 ("Borrower") in four separate refinance transactions relating to
9 loans secured by her home located at 15653 Patricia Street,
10 Moreno Valley, CA 92551 ("Subject Property"). The first three
11 refinances were conducted by Respondent FIRST UNITED under its
12 CFL license. The fourth most recent refinance was conducted
13 under FIRST UNITED's DRE license. Respondent FIRST UNITED was
14 compensated for each of the loans in the form of fees and
15 commissions.
16

17 11.

18 The following loans secured by the Subject Property
19 were brokered by Respondent FIRST UNITED between August 2004 and
20 on or about May 2007:

- 21 a) On or about August 26, 2004 escrow closed on Loan
22 No. 400208. Respondent FIRST UNITED was the
23 original lender for the loan in the amount of
24 \$101,500.00. The loan was originated under FIRST
25 UNITED's CFL license, and was a 30 year fixed
26 mortgage. The loan application represented that
27

1 the Borrower was retired, with a monthly income of
2 \$2,068.06.

3 b) On or about October 12, 2005, escrow closed on
4 Loan No. 400371. Respondent FIRST UNITED was the
5 original lender for the loan in the amount of
6 \$125,000.00. The loan was originated under FIRST
7 UNITED's CFL license, and was a 30 year fixed
8 mortgage. The loan application represented that
9 Borrower had a monthly income of \$2,168.12.
10 Respondent DELKASH signed the loan application on
11 behalf of Respondent FIRST UNITED.

12 c) On or about September 7, 2006, escrow closed on
13 Loan No. 300269-AZ. Respondent FIRST UNITED was
14 the original lender for the loan in the amount of
15 \$143,000.00. The loan was brokered under FIRST
16 UNITED's CFL license, and was an adjustable rate
17 mortgage. Respondent DELKASH signed the loan
18 application, which did not require disclosure of
19 income.
20

21 d) On or about May 22, 2007, escrow closed on a loan
22 for \$160,000.00 secured by the Subject Property,
23 Loan No. 004060737, in which World Savings was the
24 lender. Respondent FIRST UNITED brokered the loan
25 under its DRE license and received broker fees and
26 commissions. The loan was described as a 30 year
27

1 loan, but also contained adjustable rate features.
2 The loan application, signed by Respondent DELKASH
3 on behalf of Respondent FIRST UNITED, represented
4 that the Borrower had a monthly income of
5 \$6,500.00.

6 2007 Loan Transaction ("Subject Loan Transaction")

7 12.

8 As to the loan that closed on May 22, 2007 ("Subject
9 Loan Transaction"), on or about April 18, 2007, Borrower
10 contacted Respondent FIRST UNITED about the adjustable rate loan
11 she had obtained through them the previous year, described above
12 in Paragraph 10(c). She was unhappy with the monthly payments
13 and the manner in which they were calculated.

14 13.

15 At all times during the transaction, Borrower
16 communicated with Respondent SALAMA, who used the fictitious name
17 of "Alex Young," when speaking and corresponding with the
18 Borrower. Respondent SALAMA, as an agent of Respondent FIRST
19 UNITED, negotiated the terms of a new loan with Borrower. The
20 new loan was with World Savings. SALAMA provided Borrower with
21 loan documents for her signature and explained the terms of the
22 loan to her, as an agent of FIRST UNITED. At the time,
23 Respondent SALAMA was not licensed by the Department.

24
25 ///

26 ///

27

14.

1 On or about April 23, 2007, Respondent DELKASH signed a
2 Mortgage Loan Disclosure Statement ("MLDS") and Good Faith
3 Estimate ("GFE") which set forth a proposed interest rate of
4 1.95%, and \$589.23 per month payments. Neither the "Fixed" nor
5 "Variable" rate box was marked on the MLDS. On or about May 17,
6 2007, Respondents obtained Borrower's signature on this MLDS/GFE.
7

8 15.

9 On or about May 2, 2007, Respondents obtained
10 Borrower's signature on Escrow Instructions, which described the
11 terms of the loan as being a 30 year fixed loan for \$160,500.00,
12 with a 7.85% annual interest rate, with a request for a \$589.24
13 per month payment.
14

15 16.

16 On or about May 17, 2007, Respondent DELKASH signed a
17 uniform loan application as broker for FIRST UNITED which stated
18 that Borrower's income was \$6,500.00. In truth and fact, as
19 Respondent DELKASH knew, or should have known, Borrower's income
20 was not \$6,500.00. Respondents knew that this representation was
21 false, and that the application overstated Borrower's income by
22 approximately \$4,000.00 per month. None the less, the loan
23 application was submitted to a lender, who relied on the income
24 information in funding the loan.

25 ///

26 ///

27

17.

1
2 During the course of representing Borrower, Respondents
3 SALAMA, DELKASH and FIRST UNITED made representations which they
4 knew, or should have known, were false or misleading when they
5 made them, with the intent to induce Borrower to enter into the
6 loan agreement. Respondents misrepresented material terms of the
7 loan to Borrower, and/or misled her to believe his monthly
8 payments would be reduced by entering into the subject loan
9 transaction. In truth and fact, Borrower later discovered that
10 her actual payments exceeded the amounts set forth in the Truth-
11 in-Lending Disclosure Statements provided to her by Respondents.
12

13 18.

14 Respondents' agent, SALAMA, acted as the loan officer
15 in the transaction. As Respondents well knew, at the time of the
16 subject transaction, Respondent SALAMA was not yet licensed by
17 the Department as a real estate broker or as a real estate
18 salesperson employed by a real estate broker. Nor was he
19 authorized by the Department to use the fictitious name "Alex
20 Young," in conducting mortgage loan brokering activities with the
21 public.
22

23 19.

24 In relation to the subject loan transaction set forth
25 above, Respondent FIRST UNITED utilized employees and/or
26 representatives in soliciting and negotiating loans who were not
27 licensed by the Department as real estate brokers or as

1 salesperson operating under Respondent FIRST UNITED's real estate
2 broker license. Among the unlicensed representatives performing
3 activities requiring a real estate license was Respondent SALAMA.

4 20.

5 Respondent CHISICK, as designated broker-officer of
6 Respondent FIRST UNITED, failed to adequately supervise the real
7 estate activities of the corporation.

8 21.

9 The conduct, acts and/or omissions of Respondents FIRST
10 UNITED and CHISICK, as set forth above, in employing or
11 compensating representatives for performing activities requiring
12 a real estate license constitutes grounds to revoke the real
13 estate licenses and/or license rights of Respondents FIRST UNITED
14 and CHISICK pursuant to Code Sections 10137, 10177(d), 10177(g),
15 10176(i) and/or 10177(j).

16 22.

17 The conduct, acts and/or omissions of Respondents FIRST
18 UNITED and DELKASH, in making false and/or misleading
19 representations in order to induce reliance of Borrower, and in
20 otherwise misleading Borrower into accepting loans on less
21 favorable terms to the detriment of Borrower, as set forth above,
22 constitutes grounds to discipline the licenses and/or license
23 rights of Respondents FIRST UNITED and DELKASH pursuant to Code
24 Sections 10176(a), 10176(b), 10176(c), 10176(i) and/or 10177(j).

25 ///
26

27

23.

1 The conduct, acts and/or omissions of Respondent
2 SALAMA, in making false and/or misleading representations in
3 order to induce reliance of Borrower, and in otherwise misleading
4 Borrower into accepting loans on less favorable terms to the
5 detriment of Borrower, as set forth in above, constitutes grounds
6 to discipline the licenses and/or license rights of Respondent
7 SALAMA pursuant to Code Section 10177(j).
8

9 24.

10 The conduct, acts and/or omissions of Respondent
11 CHISICK, in failing to adequately supervise the activities of
12 Respondent FIRST UNITED, constitutes grounds to discipline the
13 license and/or license rights of Respondent CHISICK pursuant to
14 Code Sections 10159.2, 10177(h), 10177(d), 10177(g), 10176(i)
15 and/or 10177(j).
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondents
5 FIRST UNITED HOME LOANS, MARK DAVID CHISICK, AMIR SAEED DELKASH
6 and NASSER SALAMA under the Real Estate Law and for such other
7 and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 27 day of October, 2009.
11

12
13 
14 Robin Trujillo
15 Deputy Real Estate Commissioner
16
17
18
19
20
21

22 cc: First United Home Loans
23 Mark David Chisick
24 Amir Saeed Delkash
25 Nasser Salama
26 Robin Trujillo
27 Sacto.