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FILED

JAN 11 2018

BUREAU OF REAL ESTATE

By *W. S. Davis*

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of)	No. H-40653 LA
)	
12 HOMEPATH LENDING, INC.; and)	
13 WESAM H. HIJAZIN, individually and as)	STIPULATION AND
14 designated officer of Homepath Lending, Inc.,)	AGREEMENT
)	
15 Respondents.)	

16
17 It is hereby stipulated by and between Respondents HOMEPATH LENDING,
18 INC. ("HPL") and WESAM H. HIJAZIN ("HIJAZIN"), individually and as designated officer of
19 Homepath Lending, Inc., (collectively "Respondents"), both Respondents represented by Steve
20 Vondran, Esq., and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of
21 Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation")
22 filed on or about June 22, 2017, in this matter:

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

1 2. Respondents HLI and HIJAZIN have received and read, and understand the
2 Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the
3 Bureau of Real Estate in this proceeding.

4 3. Respondents HLI and HIJAZIN filed Notices of Defense pursuant to California
5 Government Code section 11506 for the purpose of requesting a hearing on the allegations in the
6 Accusation. Respondents HLI and HIJAZIN hereby freely and voluntarily withdraw said Notices
7 of Defense. Respondents HLI and HIJAZIN acknowledge that they understand that by
8 withdrawing said Notices of Defense they thereby waive their right to require the Commissioner
9 to prove the allegations in the Accusation at a contested hearing held in accordance with the
10 provisions of the APA and that Respondents HLI and HIJAZIN will waive other rights afforded
11 to them in connection with the hearing such as the right to present evidence in their defense and
12 the right to cross-examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the Accusation.
14 In the interest of expedience and economy, Respondents HLI and HIJAZIN choose not to contest
15 these allegations, but to remain silent and understand that, as a result thereof, these factual
16 allegations, without being admitted or denied, will serve as a prima facie basis for the
17 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
18 provide further evidence to prove said factual allegations.

19 5. This Stipulation is made for the purpose of reaching an agreed disposition of
20 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
21 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or
22 another state or federal government is involved.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on the
25 real estate licenses and license rights of Respondents HLI and HIJAZIN as set forth in the below
26 "Order." In the event that the Commissioner in his discretion does not adopt this Stipulation, it
27 shall be void and of no effect, and Respondents HLI and HIJAZIN shall retain the right to a

1 hearing and proceeding on the Accusation under the provisions of the APA and shall not be
2 bound by this Stipulation herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
5 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
6 which were not specifically alleged to be causes for Accusation in this proceeding, but do
7 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
8 the Accusation against Respondents HLI and HIJAZIN herein.

9 8. Respondents HLI and HIJAZIN understand that by agreeing to this Stipulation,
10 Respondents HLI and HIJAZIN agree to pay, pursuant to California Business and Professions
11 Code section 10106, the cost of the investigation and enforcement. The amount of investigation
12 and enforcement cost is 1,367.30.

13 9. Respondents HLI and HIJAZIN understand that by agreeing to this Stipulation
14 and Agreement, Respondents HLI and HIJAZIN agree to pay, pursuant to California Business
15 and Professions Code section 10148, the cost of the audits which led to this disciplinary action.
16 The amount of said cost for the original audit (LA150154) is \$7,624.00.

17 10. Respondents HLI and HIJAZIN understand that by agreeing to this
18 Stipulation and Agreement, the findings set forth below in the Determination of Issues become
19 final, and the Commissioner may charge Respondents HLI and HIJAZIN for the cost of any
20 subsequent audit conducted pursuant to California Business and Professions Code section 10148.
21 The maximum cost of the subsequent audit will not exceed \$9,530.00.

22
23 DETERMINATION OF ISSUES

24 By reason of the foregoing, it is stipulated and agreed that the following
25 determination of issues shall be made:

26 The conduct, acts, or omissions of Respondents HLI and HIJAZIN, as described
27 in the Accusation and Paragraph 4, above, are in violation of California Business and Professions

1 Code sections 10145, 10148, and 10159.2 and Title 10, Chapter 6 of the California Code of
2 Regulations, sections 2831.2 and 2832.1, and are a basis for discipline of Respondents' license
3 and license rights as violation of the Real Estate Law pursuant to California Business and
4 Professions Code sections 10177(d), 10177(g), and 10177(h).

5
6 ORDER

7 WHEREFORE, THE FOLLOWING ORDER is hereby made:

8 (HLI: SUSPENSION)

9 I.

10 All licenses and licensing rights of Respondent HLI under the Real Estate Law are
11 suspended for a period of thirty (30) days from the effective date of this Decision:

12 A. Provided, however, that the initial ten (10) days of said suspension shall be
13 stayed upon condition that:

14 1. Respondent HLI pays a monetary penalty pursuant to California Business and
15 Professions Code section 10175.2 at the rate of \$75.00 per day for a monetary penalty of \$750.00
16 total.

17 2. Said payment shall be in the form of a cashier's check or certified check made
18 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
19 Bureau of Real Estate prior to the effective date of the Decision in this matter.

20 3. No further cause for disciplinary action against the real estate license of
21 Respondent PRC occurs within three (3) years from the effective date of the Decision in this
22 matter.

23 4. If Respondent HLI fails to pay the monetary penalty in accordance with the
24 terms of the Decision, the Commissioner may, without a hearing, order the immediate execution
25 of all or any part of the stayed suspension, in which event Respondent HLI shall not be entitled to
26 any repayment nor credit, prorated or otherwise, for money paid to the Bureau of Real Estate
27 under the terms of this Decision.

1 5. If Respondent HLI pays the monetary penalty and if no further cause for
2 disciplinary action against the real estate license of Respondent HLI occurs within three (3) years
3 from the effective date of the Decision, the stay hereby granted shall become permanent.

4 B. The remaining twenty (20) days of the thirty (30) day suspension shall be
5 stayed for three (3) years upon the following terms and conditions:

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

8 2. That no final subsequent determination be made after hearing or upon
9 stipulation, that cause for disciplinary action occurred within three (3) years from the effective
10 date of this Decision. Should such a determination be made, the Commissioner may, in his
11 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed
12 suspension. Should no such determination be made, the stay imposed herein shall become
13 permanent.

14
15 (HIJAZIN: STAYED SUSPENSION)

16 II.

17 All licenses and licensing rights of Respondent HIJAZIN under the Real Estate
18 Law are suspended for a period of thirty (30) days from the effective date of this Decision:

19 A. Provided, however, that the initial ten (10) days of said suspension shall be
20 stayed upon condition that:

21 1. Respondent HIJAZIN pays a monetary penalty pursuant to California Business
22 and Professions Code section 10175.2 at the rate of \$75.00 per day for a monetary penalty of
23 \$750.00 total.

24 2. Said payment shall be in the form of a cashier's check or certified check made
25 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
26 Bureau of Real Estate prior to the effective date of the Decision in this matter.

27 3. No further cause for disciplinary action against the real estate license of

1 Respondent PRC occurs within three (3) years from the effective date of the Decision in this
2 matter.

3 4. If Respondent HIJAZIN fails to pay the monetary penalty in accordance with
4 the terms of the Decision, the Commissioner may, without a hearing, order the immediate
5 execution of all or any part of the stayed suspension, in which event Respondent HIJAZIN shall
6 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau
7 of Real Estate under the terms of this Decision.

8 5. If Respondent HIJAZIN pays the monetary penalty and if no further cause for
9 disciplinary action against the real estate license of Respondent HIJAZIN occurs within three (3)
10 years from the effective date of the Decision, the stay hereby granted shall become permanent.

11 B. The remaining twenty (20) days of the thirty (30) day suspension shall be
12 stayed for three (3) years upon the following terms and conditions:

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

15 2. That no final subsequent determination be made after hearing or upon
16 stipulation, that cause for disciplinary action occurred within three (3) years from the effective
17 date of this Decision. Should such a determination be made, the Commissioner may, in his
18 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed
19 suspension. Should no such determination be made, the stay imposed herein shall become
20 permanent.

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22
23 (HLI and HIJAZIN: INVESTIGATION AND ENFORCEMENT COSTS)

24 III.

25 Respondents HLI and HIJAZIN shall, within six (6) months from the effective
26 date of this Decision and Order, pay the sum of \$1,367.30 with joint and several liability for the
27 Commissioner's reasonable cost for investigation and enforcement which led to this disciplinary

1 action. Said payment shall be in the form of a cashier's check made payable to the Bureau of
2 Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real
3 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within six (6) months
4 from the effective date of this Decision and Order. If the costs of investigation and enforcement
5 are not paid within six (6) months from the effective date of this Decision and Order, the licenses
6 and license rights of Respondents HLI and HIJAZIN shall automatically be suspended until full
7 payment is made.

8
9 (HLI and HIJAZIN: AUDIT COSTS)


10 IV.

11 Pursuant to California Business and Professions Code section 10148, Respondents
12 HLI and HIJAZIN shall pay \$7,624.00 for the Commissioner's cost of the audit which led to this
13 disciplinary action. Respondents HLI and HIJAZIN shall pay this \$7,624.00 within thirty (30)
14 days of receiving an invoice therefore from the Commissioner. Payment of audit costs should
15 not be made until Respondents HLI and HIJAZIN receive the invoice. If Respondents HLI and
16 HIJAZIN fail to satisfy this condition in a timely manner as provided for herein, the real estate
17 licenses of Respondents HLI and HIJAZIN shall automatically be suspended until payment is
18 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
19 to this condition.

20 Pursuant to California Business and Professions Code section 10148, Respondents
21 HLI and HIJAZIN shall pay the Commissioner's reasonable cost, not to exceed \$9,530.00, for an
22 audit to determine if Respondents HLI and HIJAZIN have corrected the violations found in the
23 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the
24 Commissioner may use the estimated average hourly salary for all persons performing audits of
25 real estate broker(s), and shall include an allocation for travel time to and from the auditor's
26 place of work. Respondents HLI and HIJAZIN shall pay such cost within thirty (30) days of
27 receiving an invoice therefor from the Commissioner. Payment of the audit costs should not be

1 made until Respondents HLI and HIJAZIN receive the invoice. If Respondents HLI and
2 HIJAZIN fail to satisfy this condition in a timely manner as provided for herein, the real estate
3 licenses of Respondents HLI and HIJAZIN shall automatically be suspended until payment is
4 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
5 to this condition.

6
7 DATED: 12/20/2017


8 _____
9 DIANE LEE, Counsel for
10 Bureau of Real Estate

11 * * *

12 EXECUTION OF THE STIPULATION

13 I, WESAM H. HIJAZIN, individually and as designated officer of HOME
14 PATH LENDING, INC., have read the Stipulation and discussed it with our attorney, Steve Vondran,
15 Esq. Its terms are understood by me and HOME
16 PATH LENDING, INC., and are agreeable and
17 acceptable to me and HOME
18 PATH LENDING, INC. I understand that I am waiving rights given
19 to me and HOME
20 PATH LENDING, INC. by the California APA (including, but not limited to,
21 California Government Code sections 11506, 11508, 11509, and 11513), and I, individually and
22 as designated officer of HOME
23 PATH LENDING, INC., and HOME
24 PATH LENDING, INC. willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right
25 of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I,
26 individually and as designated officer of HOME
27 PATH LENDING, INC., and HOME
28 PATH LENDING, INC. would have the right to cross-examine witnesses against me and HOME
29 PATH LENDING, INC., and to present evidence in defense and mitigation of the charges.


30 MAILING AND FACSIMILE

31 Respondents HLI and HIJAZIN (1) shall mail the original signed signature page
32 of this Stipulation herein to Bureau of Real Estate, Attention: Legal Section – Diane Lee, 320
33

1 West Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondents HLI and
2 HIJAZIN shall also (2) facsimile a copy of signed signature page, to the Bureau of Real Estate at
3 the following telephone/fax number: (213) 576-6917, Attention: Diane Lee.


4 A facsimile constitutes acceptance and approval of the terms and conditions of
5 this Stipulation. Respondents HLI and HIJAZIN agree, acknowledge, and understand that by
6 electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of
7 Respondents HLI and HIJAZIN as it appear on the Stipulation that receipt of the facsimile copy
8 by the Bureau of Real Estate shall be as binding on Respondents HLI and HIJAZIN as if the
9 Bureau of Real Estate had received the original signed Stipulation.

10
11 DATED: 12/15/17



WESAM H. HIJAZIN, individually as designated officer
of HOMEPATH LENDING, INC.

12
13
14 DATED: 12/20/17



STEVE VONDRAN, ESQ.
Attorney for Respondents HOMEPATH LENDING, INC.
and WESAM H. HIJAZIN

15
16
17 * * *

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondents HOMEPATH LENDING, INC. and WESAM H. HIJAZIN, and shall become
20 effective at 12 o'clock noon on _____, 201_____.

21 IT IS SO ORDERED _____, 201_____.

22
23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER
25
26 _____
27

1 West Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondents HLI and
2 HIJAZIN shall also (2) facsimile a copy of signed signature page, to the Bureau of Real Estate at
3 the following telephone/fax number: (213) 576-6917, Attention: Diane Lee.

4 A facsimile constitutes acceptance and approval of the terms and conditions of
5 this Stipulation. Respondents HLI and HIJAZIN agree, acknowledge, and understand that by
6 electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of
7 Respondents HLI and HIJAZIN as it appear on the Stipulation that receipt of the facsimile copy
8 by the Bureau of Real Estate shall be as binding on Respondents HLI and HIJAZIN as if the
9 Bureau of Real Estate had received the original signed Stipulation.

10
11 DATED: _____

WESAM H. HIJAZIN, individually as designated officer
of HOMEPATH LENDING, INC.

12
13
14 DATED: _____

STEVE VONDRAN, ESQ.
Attorney for Respondents HOMEPATH LENDING, INC.
and WESAM H. HIJAZIN

15
16
17 * * *

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondents HOMEPATH LENDING, INC. and WESAM H. HIJAZIN, and shall become
20 effective at 12 o'clock noon on 1/31, 2018.

21 IT IS SO ORDERED January 5, 2018.

22
23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER

25
26 Daniel J. Sandri

27 By: DANIEL J. SANDRI
Chief Deputy Commissioner