

1 AMELIA V. VETRONE, Counsel (SBN 134612)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6940

FILED

AUG 14 2018
DEPARTMENT OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) No. H-41138 LA
12 MARKET ORDER OPEN)
13 LISTINGS XCHANGE INC.;) A C C U S A T I O N
14 MARKETORDER FINANCIAL)
15 SERVICES INC.; and)
16 HOMENTUM ACQUISITIONS)
INTERNATIONAL, INC.,)
Respondents.)

17 The Complainant, Chika Sunquist, a Supervising Special Investigator of the
18 State of California, acting in her official capacity, for cause of Accusation against MARKET
19 ORDER OPEN LISTINGS XCHANGE INC., MARKETORDER FINANCIAL SERVICES
20 INC., and HOMENTUM ACQUISITIONS INTERNATIONAL, INC. (collectively
21 "Respondents") alleges as follows:

22 1.

23 All references to the "Code" are to the California Business and Professions
24 Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all
25 references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

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2.

Respondent MARKET ORDER OPEN LISTINGS XCHANGE INC.

("MOOLXI") is presently licensed and/or has license rights under the Real Estate Law as a corporate real estate broker. Respondent MOOLXI was originally licensed as a corporate real estate broker by the Department of Real Estate ("DRE")¹ on or about January 19, 2017, with real estate broker Eric L. Nelson as its Designated Officer. Beginning on March 6, 2018, and continuing to the present, real estate broker Matthew Eric Sauer has replaced Eric L. Nelson as the Designated Officer of Respondent MOOLXI. Respondent's corporate real estate broker license is due to expire on January 18, 2021.

3.

Respondent MARKETORDER FINANCIAL SERVICES INC. ("MFSI") is

presently licensed and/or has license rights under the Real Estate Law as a corporate real estate broker. Respondent MFSI was originally licensed as a corporate real estate broker by the DRE on or about March 15, 2016, with real estate broker Aldon Mike Soon as its Designated Officer. Beginning on February 28, 2018, and continuing to the present, real estate broker Egbert Oostburg has been the Designated Officer of Respondent MFSI. Respondent's corporate real estate broker license is due to expire on March 14, 2020.

4.

Respondent HOMENTUM ACQUISITIONS INTERNATIONAL, INC.

("HAI") is presently licensed and/or has license rights under the Real Estate Law as a corporate real estate broker. Respondent HAI was originally licensed as a corporate real estate broker by the DRE on or about February 10, 2018. Since that date and continuing to the present, real estate broker Richard Elliott Baron has been the Designated Officer of Respondent HAI. Respondent's corporate real estate broker license is due to expire on February 9, 2022.

¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

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Filings submitted to the California Secretary of State and the DRE for all Respondents list "Rashid Khalfani" or "R.K. Khalfani" as an officer, director and/or majority owner of all Respondents at the time each Respondent first applied for its corporate real estate broker license. Rashid Khalfani is the alias of Christopher Mark Lee.

6.

Christopher Mark Lee ("Lee") aka Rashid Khalfani aka R.K. Khalfani aka Rashid Khalid Khalfani aka Richard Khalfani is not licensed by the DRE in any capacity under any name. On January 12, 2007, Lee applied to the DRE for a conditional salesperson license. In DRE Case No. H-35029 LA, the Real Estate Commissioner denied Lee's application for a real estate license based on Lee's 2004 criminal conviction for violating Penal Code Section 487(a) / 12022.6(a)(3) / 186.11(a)(2) (Grand Theft / Property Valued in Excess of \$1,000,000.00 / Fraudulent Felony Conduct Taking Over \$500,000.00), a felony, along with a 2000 conviction for violating Penal Code Section 12031(a)(1) (Loaded Firearm in Vehicle), a misdemeanor.

7.

On August 2, 2013, effective October 22, 2013, in DRE Case No. H-38291 LA, the Real Estate Commissioner accepted the voluntary surrender of the corporate real estate broker license for Aspyration Capital Advisors, Inc., a corporation owned and directed by Lee. In its voluntary surrender declaration, signed by Lee as CEO, the respondent corporation admitted to the allegations of the Accusation which alleged that Lee engaged in activities requiring a real estate license when he has never had a real estate license. Specifically, the Accusation alleges that Lee, while representing both buyer and seller in a real estate sales transaction, misappropriated the buyer's \$59,500.00 earnest money deposit and failed to return any of it to the buyer when the transaction was cancelled.

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The last page of the DRE corporate license application Form RE201 contains the following explanation set out in a large text box followed by the Designated Officer's certification as shown below:

SECTION III — REGULATION 2746

Corporate Real Estate Brokers, Officers, Directors and Shareholders

- (a) At the time of application for, or in the reinstatement of, an original real estate broker license, the designated officer shall file a background statement of information for each director, the chief executive officer, the president, first level vice presidents, secretary, chief financial officer, subordinate officers with responsibility for forming policy of the corporation and all natural persons owning or controlling more than ten percent of its shares, if such person has been the subject of any of the following:
 - (1) Received an order or judgment issued by a court or governmental agency during the preceding 10 years temporarily or permanently restraining or enjoining any business conduct, practice or employment;
 - (2) Has had a license to engage in or practice real estate or other regulated profession, occupation or vocation denied, suspended or revoked during the preceding 10 years;
 - (3) Engaged in acts requiring a real estate license of any state without the benefit of a valid license or permit authorizing that conduct during the preceding 10 years which have been enjoined by a court of law or administrative tribunal;
 - (4) Been convicted of a crime which is substantially related to the qualifications, functions or duties of a licensee of the Department as specified in Section 2910 of these Regulations (excluding drunk driving, reckless driving and speeding violations).
- (b) The background statement shall be set forth in DRE Form 212 and shall inquire only about the information to be disclosed pursuant to subdivision (a). The background statement must be verified and completed by each corporate officer, director or stockholder as named in subdivision (a) to the fullest extent of the signatory's actual knowledge.
- (c) Whenever there is a change in the person whose background statements are required to be on file with the Department for a corporate licensee pursuant to subdivision (a) or an addition to the persons required to file statements pursuant to subdivision (a), the designated officer of the corporation shall, within 30 days thereafter file with the Department a background statement of information for each new or changed person.

Note: Authority cited: Section 10080, Business and Professions Code. Reference: Section 10152, Business and Professions Code.

CERTIFICATION

I certify that I have read and understand the provisions described above. (NOTE: Failure to check one of the boxes below will delay the processing of your license application).

I also certify that a Corporation Background Statement (RE 212) is not needed for any officers or persons owning or controlling more than ten percent of the corporation shares including myself.

A completed Corporation Background Statement(s) (RE 212) is attached for each officer, director or shareholder with a reportable item under Regulation 2746.

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