

**FILED**

**FEB 11 2020**

**BUREAU OF REAL ESTATE**

By *[Signature]*

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

10 \* \* \*

11 In the Matter of the Application of	)	No. H- 41599 LA
	)	
	)	<u>STATEMENT OF ISSUES</u>
13 MAKARY CORP; and	)	
14 GEORGE AYAD MAKARY,	)	
14 individually and as designated officer	)	Mortgage Loan Originator
15 of Makary Corp,	)	License Endorsement
	)	
16 Respondents.	)	

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18 The Complainant, Chika Sunquist, a Supervising Special Investigator of the  
19 State of California, for cause of Statement of Issues against MAKARY CORP ("MC") and  
20 GEORGE AYAD MAKARY ("MAKARY"), individually and as designated officer of Makary  
21 Corp (collectively "Respondents"), is informed and alleges as follows:

22 1.

23 The Complainant, Chika Sunquist, a Supervising Special Investigator of the  
24 State of California, makes this Statement of Issues against Respondents in her official capacity.

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1 LICENSE HISTORY

2 2.

3 MC is presently licensed and/or has license rights under the Real Estate Law,  
4 Part 1 of Division 4 of the California Business and Professions Code, as a real estate  
5 corporation (license number 02081770). MC's designated officer is and has been MAKARY  
6 since MC's license was originally issued on or about December 24, 2018.

7 3.

8 MAKARY is presently licensed and/or has license rights under the Real Estate  
9 Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate  
10 broker (license number 01950892). Respondent has been licensed as a real estate broker since  
11 on or about April 6, 2018. Previously, from on or about July 9, 2014 to April 5, 2018,  
12 Respondent was licensed as a real estate salesperson.

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14 MLO LICENSE ENDORSEMENT APPLICATIONS

15 4.

16 *MC's Current MLO Application*

17 On or about January 3, 2019, MC through MAKARY as its control affiliate  
18 made an application ("Company Application") to the State of California Department of Real  
19 Estate ("Department") for a company (MU2) mortgage loan originator license endorsement  
20 ("MLO license endorsement") on the National Mortgage Licensing System and Registry  
21 ("NMLS"). This Company Application names MAKARY as MC's President and Chief  
22 Executive Officer ("CEO").

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1 5.

2 *MAKARY's Current MLO Application*

3 a. On or about May 10, 2018, MAKARY made an application ("2018  
4 Individual Application") to the Department for an individual (MU4) MLO license endorsement  
5 on the NMLS.

6 b. On or about January 3, 2019, MAKARY made an application ("Officer  
7 Application") to the Department for an officer (MU2) MLO license endorsement on the  
8 NMLS.

9 6.

10 *MAKARY's Prior MLO Application*

11 On or about January 21, 2015, MAKARY made an application ("2015  
12 Individual Application") to the Department for an individual (MU4) MLO license endorsement  
13 on the NMLS. On or about February 6, 2015, an MLO was granted under MAKARY's real  
14 estate salesperson license.

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16 PRIOR LICENSE DISCIPLINARY ACTIONS (MAKARY)

17 7.

18 *Respiratory Care Board, Case Number 1H 2009 587*

19 a. On or about March 2, 2010, before the Respiratory Care Board,  
20 Department of Consumers Affairs, State of California, in case no. 1H 2009 587, a Statement of  
21 Issues was filed denying MAKARY's application for a Respiratory Care Practitioner License  
22 based upon MAKARY's August 9, 2005 and November 9, 2009 convictions for violating  
23 California Vehicle Code section 23152(b) (driving with a blood alcohol level of 0.08 percent or  
24 more), both misdemeanors.

25 b. On or about April 29, 2010, a Decision and Ordered was filed adopting  
26 the Stipulated Settlement and Disciplinary Order, thereby denying a plenary license and issuing  
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1 a conditional license to practice respiratory care to MAKARY for a probationary period of three  
2 (3) years pursuant to certain terms and conditions.

3 8.

4 *Respiratory Care Board, Case Number D1 2009 587*

5 a. On or about April 15, 2013, before the Respiratory Care Board,  
6 Department of Consumers Affairs, State of California, in case no. D1 2009 587, an Accusation  
7 and Petition to Revoke Probation was filed seeking to revoke MAKARY's Respiratory Care  
8 Practitioner License based on MAKARY's failure to meet several conditions of probation as  
9 stated in the Stipulated Settlement and Disciplinary Order, described in Paragraph 4, above. As  
10 stated in the Accusation and Petition to Revoke Probation, one condition was, "[MAKARY]  
11 shall file quarterly reports of compliance under penalty of perjury . . . Omission or falsification  
12 in any manner of any information on these reports shall constitute a violation of probation, and  
13 shall result in the filing of an accusation and/or a petition to revoke probation against  
14 [MAKARY's] respiratory care practitioner license," and, "[MAKARY] falsified his quarterly  
15 reports of compliance for reporting periods of April 1 through June 30, 2012, and July 1  
16 through September 30, 2012, by failing to notify the Board of his employment at Keck  
17 Hospital."

18 b. On or about December 2, 2013, a Stipulated Surrender of License and  
19 Order was filed wherein the Respiratory Care Board accepted MAKARY's surrender of his  
20 Respiratory Care Practitioner License.

21 9.

22 The facts alleged in Paragraphs 7 and 8, above, constitute cause for denial of  
23 MAKARY's applications for MLO license endorsements under California Business and  
24 Professions Code sections 10166.051(b) and 10166.05(c) and Title 10, Chapter 6, California  
25 Code of Regulations section 2758.3 (financial responsibility, character, and fitness).

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1 section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a misdemeanor.  
2 In part, MAKARY was sentenced to serve five (5) years of informal probation, serve 45 days in  
3 jail, attend and complete an 18-month licensed multiple offender alcohol program, attend and  
4 complete a Mothers Against Drunk Driving ("MADD") victim's impact panel, and pay various  
5 fines and fees.

6 14.

7 On or about August 9, 2005, in the Superior Court of California, County of Los  
8 Angeles, case no. 5WL01780, MAKARY was convicted of violating California Vehicle Code  
9 section 23152(b) (driving with a blood alcohol level of 0.08 percent or more), a misdemeanor.  
10 In part, MAKARY was sentenced to serve 36 months of summary probation, enroll in and  
11 complete a 3-month licensed first offender alcohol and other drug education and counseling  
12 program, and pay various fines and fees.

13 15.

14 The crimes of which MAKARY was convicted, as described in Paragraphs 12  
15 through 14, above, constitute cause for denial of MAKARY's applications for MLO license  
16 endorsements under California Business and Professions Code section 10166.05(c) and Title  
17 10, Chapter 6, California Code of Regulations section 2758.3(a)(2) (financial responsibility,  
18 character, and fitness).

19  
20 FAILURE TO DISCLOSE (MC AND MAKARY)

21 16.

22 Incorporated herein are Paragraphs 4 through 6, above, regarding MC's and  
23 MAKARY's MLO applications.

24 17.

25 In response to Question C(5) of MC's Company Application, to wit: "In the past  
26 10 years, has any State or federal regulator agency . . . ever: . . . (5) denied, suspended, or  
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1 revoked the entity's or a control affiliate's registration or license or otherwise, by order,  
2 prevented it from associating with a financial services-related business or restricted its  
3 activities?," MC answered, "No," and failed to reveal MAKARY's license disciplinary actions  
4 described in Paragraphs 7 and 8, above.

5 18.

6 In response to Question K(6) of MAKARY's 2018 Individual Application,  
7 Officer Application, and 2015 Individual Application, to wit: "Has any State or federal  
8 regulatory agency . . . ever: . . . (6) denied or suspended your registration or license or  
9 application for licensure, disciplined you, or otherwise by order, prevented you from  
10 associating with a financial services-related business or restricted your activities?," MAKARY  
11 answered, "No," and failed to reveal the prior license disciplinary actions described in  
12 Paragraphs 7 and 8, above.

13 19.

14 In response to Question K(9) of MAKARY's 2018 Individual Application,  
15 Officer Application, and 2015 Individual Application, to wit: "Has any State or federal  
16 regulatory agency . . . ever: . . . (9) entered an order concerning you in connection with any  
17 license or registration?," MAKARY answered, "No," and failed to reveal the prior license  
18 disciplinary actions described in Paragraphs 7 and 8, above.

19 20.

20 The facts alleged in Paragraphs 16 through 19, above, constitute cause for denial  
21 of MC's and MAKARY's applications for MLO license endorsements under California  
22 Business and Professions Code sections 10166.05(c) (character and fitness) and 10166.051(b)  
23 (withhold information and/or material misstatement).

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Statement of Issues, and that upon proof thereof, a decision be rendered that the Commissioner refuse to authorize the issuance of, and deny the issuance of, an MLO license endorsement to Respondents MAKARY CORP and GEORGE AYAD MAKARY, individually and as designated officer of Makary Corp, and for such other and further relief as may be proper under the provisions of law.

Dated at Sacramento, California: January 28, 2020.



Chika Sunquist  
Deputy Real Estate Commissioner

cc: GEORGE AYAD MAKARY  
Chika Sunquist  
Sacto.



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In response to Question D of MAKARY's 2018 Individual Application, Officer Application, and 2015 Individual Application, to wit: "Do you have any unsatisfied judgments or liens against you?," MAKARY answered, "No," and failed to reveal the unsatisfied judgment described in Paragraph 11, above, in all three (3) applications.

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