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DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	DRE No. H-42552-LA
BEST CAPITAL FUNDING,	
Respondent.	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On March 06, 2023, an Accusation was filed in this matter against Respondent BEST CAPITAL FUNDING (“Respondent”).

On September 13, 2023, Respondent petitioned the Commissioner to voluntarily surrender its real estate corporation license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that:

1. Respondent BEST CAPITAL FUNDING’s petition for voluntary surrender of its real estate corporation license 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 September 13, 2023, (attached as Exhibit “A” hereto).

2. To date, the Department of Real Estate (“Department”) has incurred investigation costs (\$4,304.15) and enforcement costs (\$3,950.40) for a combined total of \$8,254.55. The Department previously settled with Respondents ERNEST & COOPER INC.

1 ("ECI"), and ERNESTO SOLIS ("SOLIS"), through a Stipulation and Agreement in which
2 Respondents ECI and SOLIS agreed to pay one-fourth of the Department's investigation and
3 enforcement costs in this matter, as of August 10, 2023, which one-fourth share as of August 10,
4 2023, totaled \$1,404.84. Subtracting the amount of costs agreed to be paid by Respondents ECI and
5 SOLIS from the combined total amount of costs incurred by the Department to date, the total is
6 \$6,849.71. Therefore, upon the filing by Respondent BEST CAPITAL FUNDING of a petition for
7 reinstatement pursuant to Government Code Section 11522, or upon Respondent BEST CAPITAL
8 FUNDING's reapplication for a real estate license, Respondent BEST CAPITAL FUNDING shall
9 pay \$6,849.71 to the Department for its share of the Department's investigation and enforcement
10 costs in this matter.

11 3. Respondent's license certificate and pocket card shall be sent to the below-
12 listed address so that they reach the Department of Real Estate on or before the effective date of this
13 Order:

14 DEPARTMENT OF REAL ESTATE
15 Attention: Licensing Flag Section
16 P. O. Box 137013
17 Sacramento, CA 95813-7013

18 This Order shall become effective at 12 o'clock noon on March 11, 2024.

19 DATED: 10/17/23

20 DOUGLAS R. McCAULEY
21 REAL ESTATE COMMISSIONER

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23 _____
24 for Doug McCauley

EXHIBIT A

EXHIBIT A

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-42552-LA

BEST CAPITAL FUNDING, MICHAEL
OMAR YATES, individually and as
former designated officer of Best Capital
Funding, ERNEST & COOPER INC., And
ERNESTO SOLIS, individually and as
designated officer of Ernest & Cooper Inc.,

**VOLUNTARY SURRENDER
DECLARATION OF BEST
CAPITAL FUNDING**

Respondents.

My name is Michael Omar Yates, and I am the responsible broker and designated officer of BEST CAPITAL FUNDING ("BCF"), which is currently licensed as a real estate corporation and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of BCF. I am acting on behalf of BCF in this matter. BCF is represented by Dennis H. Doss, Esq.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), BCF wishes to voluntarily surrender its real estate license(s) and license rights issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that BCF, by so voluntarily surrendering its license(s), can be relicensed as a real estate corporation only by petitioning for reinstatement pursuant to Section 11522 of the

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1 Government Code. I also understand that by so voluntarily surrendering its license(s) and license
2 rights, BCF agrees to the following:

3 1. The filing of this Declaration shall be deemed as BCF's petition for voluntary
4 surrender.

5 2. It shall also be deemed to be an understanding and agreement by BCF that it waives
6 all rights it has to require the Commissioner to prove the allegations contained in the Accusation filed
7 in this matter at a hearing held in accordance with the provisions of the Administrative Procedure
8 Act (Government Code Sections 11400 et seq.), and that it also waives other rights afforded to it in
9 connection with the hearing in Department Case No. H-42552-LA, such as the right to discovery, the
10 right to present evidence in defense of the allegations in the Accusation, and the right to cross-
11 examine witnesses.

12 3. It shall also be deemed to be an understanding and agreement by BCF that upon
13 acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant
14 evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all
15 allegations contained in the Accusation filed in Department Case No. H-42552-LA, may be
16 considered solely by the Department to be true and correct for the purpose of deciding whether to
17 grant relicensure or reinstatement of BCF's real estate license pursuant to Government Code Section
18 11522.

19 4. I agree that prior to, and only as a condition of a petition for reinstatement of BCF's
20 real estate corporation license made pursuant to Government Code section 11522 being granted, BCF
21 will pay the Commissioner's reasonable costs of the investigation and enforcement that led to the
22 disciplinary action in Department Case No. H-42552-LA.

23 5. BCF freely and voluntarily surrenders all of its licenses and license rights under the
24 Real Estate Law.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 9-13 2023.



BEST CAPITAL FUNDING
By: Michael Omar Yates