

FILED

JUL 18 2011

Department of Real Estate  
P.O. Box 187007  
Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By L. Jover

Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

No. H-11006 SF

FERNANDO MORA, DEON FRANKLIN  
JONES, and TERRANCE HENRY  
LIPPOLD,

STIPULATION AND  
AGREEMENT

Respondents.

It is hereby stipulated by and between DEON FRANKLIN JONES (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on September 21, 2010 in this matter:

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

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

1           3.       Respondent filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby  
5 waive his right to require the Commissioner to prove the allegations in the Accusation at a  
6 contested hearing held in accordance with the provisions of the APA, and that he will waive  
7 other rights afforded to him in connection with the hearing such as the right to present evidence  
8 in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9           4.       Respondent, pursuant to the limitations set forth below, hereby admit that  
10 the factual allegations in the Accusation filed in this proceeding are true and correct and the Real  
11 Estate Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

23                   \* \* \*

24                   DETERMINATION OF ISSUES

25           By reason of the foregoing stipulations and waivers and solely for the purpose of  
26 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
27 following determination of issues shall be made:

I

The acts and omissions of Respondent as described in the First Cause of Action  
of the Accusation are grounds for the suspension or revocation of Respondents licenses and

1 license rights under Section 10130 of the Business and Professions Code (Code) in conjunction  
2 with Section 10177(d) of the Code.

3 II

4 The acts and omissions of Respondent as described in the Second Cause of  
5 Action of the Accusation are grounds for the suspension or revocation of Respondent's licenses  
6 and license rights under Sections 10177(d) of the Code in conjunction with Section 10085,  
7 10085.5, and 10085.6 of the Code and Section 2970 of the Commissioner's Regulations (Title  
8 10 of the California Code of Regulations) (Regulations).

9 \* \* \*

10 ORDER

11 I

12 A. All real estate license(s) and license rights of Respondent are revoked.

13 B. A restricted real estate salesperson license shall be issued to Respondent pursuant to  
14 Section 10156.6 of the Code if within ninety (90) days of the effective date of the Order,  
15 Respondent makes application therefore and pays to the Department the appropriate fee for  
16 said license.

17 C. The restricted license issued to Respondent shall be subject to all of the provisions of  
18 Section 10156.7 of the Code and to the following conditions and limitations imposed under  
19 authority of Section 10156.6 of said Code:

20 1) Respondent shall, prior to and as a condition of the issuance of said restricted license,  
21 submit proof satisfactory to the Real Estate Commissioner of having made  
22 reimbursement to Caroline Epple in the amount of \$1,995.

23 2) The restricted license issued to Respondent may be suspended prior to hearing by  
24 order of the Real Estate Commissioner in the event of Respondent's conviction or plea  
25 of nolo contendere to a crime which bears a substantial relationship to Respondent's  
26 fitness or capacity as a real estate licensee.

27 3) The restricted license may be suspended prior to hearing by Order of the Real Estate  
Commissioner on evidence satisfactory to the Commissioner that Respondent has  
violated provisions of the California Real Estate Law, the Subdivided Lands Law,

1 Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
2 license.

3 4) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate  
4 license, nor the removal of any of the conditions of the restricted license, until two (2)  
5 years have elapsed from the effective date of this Order.

6 5) Respondent shall submit with any application for license under an employing broker,  
7 or any application for transfer to a new employing broker, a statement signed by the  
8 prospective employing real estate broker on a form approved by the Department of  
9 Real Estate which shall certify:


10 (a) That the employing broker has read the Decision of the Commissioner which  
11 granted the right to a restricted license; and

12 (b) That the employing broker will exercise close supervision over the performance  
13 by the restricted licensee relating to activities for which a real estate license is  
14 required.

15 E. Respondent shall, within nine (9) months from the effective date of this Order, present  
16 evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most  
17 recent issuance of an original or renewal real estate license, taken and successfully  
18 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real  
19 Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
20 the Commissioner may order the suspension of the restricted license until Respondent  
21 presents such evidence. The Commissioner shall afford Respondent the opportunity for  
22 hearing pursuant to the APA to present such evidence.

23 F. Respondent shall, within six (6) months from the effective date of this Decision, take and  
24 pass the Professional Responsibility Examination administered by the Department  
25 including the payment of the appropriate examination fee. If Respondent fails to satisfy  
26 this condition, the Commissioner may order suspension of the restricted license until  
27 Respondent passes the examination.

13-June-11  
DATED

  
TRULY SUGHRUE  
Counsel for Complainant

\*\*\*

I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED 6/6/11

DEON FRANKLIN JONES  
Respondent

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on AUG 08 2011, 2011.

IT IS SO ORDERED 7/8, 2011.

BARBARA J. BIGBY  
Acting Real estate Commissioner

Barbara J. Bigby

FILED

FEB 25 2011

DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	No. H-11006 SF
	)	
FERNANDO MORA,	)	
DEON FRANKLIN JONES, and	)	
TERRANCE HENRY LIPPOLD,	)	
	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On September 21, 2010, an Accusation was filed in this matter against the above-named Respondents.

On December 19, 2010, Respondent TERRANCE HENRY LIPPOLD 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 TERRANCE HENRY LIPPOLD's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent TERRANCE HENRY LIPPOLD on December 19, 2010 (attached as Exhibit "A" hereto).

///

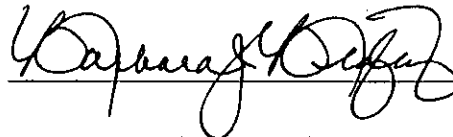
1 Respondent TERRANCE HENRY LIPPOLD's license certificate and pocket  
2 card shall be sent to the below-listed address so that they reach the Department on or before the  
3 effective date of this Order:

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

8 This Order shall become effective at 12 o'clock noon on **MAR 18 2011**

9 DATED: 2/23/11

10 JEFF DAVI  
11 Real Estate Commissioner

12   
13

14 BY: Barbara J. Bigby  
15 Chief Deputy Commissioner  
16  
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1  
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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA  
10

11 \* \* \*

12 In the Matter of the Accusation of )

No. H-11006 SF

13 FERNANDO MORA, DEON FRANKLIN )  
14 JONES, and TERRANCE HENRY )  
15 LIPPOLD, )

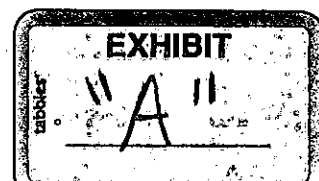
Respondents. )

16  
17 DECLARATION

18 My name is TERRANCE HENRY LIPPOLD and I am currently licensed as a real  
19 estate salesperson and/or have license rights with respect to said license. I am representing  
20 myself in this matter.

21 In lieu of proceeding in this matter in accordance with the provisions of the  
22 Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to  
23 voluntarily surrender my real estate license(s) issued by the Department of Real Estate  
24 ("Department"), pursuant to Business and Professions Code Section 10100.2.

25 I understand that by so voluntarily surrendering my license(s), that I may be  
26 relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to  
27





1 Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my  
2 license(s), I agree to the following:

3 The filing of this Declaration shall be deemed as my petition for voluntary  
4 surrender. It shall also be deemed to be an understanding and agreement by me that I waive all  
5 rights I have to require the Commissioner to prove the allegations contained in the Accusation  
6 filed in this matter at a hearing held in accordance with the provisions of the Administrative  
7 Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights  
8 afforded to me in connection with the hearing such as the right to discovery, the right to present  
9 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.  
10 I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order,  
11 all affidavits and all relevant evidence obtained by the Department in this matter prior to the  
12 Commissioner's acceptance, and all allegations contained in the Accusation filed in the  
13 Department Case No. H-11006 SF, may be considered by the Department to be true and correct  
14 for the purpose of deciding whether to grant relicensure or reinstatement pursuant to  
15 Government Code Section 11522.

16 I declare under penalty of perjury under the laws of the State of California that the  
17 above is true and correct and that I freely and voluntarily surrender all my license(s) and license  
18 rights under the Real Estate Law.

19  
20 12-19-10

Date and Place

21 Roseville, Mo

22  
23  
24  
25  
26  
27  
TERRANCE HENRY LIPPOLD

FILED

FEB 25 2011

DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

FERNANDO MORA,  
DEON FRANKLIN JONES, and  
TERRANCE HENRY LIPPOLD,

Respondents.

No. H-11006 SF

**ORDER GRANTING RECONSIDERATION**

On December 30, 2010, a Decision as to Respondents FERNANDO MORA and DEON FRANKLIN JONES was rendered in the above-entitled matter. The Decision as to Respondent DEON FRANKLIN JONES only is to become effective on February 25, 2011.

On January 25, 2011, Respondent DEON FRANKLIN JONES petitioned for reconsideration of the Decision of December 30, 2010. I have given due consideration to the petition and find that there is good cause to reconsider said Decision.

Reconsideration is hereby granted and pursuant to Section 11521(b) of the Government Code, the matter is remanded to the Office of Administrative Hearings for hearing.

IT IS SO ORDERED

2/24/11

JEFF DAVI

Real Estate Commissioner

*[Signature]*

BY: Barbara J. Bigby  
Chief Deputy Commissioner

FILED

JAN 26 2011

DEPARTMENT OF REAL ESTATE

*K. Contreras*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of )  
FERNANDO MORA, ) NO. H-11006 SF  
DEON FRANKLIN JONES, and ) (As to DEON FRANKLIN JONES, Only)  
TERRANCE HENRY LIPPOLD, )  
Respondents. )

**ORDER STAYING EFFECTIVE DATE**

On December 30, 2010, a Decision was rendered in the above-entitled matter as to Respondents FERNANDO MORA and DEON FRANKLIN JONES to become effective on January 26, 2011.

On January 25, 2011, Respondent DEON FRANKLIN JONES, only, requested a stay for the purpose of filing a petition for reconsideration of the Decision of December 30, 2010.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed as to Respondent DEON FRANKLIN JONES, only, for a period of thirty (30) days. The Decision of December 30, 2010, shall become effective at 12 o'clock noon on February 25, 2011, as to Respondent DEON FRANKLIN JONES, only.

DATED: 1/26 2011.

JEFF DAVIS  
Real Estate Commissioner


*Jeff Davis*

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

DEC - 9 2010

DEPARTMENT OF REAL ESTATE

By: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )

No. H-11006 SF

13 FERNANDO MORA,  
14 DEON FRANKLIN JONES, and  
15 TERRANCE HENRY LIPPOLD,

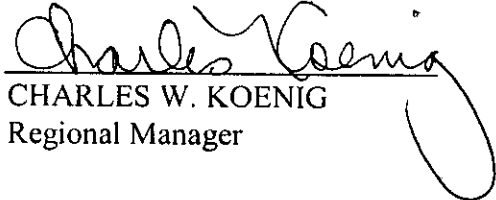
DEFAULT ORDER

16 Respondents. )

17 Respondents, FERNANDO MORA and DEON FRANKLIN JONES, having  
18 failed to file Notices of Defense within the time required by Section 11506 of the Government  
19 Code, are now in default. It is, therefore, ordered that a default be entered on the record in this  
20 matter as to Respondents FERNANDO MORA and DEON FRANKLIN JONES only.

21 IT IS SO ORDERED December 9, 2010.

22 JEFF DAVI  
23 Real Estate Commissioner

24 By:   
25 CHARLES W. KOENIG  
26 Regional Manager  
27

FILED

JAN - 5 2011

DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

FERNANDO MORA,  
DEON FRANKLIN JONES, and  
TERRANCE HENRY LIPPOLD,

Respondents.

No. H-11006 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on December 9, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents FERNANDO MORA and DEON FRANKLIN JONES (hereinafter "Respondents") express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On September 16, 2010, E. J. Haberer II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondents' last known mailing address on file with the Department on September 21, 2010.

On December 9, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

3

At no times mentioned has MOD Specialist been licensed by the Department in any capacity.

4

At all times mentioned, Respondent FERNANDO MORA (hereinafter "MORA") was and is licensed by the Department individually as a real estate salesperson. At all times mentioned since April 7, 2009 MORA has not been affiliated with a broker. MORA is the owner of the unlicensed fictitious business name MOD Specialist.

5

At all times mentioned, Respondent DEON FRANKLIN JONES (hereinafter "JONES") was and is licensed by the Department individually as a real estate salesperson. At all time mentioned from July 20, 2009 through April 11, 2010 JONES has not been affiliated with a broker.

6

At no times mentioned has Francesca Chavez (hereinafter "Chavez") been licensed by the Department in any capacity.

7

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

///

///

Beginning on or about February 2009, MOD Specialist, MORA, and/or unknown representatives of MOD Specialist, in the course of the real estate resale brokerage activities described in Paragraph 7, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

**PROPERTY OWNER**

**PROPERTY ADDRESS**

Steve M.

2217 Ironbard Drive, Santa Rosa

Kathleen A.

5356 Gold Drive, Santa Rosa

Beginning on or about February 2009, MOD Specialist, MORA, and Chavez, in the course of the real estate resale brokerage activities described in Paragraph 7, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

**PROPERTY OWNER**

**PROPERTY ADDRESS**

John L.

2986 Blacktail Street, Santa Rosa

Paula G. and Timothy S.

2002 Jack Rabbit Court, Santa Rosa

Beginning on or about February 2009, MOD Specialist, MORA, and JONES, in the course of the real estate resale brokerage activities described in Paragraph 7, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

**PROPERTY OWNER**

**PROPERTY ADDRESS**

Carolyn E.

9498 Argonne Way, Forestville

By the commission of the acts alleged above, MORA and JONES engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(a) of the Business and Professions Code.

In connection with the operation and conduct of the real estate activities described in Paragraph 7, MORA and JONES engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code including but not limited to the following:

Property Owner	Property Address	Date	Advance Fee
Steve M.	2217 Ironbark Drive, Santa Rosa	11/19/09	\$3590
John L.	2986 Blacktail Street, Santa Rosa	9/25/09	\$795
Paula G. and Timothy S.	2002 Jack Rabbit Court, Santa Rosa	4/30/09	\$795
Kathleen A.	5356 Gold Drive, Santa Rosa	12/19/09	\$2095
Carolyn E.	9498 Argonne Way, Forestville	1/18/09	\$1995

In connection with the collection and handling of said advance fee, MORA and JONES, failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

#### DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondents MORA and JONES exists pursuant to Section 10130 of the Code in conjunction with 10177(d) of the Code.

2

Cause for disciplinary action against Respondents MORA and JONES exists pursuant to Sections 10085, 10085.5, and 10085.6 of the Code and Section 2970 of the Regulations.

3

The standard of proof applied was clear and convincing proof to a reasonable certainty.



ORDER

All licenses and licensing rights of Respondents FERNANDO MORA and DEON FRANKLIN JONES under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

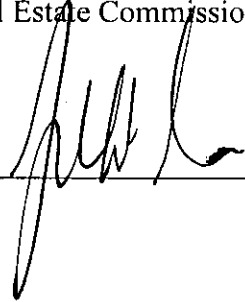
This Decision shall become effective at 12 o'clock noon on

JAN 26 2011

DATED: \_\_\_\_\_

12/30/2010

JEFF DAVI  
Real Estate Commissioner



\_\_\_\_\_


1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

DEC - 9 2010

DEPARTMENT OF REAL ESTATE

By: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of

12 FERNANDO MORA,  
13 DEON FRANKLIN JONES, and  
14 TERRANCE HENRY LIPPOLD,

15 Respondents.

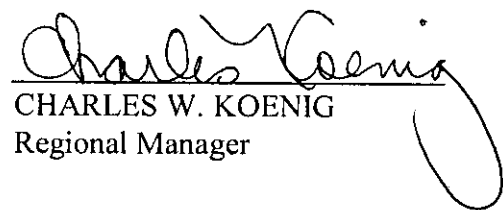
No. H-11006 SF

DEFAULT ORDER

16  
17 Respondents, FERNANDO MORA and DEON FRANKLIN JONES, having  
18 failed to file Notices of Defense within the time required by Section 11506 of the Government  
19 Code, are now-in default. It is, therefore, ordered that a default be entered on the record in this  
20 matter as to Respondents FERNANDO MORA and DEON FRANKLIN JONES only.

21 IT IS SO ORDERED December 9, 2010.

22 JEFF DAVI  
23 Real Estate Commissioner

24 By:   
25 CHARLES W. KOENIG  
26 Regional Manager  
27

FILED

JAN - 5 2011

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

FERNANDO MORA,  
DEON FRANKLIN JONES, and  
TERRANCE HENRY LIPPOLD,

Respondents.

No. H-11006 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on December 9, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents FERNANDO MORA and DEON FRANKLIN JONES (hereinafter "Respondents") express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On September 16, 2010, E. J. Haberer II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondents' last known mailing address on file with the Department on September 21, 2010.

On December 9, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

3

At no times mentioned has MOD Specialist been licensed by the Department in any capacity.

4

At all times mentioned, Respondent FERNANDO MORA (hereinafter "MORA") was and is licensed by the Department individually as a real estate salesperson. At all times mentioned since April 7, 2009 MORA has not been affiliated with a broker. MORA is the owner of the unlicensed fictitious business name MOD Specialist.

5

At all times mentioned, Respondent DEON FRANKLIN JONES (hereinafter "JONES") was and is licensed by the Department individually as a real estate salesperson. At all time mentioned from July 20, 2009 through April 11, 2010 JONES has not been affiliated with a broker.

6

At no times mentioned has Francesca Chavez (hereinafter "Chavez") been licensed by the Department in any capacity.

7

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

///

///

Beginning on or about February 2009, MOD Specialist, MORA, and/or unknown representatives of MOD Specialist, in the course of the real estate resale brokerage activities described in Paragraph 7, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

**PROPERTY OWNER**

**PROPERTY ADDRESS**

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2217 Ironbard Drive, Santa Rosa

Kathleen A.

5356 Gold Drive, Santa Rosa

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**PROPERTY OWNER**

**PROPERTY ADDRESS**

Carolyn E.

9498 Argonne Way, Forestville

By the commission of the acts alleged above, MORA and JONES engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(a) of the Business and Professions Code.

In connection with the operation and conduct of the real estate activities described in Paragraph 7, MORA and JONES engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code including but not limited to the following:

Property Owner	Property Address	Date	Advance Fee
Steve M.	2217 Ironbark Drive, Santa Rosa	11/19/09	\$3590
John L.	2986 Blacktail Street, Santa Rosa	9/25/09	\$795
Paula G. and Timothy S.	2002 Jack Rabbit Court, Santa Rosa	4/30/09	\$795
Kathleen A.	5356 Gold Drive, Santa Rosa	12/19/09	\$2095
Carolyn E.	9498 Argonne Way, Forestville	1/18/09	\$1995

In connection with the collection and handling of said advance fee, MORA and JONES, failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

#### DETERMINATION OF ISSUES

##### 1

Cause for disciplinary action against Respondents MORA and JONES exists pursuant to Section 10130 of the Code in conjunction with 10177(d) of the Code.

##### 2

Cause for disciplinary action against Respondents MORA and JONES exists pursuant to Sections 10085, 10085.5, and 10085.6 of the Code and Section 2970 of the Regulations.

##### 3

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondents FERNANDO MORA and DEON FRANKLIN JONES under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

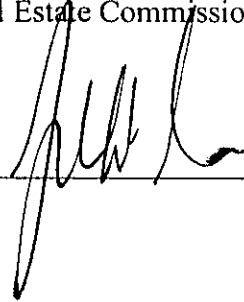
This Decision shall become effective at 12 o'clock noon on

JAN 26 2011

DATED: \_\_\_\_\_

12/30/2010

JEFF DAVI  
Real Estate Commissioner



\_\_\_\_\_

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0789  
8 (916) 227-0781 (Direct)

FILED

SEP 21 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

FERNANDO MORA,  
DEON FRANKLIN JONES, and  
TERRANCE HENRY LIPPOLD,

Respondents.

No. H-11006 SF

ACCUSATION

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against FERNANDO MORA, DEON FRANKLIN JONES, and TERRANCE HENRY LIPPOLD (hereinafter "Respondents"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").



1 3

2 At no times mentioned has MOD Specialist been licensed by the Department in  
3 any capacity.

4 4

5 At all times mentioned, Respondent FERNANDO MORA (hereinafter "MORA")  
6 was and is licensed by the Department individually as a real estate salesperson. At all times  
7 mentioned since April 7, 2009, MORA has not been affiliated with a broker. MORA is the  
8 owner of the unlicensed fictitious business name MOD Specialist.

9 5

10 At all times mentioned, Respondent DEON FRANKLIN JONES (hereinafter  
11 "JONES") was and is licensed by the Department individually as a real estate salesperson. At  
12 all time mentioned from July 20, 2009 through April 11, 2010, JONES has not been affiliated  
13 with a broker.

14 6

15 At all times mentioned, Respondent TERRANCE HENRY LIPPOLD (hereinafter  
16 "LIPPOLD") was and is licensed by the Department individually as a real estate salesperson. At  
17 all times mentioned since February 15, 2008, LIPPOLD has not been affiliated with a broker.

18 7

19 At no times mentioned has Francesca Chavez (hereinafter "Chavez") been  
20 licensed by the Department in any capacity.

21 8

22 At all times mentioned, Respondents engaged in the business of, acted in the  
23 capacity of, advertised, or assumed to act as real estate brokers in the State of California, within  
24 the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage  
25 loan brokerage and/or loan modification business with the public wherein each of them solicited  
26 lenders and borrowers for or negotiated loans or collected payments and/or performed services

27 ///

1 for borrowers or lenders or note owners in connection with loans secured directly or collaterally  
2 by liens on real property for or in expectation of compensation.

3 FIRST CAUSE OF ACTION

4 9

5 Each and every allegation in Paragraphs 1 through 8, are incorporated by this  
6 reference as if fully set forth herein.

7 10

8 Beginning on or about February 2009, MOD Specialist, and MORA, and/or  
9 unknown representatives of MOD Specialist, in the course of the real estate resale brokerage  
10 activities described in Paragraph 8, solicited and/or performed services for borrowers, in  
11 connection with loans secured directly or collaterally by liens on real property or on a business  
12 opportunity, for or in expectation of compensation. Such activities include, but are no limited to:

13 Property Owner

PROPERTY ADDRESS

14 Steve M.

2217 Ironbard Drive, Santa Rosa

15 11

16 Beginning on or about February 2009, MOD Specialist, MORA, and/or Chavez,  
17 in the course of the real estate resale brokerage activities described in Paragraph 8, solicited  
18 and/or performed services for borrowers, in connection with loans secured directly or collaterally  
19 by liens on real property or on a business opportunity, for or in expectation of compensation.

20 Such activities include, but are no limited to:

21 Property Owner

PROPERTY ADDRESS

22 John L.

2986 Blacktail Street, Santa Rosa

23 Paula G. and Timothy S.

2002 Jack Rabbit Court, Santa Rosa

24 12

25 Beginning on or about February 2009, MOD Specialist, MORA, and/or  
26 LIPPOLD, in the course of the real estate resale brokerage activities described in Paragraph 8,  
27 solicited and/or performed services for borrowers, in connection with loans secured directly or

1 collaterally by liens on real property or on a business opportunity, for or in expectation of  
2 compensation. Such activities include, but are no limited to:

3 **Property Owner**

**PROPERTY ADDRESS**

4 Kathleen A.

5356 Gold Drive, Santa Rosa

5 13

6 Beginning on or about February 2009, MOD Specialist, MORA, and/or JONES,  
7 in the course of the real estate resale brokerage activities described in Paragraph 8, solicited  
8 and/or performed services for borrowers, in connection with loans secured directly or collaterally  
9 by liens on real property or on a business opportunity, for or in expectation of compensation.  
10 Such activities include, but are no limited to:

11 **Property Owner**

**PROPERTY ADDRESS**

12 Carolyn E.

9498 Argonne Way, Forestville

13 14

14 By the commission of the acts alleged above, MORA, JONES, and LIPPOLD  
15 engaged in the business and acted in the capacity of a real estate broker within the State of  
16 California as defined by Section 10131(a) of the Business and Professions Code.

17 15

18 The facts alleged in the First Cause of Action are grounds for the suspension or  
19 revocation of the licenses of MORA, JONES, and LIPPOLD under Section 10130 of the Code in  
20 conjunction with 10177(d) of the Code.

21 **SECOND CAUSE OF ACTION**

22 16

23 Each and every allegation in Paragraphs 1 through 15, are incorporated by this  
24 reference as if fully set forth herein.

25 ///

26 ///

27 ///

In connection with the operation and conduct of the real estate activities described in Paragraph 8, MORA, JONES, and LIPPOLD, engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code including but not limited to the following:

Property Owner	Property Address	Date	Advance Fee
Steve M.	2217 Ironbard Drive, Santa Rosa	11/19/09	\$3590
John L.	2986 Blacktail Street, Santa Rosa	9/25/09	\$795
Paula G. and Timothy S.	2002 Jack Rabbit Court, Santa Rosa	4/30/09	\$795
Kathleen A.	5356 Gold Drive, Santa Rosa	12/19/09	\$2095
Carolyn E.	9498 Argonne Way, Forestville	1/18/09	\$1995

In connection with the collection and handling of said advance fee, MORA, JONES, and LIPPOLD failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

The acts and/or omissions of MORA, JONES, and LIPPOLD described in the Second Cause of Action, constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085, 10085.5, and 10085.6 of the Code and Section 2970 of the Regulations, and are cause for the suspension or revocation of MORA, JONES, and LIPPOLD license and license rights.

///

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1           WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and license rights under the Real Estate Law (Part 1 of Division 4 of  
4 the Business and Professions Code) of Respondents, and for such other and further relief as may  
5 be proper under applicable provisions of law.

6  
7   
8 E. J. HABERER II  
Deputy Real Estate Commissioner

9 Dated at Oakland, California,  
10 this 16<sup>th</sup> day of September, 2010