Slug

FILED

JUL 12 2016

BUREAU OF REAL ESTATE

By S. Black

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of DEON FRANKLIN JONES, Respondent.	No. H-11006 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On July 8, 2011, a Decision was rendered in Case No. H-11006 SF revoking the real estate salesperson license of Respondent effective August 8, 2011, but granting Respondent the right to the issuance of a restricted real estate salesperson license. Respondent did not apply for a restricted real estate salesperson license.

On July 15, 2014, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

I have considered the petition of Respondent and the evidence submitted in support thereof.

The Bureau has developed criteria in Section 2911 of Title 10, California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

Regulation 2911(b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.

Respondent has failed to provide evidence that reimbursement in the amount of $1,995.00 was made to borrower Caroline Epple as a condition ordered in the Stipulation and Agreement in Case No. H-11006 SF.

Regulation 2911(j) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.

Respondent has unsatisfied IRS liens for the tax years 2003, 2005, and 2006, in the amounts of $1,315.29, $10,227.63 and $10,927.38 respectively.

Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license at this time.

Given the violations found and the fact that Respondent has not established that Respondent has satisfied Regulations 2911(a) and (j), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate salesperson license is denied.

This Order shall become effective at 12 o'clock noon on AUG 0 2 2016.

IT IS SO ORDERED 7/8/2016

REAL ESTATE COMMISSIONER

Wayne S. Bell

FILED

JUL 18 2011

DEPARTMENT OF REAL ESTATE

By R. Jones

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

Telephone: (916) 227-0781

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 STIPULATION AND AGREEMENT

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.

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

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

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

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

* * *

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the 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

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

II

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

* * *

ORDER

I

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

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

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

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

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

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,

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

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

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

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

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

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

F. Respondent shall, within six (6) months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until 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 0 8 2011, 2011.

IT IS SO ORDERED 7/8, 2011.

BARBARA J. BIGBY
Acting Real estate Commissioner

FILED

FEB 25 2011

DEPARTMENT OF REAL ESTATE

By

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

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).

///

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

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

This Order shall become effective at 12 o'clock noon on MAR 1 8 2011

DATED: 2/23/11

JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

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

DECLARATION

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

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) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

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

EXHIBIT A

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

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

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

12-19-10
Date and Place
Rogersville, Mo

Terrance Henry Lippold
TERRANCE HENRY LIPPOLD

FILED

FEB 25 2011

DEPARTMENT OF REAL ESTATE

By: _____

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

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

BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED

JAN 26 2011

DEPARTMENT OF REAL ESTATE

By 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 DAVI
Real Estate Commissioner

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

Telephone: (916) 227-0789

FILED

DEC - 9 2010

DEPARTMENT OF REAL ESTATE

By

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 DEFAULT ORDER

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

IT IS SO ORDERED December 9, 2010.

JEFF DAVI
Real Estate Commissioner

By: Charles Koenig
CHARLES W. KOENIG
Regional Manager

FILED

JAN - 5 2011

DEPARTMENT OF REAL ESTATE

By

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

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: (l) 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.

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8

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

9

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

10

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

11

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.

12

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 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

13

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

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

Telephone: (916) 227-0789

FILED

DEC - 9 2010

DEPARTMENT OF REAL ESTATE

By

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 DEFAULT ORDER

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

IT IS SO ORDERED December 9, 2010.

JEFF DAVI
Real Estate Commissioner

By: Charles Koenig
CHARLES W. KOENIG
Regional Manager

FILED

JAN - 5 2011

DEPARTMENT OF REAL ESTATE

By

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

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: (l) 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.

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8

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

9

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

10

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

11

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.

12

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
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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

13

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

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
(916) 227-0781 (Direct)

FILED

SEP 21 2010

DEPARTMENT OF REAL ESTATE

By

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.

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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").

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

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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.

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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.

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

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

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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

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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.

FIRST CAUSE OF ACTION

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

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Beginning on or about February 2009, MOD Specialist, and MORA, and/or unknown representatives of MOD Specialist, in the course of the real estate resale brokerage activities described in Paragraph 8, 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

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Beginning on or about February 2009, MOD Specialist, MORA, and/or Chavez, in the course of the real estate resale brokerage activities described in Paragraph 8, 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

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Beginning on or about February 2009, MOD Specialist, MORA, and/or LIPPOLD, in the course of the real estate resale brokerage activities described in Paragraph 8, 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**
Kathleen A.	5356 Gold Drive, Santa Rosa

13

Beginning on or about February 2009, MOD Specialist, MORA, and/or JONES, in the course of the real estate resale brokerage activities described in Paragraph 8, 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

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By the commission of the acts alleged above, MORA, JONES, and LIPPOLD 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.

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

SECOND CAUSE OF ACTION

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

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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

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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").

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

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 16th day of September, 2010