

1 for the purpose of settling and disposing of the Accusation
2 filed on January 25, 2012, against Respondent CHRISTOPHER NEIL
3 RICHARDSON in Department Case No. H-37805 LA, and the Order to
4 Desist and Refrain filed on March 8, 2012, against Respondents
5 in Department Case No. H-37953 LA.

6 1. All issues which were to be contested and all
7 evidence which was to be presented by Complainant and
8 Respondents at a formal hearing on the Accusation and Order to
9 Desist and Refrain, which combined hearing was to be held in
10 accordance with the provisions of the Administrative Procedure
11 Act ("APA"), shall instead and in place thereof be submitted
12 solely on the basis of the provisions of this Stipulation and
13 Agreement ("Stipulation").

14 2. Respondents have received, read and understand the
15 Statement to Respondent, the Discovery Provisions of the APA and
16 the Accusation and Order to Desist and Refrain, filed by the
17 Department of Real Estate in these proceedings.

18 3. Respondents filed a Notice of Defense pursuant to
19 Section 11506 of the Government Code for the purpose of
20 requesting a hearing on the allegations in the Accusation and
21 Order to Desist and Refrain. Respondents hereby freely and
22 voluntarily withdraw said Notices of Defense. Respondents
23 acknowledge that they understand that by withdrawing said
24 Notices of Defense they will thereby waive their right to
25 require the Commissioner to prove the allegations in the
26 Accusation and Order to Desist and Refrain, at a contested
27 hearing held in accordance with the provisions of the APA and
28 that they will waive other rights afforded to them in connection

1 with the hearing such as the right to present evidence in
2 defense of the allegations in the Accusation and Order to Desist
3 and Refrain and the right to cross-examine witnesses.

4 4. This Stipulation is based on the factual
5 allegations contained in the Accusation and Order to Desist and
6 Refrain filed in this proceeding. In the interest of expedience
7 and economy, Respondents choose not to contest these factual
8 allegations, but to remain silent and understand that, as a
9 result thereof, these factual statements, will serve as a prima
10 facie basis for the disciplinary action stipulated to herein.
11 The Real Estate Commissioner shall not be required to provide
12 further evidence to prove such allegations.

13 5. This Stipulation is made for the purpose of
14 reaching an agreed disposition of this proceeding and is
15 expressly limited to this proceeding and any other proceeding or
16 case in which the Department of Real Estate ("Department"), the
17 state or federal government, or any agency of this state,
18 another state or federal government is a party.

19 6. It is understood by Respondents that the Real
20 Estate Commissioner may adopt this Stipulation as his Decision
21 in this matter thereby imposing the penalty and sanctions on
22 Respondent CHRISTOPHER NEIL RICHARDSON'S real estate license and
23 license rights as set forth in the "Order" herein below. In the
24 event that the Commissioner in his discretion does not adopt the
25 Stipulation, it shall be void and of no effect and Respondents
26 shall retain the right to a hearing and proceeding on the
27 Accusation and Order to Desist and Refrain under the provisions
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1 the provisions of Sections 10177(d) and 10177(g) of the Code for
2 violation of Section 10130 of the Code.

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 All licenses and licensing rights of Respondent
6 CHRISTOPHER NEIL RICHARDSON ("Respondent") under the Real Estate
7 Law are hereby revoked; provided, however, a restricted real
8 estate salesperson license shall be issued to Respondent
9 pursuant to Section 10156.5 of the Business and Professions Code
10 if Respondent makes application therefor and pays to the
11 Department of Real Estate the appropriate fee for the restricted
12 license within ninety (90) days from the effective date of this
13 Decision. The restricted license issued to Respondent shall be
14 subject to all of the provisions of Section 10156.7 of the
15 Business and Professions Code and to the following limitations,
16 conditions and restrictions imposed under authority of Section
17 10156.6 of that Code:

18 1. The restricted license issued to Respondent may be
19 suspended prior to hearing by Order of the Real Estate
20 Commissioner in the event of Respondent's conviction or plea of
21 nolo contendere to a crime which is substantially related to
22 Respondent's fitness or capacity as a real estate licensee.

23 2. The restricted license may be suspended prior to
24 hearing by Order of the Real Estate Commissioner on evidence
25 satisfactory to the Commissioner that Respondent has violated
26 provisions of the California Real Estate Law, the Subdivided
27 Lands Law, Regulations of the Real Estate Commissioner or
28 conditions attaching to the restricted license.

1 3. Respondent shall not be eligible for the issuance
2 of an unrestricted real estate license nor for the removal of
3 any of the conditions, limitations or restrictions of a
4 restricted license until at least three (3) years have elapsed
5 from the effective date of this Decision.

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

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

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

18 5. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory
20 to the Real Estate Commissioner that Respondent has, since the
21 most recent issuance of an original or renewal real estate
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license. If Respondent
25 fails to satisfy this condition, the Commissioner may order the
26 suspension of the restricted license until the Respondent
27 presents such evidence. The Commissioner shall afford
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1 Respondent the opportunity for a hearing pursuant to the
2 Administrative Procedures Act to present such evidence.

3 6. Respondent shall within six (6) months from the
4 effective date of this Decision, take and pass the Professional
5 Responsibility Examination administered by the Department
6 including the payment of the appropriate examination fee. If
7 Respondent fails to satisfy this condition, the Commissioner may
8 order suspension of Respondent's license until Respondent passes
9 the examination.

10 7. Respondent shall within six (6) months from the
11 effective date of this Decision, submit proof satisfactory to
12 the Commissioner of payment of restitution in the amount of
13 \$1,500 to Diane Wolfrey, \$995 to Gloria Mateo, \$1,050 to Ana
14 Menjivar, \$1,000 to Harold Washington, and \$500 to Edna Guillen.
15 Respondent shall make a diligent effort to locate and repay the
16 borrowers beginning on or before the effective date of this
17 Decision. (1) Respondent shall mail the payments by certified
18 mail, return receipt requested, to the borrowers' last address
19 on file with or known to Respondent. (2) If any of the
20 payment(s) are returned by the Post Office marked "unable to
21 deliver," Respondent shall employ a locator service (that may be
22 limited to or include or be limited to the Internet or other
23 database retrieval search) to try and locate the aforesaid
24 borrower. Repayments shall then be made to the address(es)
25 recommended by the locator service. (3) If unable to effect
26 repayment after using a locator service, Respondent shall
27 provide reasonable proof satisfactory to the Commissioner of his
28 efforts to comply with the provisions of this paragraph. (4) If

1 the Commissioner determines that proof to be unsatisfactory, the
2 Commissioner shall so advise Respondent, and indicate what
3 additional reasonable efforts should be made to make repayment
4 to the borrower(s). (5) If the Commissioner determines that
5 efforts have been made to locate the borrower(s) without
6 success, said payment shall escheat to the State of California.
7 (6) If the Commissioner determines that proof to be
8 unsatisfactory and that reasonable efforts have not been made to
9 locate the borrower, the Commissioner may, by separate order,
10 suspend Respondent's license for thirty (30) days. (7) All
11 proof shall be submitted to Department Counsel Lissete Garcia,
12 Attention: Legal Section, Department of Real Estate, 320 W.
13 Fourth St., Suite 350, Los Angeles, California 90013-1105, on or
14 before the effective date of this Decision.

15 8. Respondent understands that by agreeing to this
16 Stipulation, Respondent agrees to pay, pursuant to Business and
17 Professions Code Section 10106, the cost of the investigation
18 and enforcement which led to this disciplinary action, and the
19 legal costs related to the Accusation. The total amount of said
20 costs is \$1,134.75. Said payment shall be made within nine (9)
21 months from the effective date of this Decision. Said payment
22 shall be in the form of a cashier's check or certified check
23 made payable to the Real Estate Fund and submitted to Department
24 Counsel Lissete Garcia, Attention: Legal Section, Department of
25 Real Estate, 320 W. Fourth St., Suite 350, Los Angeles,
26 California 90013-1105.

27 The Commissioner may suspend Respondent's license
28 pending a hearing held in accordance with California Government

1 Code Section 11500, et seq., if payment is not timely made as
2 provided for herein, or as provided for in a subsequent
3 agreement between Respondent and the Commissioner. The
4 suspension shall remain in effect until payment is made in full
5 or until Respondent enters into an agreement satisfactory to the
6 Commissioner to provide for payment, or until a decision
7 providing otherwise is adopted following a hearing held pursuant
8 to this condition.

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DATED: March 8, 2013

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Lissete Garcia, Counsel for
the Department of Real Estate

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We have read the Stipulation and Agreement, have
discussed it with our counsel, and its terms are understood by
us and are agreeable and acceptable to us. We understand that
we are waiving rights given to us by the California
Administrative Procedure Act (including but not limited to
Sections 11506, 11508, 11509 and 11513 of the Government Code),
and we willingly, intelligently and voluntarily waive those
rights, including the right of requiring the Commissioner to
prove the allegations in the Accusation and Order to Desist and
Refrain at a hearing at which we would have the right to cross-
examine witnesses against us and to present evidence in defense

1 and mitigation of the charges.

2 Respondents can signify acceptance and approval of the
3 terms and conditions of this Stipulation and Agreement by faxing
4 a copy of the signature page, as actually signed by Respondents,
5 to the Department at the following telephone/fax number: (213)
6 576-6917. Respondents agree, acknowledge and understand that by
7 electronically sending to the Department a fax copy of their
8 actual signatures as they appear on the Stipulation and
9 Agreement, that receipt of the faxed copy by the Department
10 shall be as binding on Respondents as if the Department had
11 received the original signed Stipulation and Agreement.
12

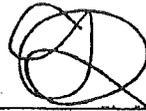
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14 Further, if the Respondents are represented by
15 counsel, the Respondents' counsel can signify his agreement to
16 the terms and conditions of the Stipulation and Agreement by
17 submitting that signature via fax. The Commissioner has asked
18 that within 24 hours of obtaining Respondent's signature to the
19 agreement, Respondents' counsel shall deposit in the mail the
20 original settlement/stipulation containing the original
21 signatures of the Respondents and Respondents' counsel.
22

23
24 DATED: 1-11-13


CHRISTOPHER NEIL RICHARDSON
Respondent

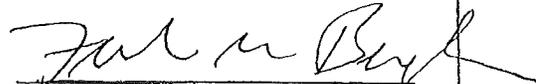
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DATED: 3-7-13



CHRISTOPHER NEIL RICHARDSON
for REAL ESTATE FORECLOSURE
HELP, INC., Respondent

DATED: 3-7-12



FRANK M. BUDA
Counsel for Respondents
Approved as to Form.

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on May 7, 2013

IT IS SO ORDERED

3/29/2013

Real Estate Commissioner



SAC

FILED

MAR -8 2012

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY:

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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|--------------------------------|---|--------------------------|
| 11 To: |) | No. H-37953 LA |
| |) | |
| 12 CHRISTOPHER NEIL RICHARDSON |) | <u>ORDER TO DESIST</u> |
| 13 and REAL ESTATE FORECLOSURE |) | <u>AND REFRAIN</u> |
| 14 HELP, INC. |) | |
| |) | (B&P Code Section 10086) |
| 15 |) | |

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of CHRISTOPHER NEIL
18 RICHARDSON and REAL ESTATE FORECLOSURE HELP, INC. Based on that investigation
19 the Commissioner has determined that CHRISTOPHER NEIL RICHARDSON and REAL
20 ESTATE FORECLOSURE HELP, INC. have engaged in, are engaging in acts, attempting to
21 engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real
22 estate brokers in the State of California within the meaning of Business and Professions Code
23 Section 10131(d) (solicit borrowers for or negotiate loans or perform services for borrowers in
24 connection with loans secured by liens on real property).

25 In addition, based on that investigation, the Commissioner has determined that
26 CHRISTOPHER NEIL RICHARDSON and REAL ESTATE FORECLOSURE HELP, INC.
27 have engaged in, are engaging in acts or are attempting to engage in practices constituting

1 violations of the California Business and Professions Code ("Code") and/or Title 10, California
2 Code of Regulations ("Regulations"). Based on the findings of that investigation, set forth
3 below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and
4 Desist and Refrain Order under the authority of Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. From May 7, 2007 through the present, CHRISTOPHER NEIL
7 RICHARDSON has been licensed as a real estate salesperson (License No. 01806519) by the
8 Department.

9 2. At no time mentioned herein has REAL ESTATE FORECLOSURE HELP,
10 INC. ever been licensed by the Department in any capacity.

11 3. REAL ESTATE FORECLOSURE HELP, INC. is a California corporation.
12 CHRISTOPHER NEIL RICHARDSON is the Chief Executive Officer, Chief Financial Officer,
13 and agent for service of process for REAL ESTATE FORECLOSURE HELP, INC. On
14 December 8, 2010, a certificate of dissolution of REAL ESTATE FORECLOSURE HELP, INC.
15 was filed with the California Secretary of State.

16 4. For an unknown period of time beginning no later than February 19, 2009,
17 through June, 2009, CHRISTOPHER NEIL RICHARDSON, while using the unlicensed
18 fictitious business name REAL ESTATE FORECLOSURE HELP, INC., engaged in the business
19 of soliciting borrowers or offering to perform services for borrowers including forensic loan
20 audits, modification or negotiation in connection with loans secured by real property. In an
21 effort to circumvent existing laws concerning the charging or collecting of advance fees by real
22 estate brokers, CHRISTOPHER NEIL RICHARDSON and REAL ESTATE FORECLOSURE
23 HELP, INC. provided the borrowers noted below with an advance fee agreement entitled
24 "Mortgage Loan Document Audit Agreement" for loan modification and negotiation services
25 that said borrowers expected to receive from CHRISTOPHER NEIL RICHARDSON and REAL
26 ESTATE FORECLOSURE HELP, INC. CHRISTOPHER NEIL RICHARDSON and REAL
27 ESTATE FORECLOSURE HELP, INC., claimed, demanded, charged, received, collected or

1 contracted for the collection of advance fees, within the meaning of Code Section 10026, for the
2 following borrowers, among others:

3 a. On or about February 19, 2009, CHRISTOPHER NEIL RICHARDSON and
4 REAL ESTATE FORECLOSURE HELP, INC. charged borrower Gloria M. an advance fee of
5 \$995 pursuant to an advance fee agreement for loan modification and negotiation services in
6 connection with a loan secured by real property.

7 b. On or about March 20, 2009, CHRISTOPHER NEIL RICHARDSON and
8 REAL ESTATE FORECLOSURE HELP, INC. charged borrower Harold W. an advance fee of
9 \$2,995 pursuant to an advance fee agreement for loan modification and negotiation services in
10 connection with a loan secured by real property. REAL ESTATE FORECLOSURE HELP, INC.
11 failed to perform the loan modification and negotiation services that had been promised to
12 Harold W. REAL ESTATE FORECLOSURE HELP, INC. failed to refund the advance fee paid
13 by Harold W.

14 c. On or about March 24, 2009, CHRISTOPHER NEIL RICHARDSON and
15 REAL ESTATE FORECLOSURE HELP, INC. charged borrowers Edna and Cesar G. an
16 advance fee of \$2,995 pursuant to an advance fee agreement for loan modification and
17 negotiation services in connection with a loan secured by real property.

18 d. On or about June 15, 2009, CHRISTOPHER NEIL RICHARDSON and
19 REAL ESTATE FORECLOSURE HELP, INC. charged borrower, Ana M. an advance fee of
20 \$2,500 pursuant to an advance fee agreement for loan modification and negotiation services in
21 connection with a loan secured by real property. REAL ESTATE FORECLOSURE HELP, INC.
22 failed to perform the loan modification and negotiation services that had been promised to Ana
23 M. REAL ESTATE FORECLOSURE HELP, INC. failed to refund the advance fee paid by Ana
24 M.

25 e. On or about June 17, 2009, Diane W. paid an advance fee of \$1,500 to REAL
26 ESTATE FORECLOSURE HELP, INC. pursuant to an advance fee agreement for loan
27 modification and negotiation services in connection with a loan secured by real property. REAL

1 ESTATE FORECLOSURE HELP, INC. failed to perform the loan modification and negotiation
2 services that had been promised to Diane W. REAL ESTATE FORECLOSURE HELP, INC.
3 failed to refund the advance fee paid by Diane W.

4 CONCLUSIONS OF LAW

5 Based on the information contained in Paragraphs 1 through 4, above,
6 CHRISTOPHER NEIL RICHARDSON and REAL ESTATE FORECLOSURE HELP, INC.
7 violated Section 10130 of the Code by engaging in the activities without first obtaining a broker
8 license from the Department.

9 DESIST AND REFRAIN ORDER

10 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
11 herein, IT IS HEREBY ORDERED THAT CHRISTOPHER NEIL RICHARDSON and REAL
12 ESTATE FORECLOSURE HELP, INC. whether doing business under their own names, or any
13 other names, or any fictitious name, ARE HEREBY ORDERED to immediately desist and
14 refrain from performing any acts within the State of California for which a real estate broker
15 license is required. In particular each of them is ORDERED TO DESIST AND REFRAIN from:

16 1. charging, demanding, claiming, collecting and/or receiving advance fees, as
17 that term is defined in Section 10026 of the Code, in any form, and under any conditions, with
18 respect to the performance of loan modifications or any other form of mortgage loan forbearance
19 service in connection with loan on residential property containing four or fewer dwelling units;
20 and

21 2. charging, demanding, claiming, collecting and/or receiving advance fees, as
22 that term is defined in Section 10026 of the Code, for any other real estate related services
23 offered by them to others.

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1 DATED: 3/21, 2012.

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3 Barbara J. Bigby
Acting Real Estate Commissioner

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10 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
11 real estate broker or real estate salesperson without a license or who advertises using words
12 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
13 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
14 imprisonment in the county jail for a term not to exceed six months, or by both fine and
15 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
16 (\$60,000)."

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23 cc: Christopher Neil Richardson
24 Real Estate Foreclosure Help, Inc.
25 2973 Harbor Blvd., #145
26 Costa Mesa, CA 92626
27