

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

FILED

JUL 22 2008

DEPARTMENT OF REAL ESTATE

By Jean Brunow

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA  
\* \* \*

In the Matter of the Accusation of ) No. H-1637 FR  
AMERICAN GOLD MORTGAGE CORP., )  
and JERRY LA OTTO STAPP )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 5, 2004, an Order was rendered herein  
revoking the real estate broker licenses of Respondents but  
granting Respondents the right to apply for restricted real  
estate broker licenses upon terms and conditions. Restricted  
real estate broker licenses were issued to Respondents on  
October 14, 2004 and Respondents have operated as restricted  
licensees since that time.

On May 25, 2007, Respondents petitioned for  
reinstatement of their real estate broker licenses and the  
Attorney General of the State of California has been given notice  
of the filing of said petitions.

///

1 I have considered the petitions of Respondents and the  
2 evidence and arguments in support thereof including Respondents'  
3 records as restricted licensees. Respondents have demonstrated  
4 to my satisfaction that Respondents meet the requirements of law  
5 for the issuance to Respondents of unrestricted real estate  
6 broker licenses and that it would not be against the public  
7 interest to issue said licenses to Respondents.

8 NOW, THEREFORE, IT IS ORDERED that Respondents'  
9 petition for reinstatement is granted and that real estate broker  
10 licenses be issued to Respondents if Respondents satisfy the  
11 following conditions within nine months from the date of this  
12 Order:

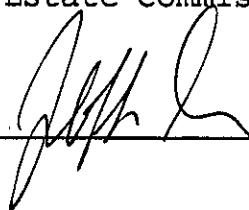
13 1. Submittal of completed applications and payment of  
14 the fees for real estate broker licenses.

15 2. Submittal of proof satisfactory to the Commissioner  
16 of Respondent JERRY LA OTTO STAPP having, since the most recent  
17 issuance of an original or renewal real estate license, taken and  
18 successfully completed the continuing education requirements of  
19 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a  
20 real estate license.

21 This Order shall become effective immediately.

22 DATED: 7-8, 2008.

23 JEFF DAVI  
24 Real Estate Commissioner

25   
26 \_\_\_\_\_  
27

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4  
5 Telephone: (916) 227-0789  
6  
7

FILED  
SEP 24 2004

DEPARTMENT OF REAL ESTATE

By Katherine Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 AMERICAN GOLD MORTGAGE CORP. )  
13 and )  
14 JERRY LA OTTO STAPP, et al., )  
15 Respondents. )

NO. H-1637 FR

STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between AMERICAN GOLD  
17 MORTGAGE CORP. and JERRY LA OTTO STAPP only (hereafter  
18 Respondents), represented by Guyton N. Jinkerson, Attorney at  
19 Law, and the Complainant, acting by and through Deidre L.  
20 Johnson, Counsel for the Department of Real Estate, as follows  
21 for the purpose of settling and disposing the First Amended  
22 Accusation as to Respondents filed on February 25, 2004 in this  
23 matter:

24 1. All issues which were to be contested and all  
25 evidence which was to be presented by Complainant and Respondents  
26 at a formal hearing on the Accusation, which hearing was to be  
27 held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement.

4 2. Respondents have each received, read and understand  
5 the Statement to Respondent, and the Discovery Provisions of the  
6 APA filed by the Department of Real Estate in this proceeding.

7 3. On November 14, 2003, and March 9, 2004,  
8 Respondents filed their Notice of Defense pursuant to  
9 Section 11505 of the Government Code for the purpose of  
10 requesting a hearing on the allegations in the First Amended  
11 Accusation. Respondents hereby freely and voluntarily withdraw  
12 said Notice of Defense. Respondents acknowledge that they each  
13 understand that by withdrawing said Notice of Defense they will  
14 each thereby waive their rights to require the Commissioner to  
15 prove the allegations in the First Amended Accusation at a  
16 contested hearing held in accordance with the provisions of the  
17 APA, and that they will waive other rights afforded to them in  
18 connection with the hearing such as the right to present evidence  
19 in defense of the allegations in the First Amended Accusation and  
20 the right to cross-examine witnesses.

21 4. Respondents, pursuant to the limitations set forth  
22 below, hereby admit that the factual allegations pertaining to  
23 them in Paragraphs I through IX of the First Amended Accusation  
24 filed in this proceeding are true and correct and the Real Estate  
25 Commissioner shall not be required to provide further evidence of  
26 such allegations.

27 ///

1           5. Without admitting the truth of the allegations  
2 contained in the rest of the First Amended Accusation pertaining  
3 to each Respondent, Respondents stipulate that they will not  
4 interpose a defense thereto. This Stipulation is based on the  
5 factual allegations contained in the Accusation as found below.  
6 In the interests of expedience and economy, Respondents each  
7 choose not to contest the allegations that pertain to them, but  
8 to remain silent, and understand that, as a result thereof, these  
9 factual allegations, without being admitted or denied, will serve  
10 as a basis for the disciplinary action stipulated to herein. The  
11 Real Estate Commissioner shall not be required to provide further  
12 evidence to prove said factual allegations.

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

23           7. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation and  
25 Agreement shall not constitute an estoppel, merger or bar to any  
26 further administrative or civil proceedings by the Department of  
27 Real Estate with respect to any matters which were not

1 specifically alleged to be causes for accusation in this  
2 proceeding.

3 \* \* \*

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations and waivers and  
6 solely for the purpose of settlement of the pending First Amended  
7 Accusation without a hearing, it is stipulated and agreed that  
8 the following determination of issues shall be made:

9 I

10 The acts and/or omissions of Respondent AMERICAN GOLD  
11 CORP. as stipulated above constitute grounds for disciplinary  
12 action under the provisions of Sections 10137, 10176(a),  
13 10176(i), 10177(d), and 10177(g) of the Code.

14 II

15 The acts and/or omissions of Respondent JERRY LA OTTO  
16 STAPP as stipulated above constitute grounds for disciplinary  
17 action under the provisions of Section 10177(h) of the Code and  
18 Section 2725 of Title 10, California Code of Regulations.

19 \* \* \*

20 ORDER

21 I

22 A. All real estate license(s) and license rights of Respondents  
23 AMERICAN GOLD MORTGAGE CORP. and JERRY LA OTTO STAPP are  
24 revoked.

25 B. A restricted real estate broker corporation license shall be  
26 issued to Respondent AMERICAN GOLD MORTGAGE CORP., and a  
27 restricted real estate broker license shall be issued to

1 Respondent JERRY LA OTTO STAPP pursuant to Section 10156.6  
2 of the Code if they each make application therefor and pay to  
3 the Department the appropriate fee for each license within  
4 ninety (90) days of the effective date of the Order.

5 C. The restricted licenses issued to Respondents shall be  
6 subject to all of the provisions of Section 10156.7 of the  
7 Business and Professions Code and to the following conditions  
8 and limitations imposed under authority of Section 10156.6 of  
9 said Code:

10 1) The restricted license issued to Respondent AMERICAN  
11 GOLD MORTGAGE CORP. pursuant to this Decision shall be  
12 suspended for thirty (30) days from the date of issuance  
13 of said restricted license; provided, however, that if  
14 said Respondent petitions, the suspension (or a portion  
15 thereof) shall be stayed upon condition that:

16 (a) Respondent pays a monetary penalty pursuant to  
17 Section 10175.2 of the Business and Professions  
18 Code at the rate of \$150 per day, for each day of  
19 the suspension, for a total maximum monetary  
20 penalty of \$4,500;

21 (b) Said payment shall be in the form of a  
22 cashier's check or certified check made payable to  
23 the Recovery Account of the Real Estate Fund.  
24 Said check must be received by the Department  
25 prior to the effective date of the Decision in  
26 this matter;

1                    (c) No further cause for disciplinary action  
2                    against the real estate license of Respondent  
3                    AMERICAN GOLD MORTGAGE CORP. occurs within two (2)  
4                    years from the effective date of the Decision in  
5                    this matter;

6                    (d) If Respondent AMERICAN GOLD MORTGAGE CORP.  
7                    fails to pay the monetary penalty in accordance  
8                    with the terms and conditions of the Decision, the  
9                    Commissioner may, without a hearing, order the  
10                   immediate execution of all or any part of the  
11                   stayed suspension in which event Respondent shall  
12                   not be entitled to any repayment nor credit,  
13                   prorated or otherwise, for money paid to the  
14                   Department under the terms of this Decision; and

15                   (e) If Respondent AMERICAN GOLD MORTGAGE CORP.  
16                   pays the monetary penalty and if no further cause  
17                   for disciplinary action against the real estate  
18                   license of Respondent occurs within two (2) years  
19                   from the effective date of the Decision, the stay  
20                   hereby granted shall become permanent.

21                   2) The restricted licenses issued to Respondents AMERICAN  
22                   GOLD MORTGAGE CORP. and JERRY LA OTTO STAPP may each be  
23                   suspended prior to hearing by order of the Real Estate  
24                   Commissioner in the event of each Respondent's conviction  
25                   or plea of nolo contendere to a crime which bears a  
26                   substantial relationship to that Respondent's fitness or  
27                   capacity as a real estate licensee.



1 3) The restricted licenses may each be suspended prior to  
2 hearing by Order of the Real estate Commissioner on  
3 evidence satisfactory to the Commissioner that  
4 Respondents have violated provisions of the California  
5 Real Estate Law, the Subdivided Lands Law, Regulations of  
6 the Real Estate Commissioner or conditions attaching to  
7 the restricted licenses.

8 4) Respondents shall each not be eligible to apply for the  
9 issuance of an unrestricted real estate license, nor the  
10 removal of any of the conditions of their respective  
11 restricted license, until two (2) years have elapsed from  
12 the effective date of this Order.

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

27 ///

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

10  
 11           *July 14, 2004*  
 12           \_\_\_\_\_ DATED

10           *Deidre L. Johnson*  
 11           \_\_\_\_\_ DEIDRE L. JOHNSON  
 12           Counsel for Complainant

13                               \* \* \*

14           I have read the Stipulation and Agreement, have  
 15           discussed it with my counsel, and its terms are understood by me  
 16           and are agreeable and acceptable to me. I understand that I am  
 17           waiving rights given to me by the California Administrative  
 18           Procedure Act, and I willingly, intelligently and voluntarily  
 19           waive those rights, including the right of requiring the  
 20           Commissioner to prove the allegations in the Accusation at a  
 21           hearing at which I would have the right to cross-examine  
 22           witnesses against me and to present evidence in defense and  
 23           mitigation of the charges.

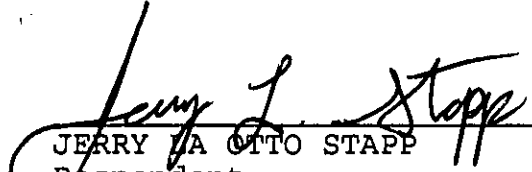
25           *7-9-04*  
 26           \_\_\_\_\_ DATED

25           *Jerry La Otto Stapp*  
 26           \_\_\_\_\_ AMERICAN GOLD MORTGAGE CORP.  
 27           Respondent By  
               JERRY LA OTTO STAPP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

7-9-04

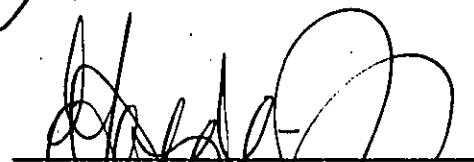
DATED

  
JERRY A. OTTO STAPP  
Respondent

APPROVED AS TO FORM:

7-12-04

DATED

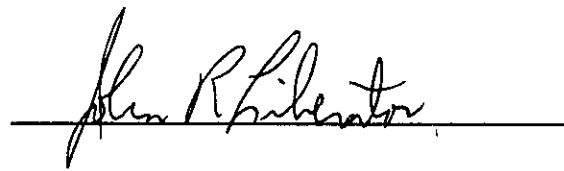
  
GUYTON M. JINKERSON  
Attorney for Respondents

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o'clock  
noon on October 14, 2004.

IT IS SO ORDERED August 5, 2004.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
SEP 24 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 \* \* \*

12 In the Matter of the Accusation of )  
13 ) NO. H-1637 FR  
14 ARACELI ORTIZ, et al., ) STIPULATION AND AGREEMENT  
15 )  
16 Respondents. )

17 It is hereby stipulated by and between ARACELI ORTIZ  
18 (Respondent), represented by Harry Pascuzzi, Attorney at Law, and  
19 the Complainant, acting by and through Deidre L. Johnson, Counsel  
20 for the Department of Real Estate, as follows for the purpose of  
21 settling and disposing the First Amended Accusation as to her  
22 filed on February 25, 2004, in this matter:

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondent  
25 at a formal hearing on the First Amended Accusation, which  
26 hearing was to be held in accordance with the provisions of the  
27 Administrative Procedures Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of  
2 this Stipulation and Agreement.

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

6           3. On November 5, 2003, Respondent filed her Notice of  
7 Defense pursuant to Section 11505 of the Government Code for the  
8 purpose of requesting a hearing on the allegations in this  
9 matter. Respondent hereby freely and voluntarily withdraws said  
10 Notice of Defense. Respondent acknowledges that she understands  
11 that by withdrawing said Notice of Defense she will thereby waive  
12 her right to require the Commissioner to prove the allegations  
13 pertaining to her in the First Amended Accusation at a contested  
14 hearing held in accordance with the provisions of the APA, and  
15 that she will waive other rights afforded to her in connection  
16 with the hearing such as the right to present evidence in defense  
17 of the allegations pertaining to her in the First Amended  
18 Accusation and the right to cross-examine witnesses.

19           4. Respondent, pursuant to the limitations set forth  
20 below, hereby admits that the factual allegations pertaining to  
21 her in Paragraphs I through IX of the First Amended Accusation  
22 filed in this proceeding are true and correct and the Real Estate  
23 Commissioner shall not be required to provide further evidence of  
24 such allegations.

25           5. Without admitting the truth of the allegations  
26 pertaining to her contained in the remaining paragraphs of the  
27 First Amended Accusation, Respondent stipulates that she will not

1 interpose a defense thereto. This Stipulation is based on the  
2 factual allegations pertaining to Respondent contained in the  
3 First Amended Accusation. In the interests of expedience and  
4 economy, Respondent chooses not to contest these allegations, but  
5 to remain silent and understands that, as a result thereof, these  
6 factual allegations, without being admitted or denied, will serve  
7 as the basis for the disciplinary action stipulated to herein.  
8 The Real Estate Commissioner shall not be required to provide  
9 further evidence to prove said factual allegations.

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

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

27 ///

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and  
3 waivers, and for the purpose of settlement of the pending First  
4 Amended Accusation as to Respondent without a hearing, it is  
5 stipulated and agreed that the following determination of issues  
6 shall be made:

7 The acts and/or omissions of Respondent ARACELI ORTIZ  
8 as stipulated above violate Section 10130 of the California  
9 Business and Professions Code (hereafter the Code), and  
10 constitute grounds for disciplinary action against the real  
11 estate salesperson license and license rights of Respondent under  
12 the provisions of Section 10176(i), 10177(d), and 10177(f) of the  
13 Code.

14 \* \* \*

15 ORDER

16 A. All real estate license(s) and license rights of  
17 Respondent ARACELI ORTIZ are hereby revoked.

18 B. A restricted real estate salesperson license shall  
19 be issued to Respondent pursuant to Section 10156.6 of the Code  
20 if she makes application therefor and pays to the Department of  
21 Real Estate the appropriate fee for said license within ninety  
22 (90) days from the effective date of the decision.

23 C. The restricted license issued to Respondent shall  
24 be subject to all of the provisions of Section 10156.7 of the  
25 Business and Professions Code and to the following limitations,  
26 conditions, and restrictions imposed under authority of Section  
27 10156.6 of that Code:

1                   (1) The restricted license issued to Respondent

2                   pursuant to this Decision shall be suspended for  
3                   sixty (60) days from the date of issuance of said  
4                   restricted license; provided, however, that if  
5                   Respondent petitions, said suspension (or a  
6                   portion thereof) shall be stayed upon condition  
7                   that:

8                   (a) Respondent pays a monetary penalty pursuant to  
9                   Section 10175.2 of the Business and Professions  
10                   Code at the rate of \$50 per day, for each day of  
11                   the suspension, for a total maximum monetary  
12                   penalty of \$3,000;

13                   (b) Said payment shall be in the form of a  
14                   cashier's check or certified check made payable to  
15                   the Recovery Account of the Real Estate Fund.  
16                   Said check must be received by the Department  
17                   prior to the effective date of the Decision in  
18                   this matter;

19                   (c) No further cause for disciplinary action  
20                   against the real estate license of Respondent  
21                   occurs within <sup>Two A.O.</sup> ~~one~~ year from the effective date of  
22                   the Decision in this matter;

23                   (d) If Respondent fails to pay the monetary  
24                   penalty in accordance with the terms and  
25                   conditions of the Decision, the Commissioner may,  
26                   without a hearing, order the immediate execution  
27                   of all or any part of the stayed suspension in



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision; and

(e) If Respondent pays the monetary penalty and if  
no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

(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 is substantially related to Respondent's fitness or capacity as a real estate licensee.

(3) The restricted license issued to Respondent 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

1 restricted license, until two (2) years have  
2 elapsed from the effective date of this Decision.

3 (5) Respondent shall, within nine (9) months from the  
4 effective date of this Decision, present evidence  
5 satisfactory to the Real Estate Commissioner that  
6 Respondent has, since the most recent issuance of  
7 an original or renewal real estate license,  
8 taken and successfully completed the continuing  
9 education requirements of Article 2.5 of Chapter 3  
10 of the Real Estate Law for renewal of a real  
11 estate license. If Respondent fails to satisfy  
12 this condition, the Commissioner may order the  
13 suspension of the restricted license until the  
14 Respondent presents such evidence. The  
15 Commissioner shall afford Respondent the  
16 opportunity for hearing pursuant to the  
17 Administrative Procedure Act to present such  
18 evidence.

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

1                   (7) Respondent shall submit with any application for  
2                   license under an employing broker, or any  
3                   application for transfer to a new employing  
4                   broker, a statement signed by the prospective  
5                   employing real estate broker on a form approved by  
6                   the Department of Real Estate which shall certify:  
7                   (a) That the employing broker has read the  
8                   Decision of the Commissioner which granted the  
9                   right to a restricted license; and  
10                   (b) That the employing broker will exercise close  
11                   supervision over the performance by the restricted  
12                   licensee relating to activities for which a real  
13                   estate license is required.

14  
15  
16                   July 14, 2004  
17                   DATED

16                   Deidre L. Johnson  
17                   DEIDRE L. JOHNSON  
18                   Counsel for the Complainant

18                   \* \* \*

19  
20                   I have read the Stipulation and Agreement, have  
21                   discussed it with my counsel, and its terms are understood by me  
22                   and are agreeable and acceptable to me. I understand that I am  
23                   waiving rights given to me by the California Administrative  
24                   Procedure Act, and I willingly, intelligently and voluntarily  
25                   waive those rights, including the right of requiring the  
26                   Commissioner to prove the allegations as to me in the First  
27                   Amended Accusation at a hearing at which I would have the right

1 to cross-examine witnesses against me and to present evidence in  
2 defense and mitigation of the charges.

3

4

5

DATED

7/12/04

ARACELI ORTIZ  
Respondent

*Araceli Ortiz*

6

7

APPROVED AS TO FORM:

8

9

DATED

HARRY PASCUZZI  
Attorney for Respondent

10

11

12

\* \* \*

13

14

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o'clock  
noon on October 14, 2004.

15

16

17

IT IS SO ORDERED August 5, 2004.

18

19

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

20

21

*John R. Liberator*

22

23

24

25

26

27

FILED  
SEP 24 2004

DEPARTMENT OF REAL ESTATE

By *J. Alberto Contreras*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
)  
HAVEN MORTGAGE CORP., et al., ) NO. H-1637 FR  
)  
Respondent. )  
)

ORDER ACCEPTING VOLUNTARY SURRENDER

On October 28, 2003, an Accusation was filed in this matter.

By Declaration signed July 9, 2004, Respondent HAVEN MORTGAGE CORP., by Jerry La Otto Stapp, President, through its Attorney Guyton N. Jinkerson petitioned the Commissioner to voluntarily surrender its real estate license(s) pursuant to Section 10100.2 of the Business and Professions Code.

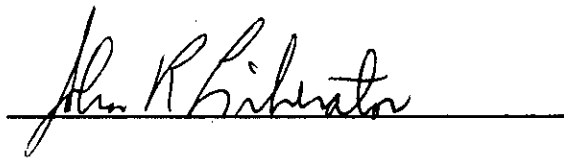
IT IS HEREBY ORDERED that the petition of Respondent HAVEN MORTGAGE CORP., for the voluntary surrender of its real estate license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and

1 agreement expressed in the Declaration of HAVEN MORTGAGE CORP.,  
2 dated July 9, 2004 (attached hereto as Exhibit "A").

3 This Order shall become effective at 12 o'clock noon  
4 on October 14, 2004.

5 DATED: August 5, 2004.  
6

7 JOHN R. LIBERATOR  
8 Acting Real Estate Commissioner

9  
10   
11

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of:	)	No. H-1637 FR
	)	
HAVEN MORTGAGE CORP., et al.	)	
	)	
Respondent.	)	
	)	

DECLARATION

My name is JERRY LA OTTO STAPP and I am an officer of  
HAVEN MORTGAGE CORP. HAVEN MORTGAGE CORP. is licensed as a real  
estate broker corporation, and/or have license rights with  
respect to said license. HAVEN MORTGAGE CORP. is one of the  
Respondents in the above matter.

HAVEN MORTGAGE CORP. and JERRY LA OTTO STAPP are  
represented by Guyton N. Jinkerson, Attorney at Law, in this  
matter.

In lieu of proceeding in this matter as to HAVEN  
MORTGAGE CORP. in accordance with the provisions of the  
Administrative Procedure Act (Sections 11400 et seq., of the



1 Business and Professions Code), HAVEN MORTGAGE CORP. wishes to  
2 voluntarily surrender its real estate license(s) issued by the  
3 Department of Real Estate ("Department"), pursuant to Business  
4 and Professions Code Section 10100.2.

5 HAVEN MORTGAGE CORP. understands that, by so  
6 voluntarily surrendering its license(s), it can only have its  
7 license reinstated in accordance with the provisions of Section  
8 11522 of the Government Code and this Declaration.

9 The filing of this Declaration shall be deemed as HAVEN  
10 MORTGAGE CORP.'s petition for voluntary surrender. It shall also  
11 be deemed to be an understanding and agreement that HAVEN  
12 MORTGAGE CORP. waives all rights it has to require the  
13 Commissioner to prove the allegations pertaining to it contained  
14 in the First Amended Accusation filed in this matter at a hearing  
15 held in accordance with the provisions of the Administrative  
16 Procedures Act (Government Code Sections 11400 et seq.), and that  
17 it also waives other rights afforded to it in connection with the  
18 hearing such as the right to discovery, the right to present  
19 evidence in defense of the allegations pertaining to it in the  
20 First Amended Accusation, and the right to cross examine  
21 witnesses. HAVEN MORTGAGE CORP. further agrees that upon  
22 acceptance by the Commissioner, as evidenced by an appropriate  
23 order, all affidavits and all relevant evidence obtained by the  
24 Department in this matter prior to the Commissioner's acceptance,  
25 and all allegations pertaining to it contained in the First  
26 Amended Accusation filed in the Department Case No. H-1637 FR may  
27 be considered by the Department to be true and correct for the



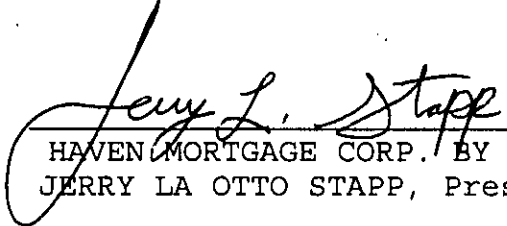
*[Handwritten signature]*



1 purpose of deciding whether or not to grant reinstatement of its  
2 license pursuant to Government Code Section 11522. In the  
3 interests of expedience and economy, HAVEN MORTGAGE CORP. chooses  
4 not to contest the evidence and allegations, but to remain  
5 silent, and its petition for voluntary surrender shall not be  
6 construed to be an admission in any subsequent civil or criminal  
7 proceeding.

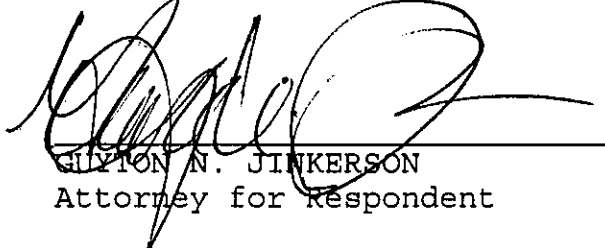
8 I declare under penalty of perjury under the laws of  
9 the State of California that the above is true and correct and  
10 that we are acting freely and voluntarily to surrender the real  
11 estate license(s) of HAVEN MORTGAGE CORP. and all license rights  
12 attached thereto.

13  
14  
15 DATED: 7-9-04

  
HAVEN MORTGAGE CORP. BY  
JERRY LA OTTO STAPP, President

16  
17 APPROVED AS TO FORM:

18  
19  
20 DATED: 7-12-04

  
GUYTON N. JINKERSON  
Attorney for Respondent



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

FILED  
SEP 24 2004

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
 )  
SAUNDRA S. STAPP, et al., ) NO. H-1637 FR  
 )  
Respondent. )  
 )

ORDER ACCEPTING VOLUNTARY SURRENDER

On October 28, 2003, an Accusation was filed in this matter.

By Declaration signed July 9, 2004, Respondent SAUNDRA S. STAPP, through her Attorney Guyton N. Jinkerson petitioned the Commissioner to voluntarily surrender her real estate license(s) pursuant to Section 10100.2 of the Business and Professions Code.

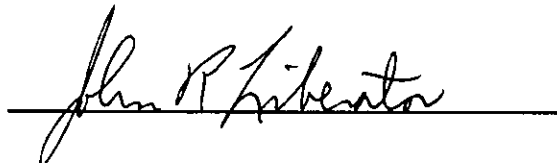
IT IS HEREBY ORDERED that the petition of Respondent SAUNDRA S. STAPP, for the voluntary surrender of her real estate license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and

1 agreement expressed in the Declaration of SAUNDRA S. STAPP,  
2 dated July 9, 2004 (attached hereto as Exhibit "A").

3 This Order shall become effective at 12 o'clock noon  
4 on October 14, 2004.

5  
6 DATED: August 5, 2004.

7 JOHN R. LIBERATOR  
8 Acting Real Estate Commissioner

9  
10   
11

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of:	)	No. H-1637 FR
SAUNDRA S. STAPP, et al.	)	
	)	
Respondent.	)	

DECLARATION

My name is SAUNDRA S. STAPP and I am currently licensed as a real estate broker, and/or have license rights with respect to said license. I am one of the Respondents in the above matter.

SAUNDRA S. STAPP is represented by Guyton N. Jinkerson, Attorney at Law, in this matter.

In lieu of proceeding in this matter as to SAUNDRA S. STAPP in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code), I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate



1 ("Department"), pursuant to Business and Professions Code  
2 Section 10100.2.

3 I understand that, by so voluntarily surrendering my  
4 license(s), I can only have my license reinstated in accordance  
5 with the provisions of Section 11522 of the Government Code and  
6 this Declaration.


7 The filing of this Declaration shall be deemed as  
8 my petition for voluntary surrender. It shall also be deemed to  
9 be an understanding and agreement by me that I waive all rights I  
10 have to require the Commissioner to prove the allegations  
11 pertaining to me contained in the First Amended Accusation filed  
12 in this matter at a hearing held in accordance with the  
13 provisions of the Administrative Procedures Act (Government Code  
14 Sections 11400 et seq.), and that I also waive other rights  
15 afforded to me in connection with the hearing such as the right  
16 to discovery, the right to present evidence in defense of the  
17 allegations pertaining to me in the First Amended Accusation, and  
18 the right to cross examine witnesses. I further agree that upon  
19 acceptance by the Commissioner, as evidenced by an appropriate  
20 order, all affidavits and all relevant evidence obtained by the  
21 Department in this matter prior to the Commissioner's acceptance,  
22 and all allegations pertaining to me contained in the First  
23 Amended Accusation filed in the Department Case No. H-1637 FR may  
24 be considered by the Department to be true and correct for the  
25 purpose of deciding whether or not to grant reinstatement of my  
26 license pursuant to Government Code Section 11522. In the  
27 interests of expedience and economy, I choose not to contest the



1 evidence and allegations, but to remain silent, and my petition  
2 for voluntary surrender shall not be construed to be an admission  
3 for any civil or criminal purpose.

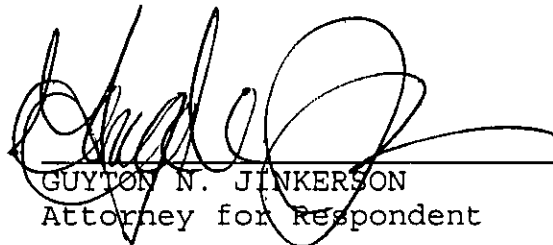
4 I declare under penalty of perjury under the laws of  
5 the State of California that the above is true and correct and  
6 that I am acting freely and voluntarily to surrender my real  
7 estate license(s) and all license rights attached thereto.

8  
9  
10 DATED: 7-9-04

  
SAUNDRA S. STAPP  
Respondent

11  
12 APPROVED AS TO FORM:

13  
14  
15 DATED: 7-12-04

  
GUYTON N. JINKERSON  
Attorney for Respondent

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27



FILED  
MAR - 5 2004

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

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

*In the Matter of the Accusation of*

ARACELI ORTIZ,  
SAUNDRA S. STAPP,  
JERRY LA OTTO STAPP,  
AMERICAN GOLD MORTGAGE CORP., and  
HAVEN MORTGAGE CORP.,

}

Case No. H-1637 FR

OAH No. N-2003120160

*Respondents*

**FIRST CONTINUED  
NOTICE OF HEARING ON ACCUSATION**

**To the above named respondents:**

*You are hereby notified* that a hearing will be held before the Department of Real Estate at

**THE STATE BUILDING**

**2550 MARIPOSA MALL, ROOM 1027**

**FRESNO, CALIFORNIA 93721**

on **JULY 14, 2004, JULY 15, 2004, and JULY 16, 2004**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

*Dated:* MARCH 4, 2004

By Deidre L. Johnson  
DEIDRE L. JOHNSON, COUNSEL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DEIDRE L. JOHNSON, Counsel (SBN 66322)  
Department of Real Estate  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789  
(Direct) (916) 227-0425

FILED  
FEB 25 2004

DEPARTMENT OF REAL ESTATE

By *Kathleen Carter*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
ARACELI ORTIZ, )  
SAUNDRA S. STAPP, )  
JERRY LA OTTO STAPP, )  
AMERICAN GOLD MORTGAGE CORP., )  
HAVEN MORTGAGE CORP., )  
Respondents. )

No. H-1637 FRESNO

FIRST AMENDED  
ACCUSATION

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, for cause of First Amended Accusation against ARACELI ORTIZ (hereinafter "Respondent ORTIZ"), SAUNDRA S. STAPP (hereinafter "SAUNDRA STAPP"), JERRY LA OTTO STAPP (hereinafter "JERRY STAPP"), AMERICAN GOLD MORTGAGE CORP (hereinafter "Respondent AMERICAN"), and HAVEN MORTGAGE CORP (hereinafter "Respondent HAVEN"), is informed and alleges as follows:

///

///



1 ///

2 FIRST CAUSE OF ACCUSATION

3 I

4 The Complainant, Charles W. Koenig, a Deputy Real  
5 Estate Commissioner of the State of California, makes this First  
6 Amended Accusation in his official capacity.

7 II

8 Respondents ORTIZ, SAUNDRA STAPP, JERRY STAPP,  
9 AMERICAN and HAVEN are presently licensed and/or have license  
10 rights under the Real Estate Law (Part 1 of Division 4 of the  
11 California Business and Professions Code) (hereinafter "Code").

12 III

13 At various times herein mentioned, Respondent ORTIZ  
14 was not licensed as a real estate salesperson. Beginning on or  
15 about March 2, 2002, and continuing thereafter, Respondent ORTIZ  
16 was licensed as a real estate salesperson.

17 IV

18 At all times herein mentioned, Respondent SAUNDRA  
19 STAPP was licensed as a real estate salesperson in the employ of  
20 Respondent AMERICAN. Beginning on or about June 24, 2002, and  
21 continuing thereafter, Respondent SAUNDRA STAPP was licensed as  
22 a real estate broker.

23 V

24 At all times herein mentioned, Respondent JERRY STAPP  
25 was licensed as a real estate broker and as designated  
26 broker-officer for Respondent AMERICAN and Respondent HAVEN.

27 ///

1 ///

2 VI

3 At all times herein mentioned, Respondent AMERICAN was  
4 licensed as a real estate broker corporation, acting by and  
5 through Respondent JERRY STAPP as designated broker-officer.

6 VII

7 At all times herein mentioned, Respondent HAVEN was  
8 licensed as a real estate broker corporation acting by and  
9 through Respondent JERRY STAPP as designated broker-officer.

10 VIII

11 Whenever reference is made in an allegation in this  
12 Accusation to an act or omission of "Respondents", such  
13 allegation shall be deemed to mean the act or omission of each  
14 of the Respondents named in the caption hereof, acting  
15 individually, jointly and severally.

16 IX

17 At various times herein mentioned, Respondents engaged  
18 in the business of, acted in the capacity of, advertised or  
19 assumed to act as a real estate broker in the State of  
20 California within the meaning of Section 10131(d) of the Code,  
21 including the operation and conduct of a mortgage loan brokerage  
22 business with the public wherein lenders and borrowers were  
23 solicited for loans secured directly or collaterally by liens on  
24 real property or a business opportunity, and wherein such loans  
25 were arranged, negotiated, processed, and consummated on behalf  
26 of others for compensation or in expectation of a compensation.

27 ///

1 ///

2 X

3 At various times herein mentioned, Respondents engaged  
4 in loan transactions with buyers of residential real property  
5 wherein such buyers needed or desired special financial  
6 assistance to qualify to borrow purchase money financing to buy  
7 their homes, including federal reduced down payment programs  
8 and/or reduced financial eligibility programs sponsored by the  
9 United States Department of Housing and Urban Development  
10 (hereafter HUD), wherein HUD and the Federal Housing  
11 Administration (hereafter FHA) would insure qualifying purchase  
12 money mortgage loans brokered and originated by brokers and  
13 lenders approved by HUD to participate in FHA loan programs.

14 XI

15 In connection with negotiating the above types of  
16 loans, both Respondents AMERICAN and HAVEN from time to time  
17 acted in the capacity of brokers, and Respondent HAVEN from time  
18 to time acted in the capacity of a lender approved to do  
19 business with HUD in FHA insured loan programs, wherein  
20 Respondents, and each of them, were charged with knowledge of,  
21 and obligated to comply with HUD regulations, rules, and  
22 guidelines to qualify borrowers for available HUD/FHA programs,  
23 including but not limited to underwriting, credit, and minimum  
24 cash down payment requirements.

25 XII

26 In connection with the transactions alleged above,  
27 Respondents AMERICAN, HAVEN, JERRY STAPP, and SAUNDRA STAPP

1 intentionally, recklessly, and/or negligently devised,  
2 permitted, and/or ratified courses of conduct to qualify  
3 borrowers for such HUD/FHA loan programs, and to induce lenders,  
4 HUD and FHA to qualify, approve and insure loans for borrowers  
5 or loans that might not otherwise qualify for the above federal  
6 program criteria, including but not limited to conduct by which  
7 Respondents: (1) prepared and/or ratified preparation of false  
8 documentation to verify that borrowers had adequate cash on hand  
9 or funds to close escrow; 2) prepared and/or ratified  
10 preparation of false documentation that licensed real estate  
11 brokers or salespersons interviewed borrowers in face-to-face  
12 interviews; (3) submitted or approved submission of such loan  
13 documentation to lenders and HUD; and (4) intended lenders and  
14 HUD to approve, fund and insure such loans under the HUD/FHA  
15 insured loan programs.

16 XIII

17 The loan transactions referred to above include but  
18 are not limited to the transactions alleged in the Second and  
19 Fourth causes of action herein, and which allegations are  
20 incorporated herein by this reference.

21 XIV

22 The acts and/or omissions as set forth above  
23 constitute fraud and dishonest dealing, and constitute cause  
24 under Sections 10176(a), 10176(i), 10177(g), and/or 10177(j) of  
25 the Code for suspension or revocation of all licenses and/or  
26 license rights of Respondents AMERICAN, HAVEN, JERRY STAPP, and  
27 SAUNDRA STAPP under the Real Estate Law.

1 ///

2 SECOND CAUSE OF ACTION

3 XV

4 The allegations contained in Paragraphs I through XIII  
5 of the First Cause of Action are hereby incorporated herein.

6 XVI

7 Beginning on or about November 6, 2000 and continuing  
8 thereafter, Respondent ORTIZ, without a real estate license and  
9 while in the employ of Respondents AMERICAN and HAVEN,  
10 negotiated a loan on behalf of Raymundo Ruiz Ramirez and Victor  
11 Manuel Ruiz (hereinafter "the RUIZ") to be secured by a lien on  
12 real property being purchased by the RUIZ commonly known as  
13 454 S. Bush Ave., Fresno, California (hereinafter "the Bush  
14 Property").

15 XVII

16 On or about November 9, 2000, ORTIZ prepared or  
17 assisted in the preparation of a Uniform Residential Loan  
18 Application form with the RUIZ. Respondents AMERICAN, HAVEN,  
19 JERRY STAPP, and SAUNDRA STAPP, pursuant to the plans and  
20 conduct alleged in the First Cause of Action above, directly or  
21 indirectly instructed ORTIZ, who was not licensed, not to  
22 execute the loan application as the representative taking a  
23 "face to face" interview with the RUIZ, but to leave it blank.  
24 Between about November 9 and December 4, 2000, Respondents  
25 AMERICAN, HAVEN, JERRY STAPP, and SAUNDRA STAPP directed, caused  
26 and/or ratified the execution of the RUIZ application by SAUNDRA  
27 STAPP, who was licensed, as an ostensible employee of Respondent

1 ///

2 HAVEN, falsely representing that SAUNDRA STAPP took the  
3 application.

4 XVIII

5 Prior to close of escrow, Respondents determined that  
6 the RUIZ would apply for a HUD/FHA insured loan. On or about  
7 December 4, 2000, in connection with the loan transaction  
8 described above, Respondent SAUNDRA STAPP prepared or caused to  
9 be prepared a false and fraudulent document wherein Respondent  
10 falsely stated that Respondent SAUNDRA STAPP while at the  
11 Borrower's residence had seen \$4,400.00 in cash. In truth and  
12 in fact Respondent SAUNDRA STAPP never visited the RUIZ  
13 residence and did not see \$4,400.00 in cash at said residence.

14 XIX

15 Prior to close of escrow, in connection with obtaining  
16 a loan for the RUIZ, Respondent SAUNDRA STAPP provided or caused  
17 to be provided to Haven Mortgage Corporation (hereafter "the  
18 Lender") the false and fraudulent documents described in  
19 Paragraphs XVII and XVIII above, thereby falsely representing  
20 material facts to the Lender in order to induce the Lender into  
21 making a loan to the RUIZ for the purchase of the Bush Property.

22 XX

23 In addition, or in the alternative to Paragraph XVIII  
24 above, prior to close of escrow, in connection with obtaining a  
25 loan for the RUIZ, Respondents AMERICAN, HAVEN, JERRY STAPP, and  
26 SAUNDRA STAPP provided or caused to be provided to the Lender  
27 the false and fraudulent documents described in Paragraphs XVII,

1 XVIII, and XIX above, thereby falsely representing material  
2 facts in the loan application package in order to induce HUD/FHA  
3 to insure the RUIZ loan originated by HAVEN.

4 XXI

5 On or about December 15, 2000, in reliance on the  
6 false representations described above, the Lender made said loan  
7 to the RUIZ on the purchase of the Bush Property, escrow closed,  
8 and HUD agreed to and did insure the loan in the HUD/FHA  
9 program.

10 XXII

11 The above acts and/or omissions of Respondents  
12 AMERICAN, HAVEN, JERRY STAPP, AND SAUNDRA STAPP constitute cause  
13 for suspension or revocation of all licenses and/or license  
14 rights of Respondents under Sections 10176(a), 10176(i),  
15 10177(g), and/or 10177(j) of the Code.

16 XXIII

17 The above acts and/or omissions of Respondent SAUNDRA  
18 STAPP constitute her employment by HAVEN for acts for which a  
19 license is required during a time when she was employed by  
20 another broker, AMERICAN, and constitute cause for disciplinary  
21 action under Section 10137 of the Code.

22 THIRD CAUSE OF ACTION

23 XXIV

24 The allegations of Paragraphs XV through XXI of the  
25 Second Cause of Action are hereby incorporated herein.

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

XXV

On or about December 15, 2000, in connection with the RUIZ loan on the purchase of the Bush Property described in the Second Cause of Action above, Stewart Title Company mailed a check in the amount of \$289.11 to the RUIZ.

XXVI

On or before December 20, 2000, Respondent ORTIZ wrongfully obtained said check made payable to the RUIZ.

XXVII

On or about December 20, 2000, Respondent ORTIZ forged the signatures of the RUIZ on said check and converted said funds to her own use or uses by depositing said check into Respondent ORTIZ' personal bank account.

XXVIII

The acts and/or omissions of Respondent ORTIZ described above are grounds for the suspension or revocation of the license and/or license rights of Respondent ORTIZ as follows:

- (1) As to Paragraphs XVI and XVII, under Section 10177(d) of the Code in conjunction with Section 10130 of the Code, and under Section 10177(f) of the Code.
- (2) As to Paragraphs XXVI and XXVII, under Section 10176(i) of the Code and/or Section 10177(j) of the Code.

///  
///



1 FOURTH CAUSE OF ACCUSATION

2 XXIX

3 The allegations contained in Paragraphs I through XIII  
4 of the First Cause of Accusation are hereby incorporated herein  
5 by this reference.

6 XXX

7 Beginning on or about November 20, 2000 and continuing  
8 through on or about February 6, 2001, Respondent ORTIZ, without  
9 a real estate license and while in the employ of Respondents  
10 AMERICAN and HAVEN, negotiated a loan on behalf of Gonzalo  
11 Tamayo and Veronica Alaniz (hereinafter "the Borrowers") to be  
12 secured by a lien on real property commonly known as 1536  
13 W. Thomas Avenue, Fresno, California (hereinafter "the Thomas  
14 Property").

15 XXXI

16 On or about November 20, 2000, ORTIZ prepared or  
17 assisted in the preparation of a Uniform Residential Loan  
18 Application form with the RUIZ. Respondents AMERICAN, HAVEN,  
19 JERRY STAPP, and SAUNDRA STAPP, pursuant to the plans and  
20 conduct alleged in the First Cause of Action above, directly or  
21 indirectly instructed ORTIZ, who was not licensed, not to  
22 execute the loan application as the representative taking a  
23 "face to face" interview with the RUIZ, but to leave it blank.  
24 Between about November 20 and close of escrow, Respondents  
25 AMERICAN and JERRY STAPP directed, caused and/or ratified the  
26 execution of the RUIZ application by JERRY STAPP, who was

27 ///

1 licensed, as the representative of Respondent AMERICAN, falsely  
2 representing that JERRY STAPP took the application.

3 XXXII

4 Prior to close of escrow, Respondents determined that  
5 the borrowers would apply for a HUD/FHA loan. Prior to close of  
6 escrow, in connection with obtaining a loan for the Borrowers,  
7 Respondents AMERICAN and JERRY STAPP provided or caused to be  
8 provided to the Lender the false and fraudulent documents  
9 described in Paragraph XXX above, thereby falsely representing  
10 material facts in the loan application package in order to  
11 induce the Lender and HUD/FHA to originate and insure the  
12 Borrowers' loan. In reliance thereon the loan was funded and on  
13 or about February 6, 2001, escrow closed on said mortgage loan  
14 insured by HUD/FHA.

15 XXXIII

16 The acts and/or omissions of Respondent ORTIZ  
17 described in this Third Cause of Accusation are grounds for the  
18 suspension or revocation of the license of Respondent ORTIZ  
19 under Section 10177(d) of the Code in conjunction with Section  
20 10130 of the Code, and Section 10177(f) of the Code.

21 XXXIV

22 The above acts and/or omissions of Respondents  
23 AMERICAN and JERRY STAPP constitute cause for suspension or  
24 revocation of all licenses and/or license rights of Respondents  
25 under Sections 10176(a), 10176(i), 10177(g), and/or 10177(j) of  
26 the Code.

27 ///

1 FIFTH CAUSE OF ACCUSATION

2 XXXV

3 All of the allegations contained in the First Cause of  
4 Accusation above are hereby incorporated herein.

5 XXXVI

6 Within the three-year period immediately preceding the  
7 filing of the Accusation and continuing through on or after  
8 February 6, 2001, in connection with the mortgage loan brokerage  
9 activities described in herein above in the First, Second,  
10 Third, and Fourth Causes of Accusation, Respondents JERRY STAPP,  
11 AMERICAN and HAVEN employed and compensated, directly or  
12 indirectly, Respondent ORTIZ to perform acts requiring a real  
13 estate license at a time when Respondent ORTIZ was not licensed  
14 by the Department of Real Estate.

15 XXXVII

16 Within the three-year period immediately preceding the  
17 filing of the Accusation and continuing at various times  
18 thereafter, Respondent JERRY STAPP, as designated broker-officer  
19 for Respondents AMERICAN and HAVEN, failed to exercise  
20 reasonable supervision and control over the licensed activities  
21 of Respondents AMERICAN and HAVEN required by Section 10159.2 of  
22 the Code, in that Respondent JERRY STAPP permitted Respondent  
23 ORTIZ, an employee of Respondent AMERICAN and HAVEN, at a time  
24 when Respondent ORTIZ was not licensed by the Department of Real  
25 Estate, to conduct the mortgage loan brokerage activities  
26 described in the First Cause of Accusation and the Second Cause  
27 of Accusation herein above.

1 XXXVIII

2 Within the three-year period immediately preceding  
3 the filing of the Accusation and continuing at various times  
4 thereafter, Respondent JERRY STAPP, as designated broker-officer  
5 for Respondents AMERICAN and HAVEN, failed to exercise reasonable  
6 supervision and control over the licensed activities of  
7 Respondents AMERICAN and HAVEN required by Section 10159.2 of the  
8 Code. In particular, STAPP caused, permitted, and/or ratified  
9 the conduct described in each and every cause of action above,  
10 and/or failed to take reasonable steps to implement effective  
11 supervision that would have prevented it, including but not  
12 limited to both the establishment of policies, rules, procedures,  
13 and systems to review, oversee, inspect and manage the activities  
14 of the company, including but not limited to the solicitation and  
15 negotiation of secured loans by duly licensed employees, the  
16 qualification of borrowers for HUD/FHA loans, the preparation of  
17 truthful and accurate loan applications and supporting  
18 documentation, and the submission of such loan packages to  
19 lenders, HUD, and FHA; and the establishment of a system for  
20 monitoring compliance with such policies, rules, procedures, and  
21 systems, to ensure compliance by the company with the Real Estate  
22 Law.

23 XXXIX

24 The acts and/or omissions of Respondents JERRY STAPP,  
25 AMERICAN and HAVEN as described in this Third Cause of  
26 Accusation are grounds for the suspension or revocation of the

27 ///

1 licenses and/or license rights of Respondents JERRY STAPP,  
2 AMERICAN and HAVEN under the following Sections of the Code:

- 3 (1) As to Paragraph XXXVI, under Section 10137 of the  
4 Code as to Respondents JERRY STAPP, AMERICAN and  
5 HAVEN; and  
6 (2) As to Paragraphs XXXVII and XXXVIII, under Section  
7 10177(h) of the Code and Section 2725 of Title 10,  
8 California Code of Regulations as to Respondent  
9 JERRY STAPP.

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

17

18

19

20

21

22

  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

23

Dated at Sacramento, California,

24

this 25<sup>th</sup> day of February, 2004.

25

26

27

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE DEC 30 2003  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

*Laurie A. Zain*  
By \_\_\_\_\_

In the Matter of the Accusation of

ARACELI ORTIZ,  
SAUNDRA S. STAPP,  
JERRY LA OTTO STAPP,  
AMERICAN GOLD MORTGAGE CORP.,  
HAVEN MORTGAGE CORP.,

}

Case No. H-1637 FRESNO

OAH No. N-2003120160

*Respondents*

**NOTICE OF HEARING ON ACCUSATION**

**To the above named respondents:**

You are hereby notified that a hearing will be held before the Department of Real Estate at THE STATE BUILDING, 2550 MARIPOSA MALL, ROOM 1038, FRESNO, CA 93721 on MARCH 3 - 5, 2004, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: DECEMBER 30, 2003

By *Deidre L. Johnson*  
DEIDRE L. JOHNSON, Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

FILED  
OCT 28 2003

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0781 (Direct)

DEPARTMENT OF REAL ESTATE

*Laurie G. Zier*  
By \_\_\_\_\_

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	
12	ARACELI ORTIZ,	)	No. H-1637 FRESNO
13	SAUNDRA S. STAPP,	)	
14	JERRY LA OTTO STAPP,	)	<u>ACCUSATION</u>
15	AMERICAN GOLD MORTGAGE CORP.,	)	
16	HAVEN MORTGAGE CORP.,	)	
	Respondents.	)	

17 The Complainant, John Sweeney, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against ARACELI ORTIZ (hereinafter "Respondent ORTIZ"),  
20 SAUNDRA S. STAPP (hereinafter "SAUNDRA STAPP"), JERRY LA OTTO  
21 STAPP (hereinafter "JERRY STAPP"), AMERICAN GOLD MORTGAGE CORP  
22 (hereinafter "Respondent AMERICAN"), and HAVEN MORTGAGE CORP  
23 (hereinafter "Respondent HAVEN"), is informed and alleges as  
24 follows:

25 ///  
26 ///  
27 ///

1 FIRST CAUSE OF ACCUSATION

2 I

3 The Complainant, John Sweeney, a Deputy Real Estate  
4 Commissioner of the State of California, makes this Accusation  
5 in his official capacity.

6 II

7 Respondents ORTIZ, SAUNDRA STAPP, JERRY STAPP,  
8 AMERICAN and HAVEN are presently licensed and/or have license  
9 rights under the Real Estate Law (Part 1 of Division 4 of the  
10 California Business and Professions Code) (hereinafter "Code").

11 III

12 At various times herein mentioned, Respondent ORTIZ  
13 was not licensed as a real estate salesperson. Beginning on or  
14 about March 2, 2002, and continuing thereafter, Respondent ORTIZ  
15 was licensed as a real estate salesperson.

16 IV

17 At all times herein mentioned Respondent SAUNDRA STAPP  
18 was licensed as a real estate salesperson in the employ of  
19 Respondent AMERICAN. Beginning on or about June 24, 2002, and  
20 continuing thereafter, Respondent SAUNDRA STAPP was licensed as  
21 a real estate broker.

22 V

23 At all times herein mentioned, Respondent JERRY STAPP  
24 was licensed as a real estate broker and as designated  
25 broker-officer for Respondent AMERICAN and Respondent HAVEN.

26 ///

27 ///



1 VI

2 At all times herein mentioned, Respondent AMERICAN was  
3 licensed as a real estate broker corporation, acting by and  
4 through Respondent JERRY STAPP as designated broker-officer.

5 VII

6 At all times herein mentioned, Respondent HAVEN was  
7 licensed as a real estate broker corporation acting by and  
8 through Respondent JERRY STAPP as designated broker-officer.

9 VIII

10 Whenever reference is made in an allegation in this  
11 Accusation to an act or omission of "Respondents", such  
12 allegation shall be deemed to mean the act or omission of each  
13 of the Respondents named in the caption hereof, acting  
14 individually, jointly and severally.

15 IX

16 At various times herein mentioned, Respondents engaged  
17 in the business of, acted in the capacity of, advertised or  
18 assumed to act as a real estate broker in the State of  
19 California within the meaning of Section 10131(d) of the Code,  
20 including the operation and conduct of a mortgage loan brokerage  
21 business with the public wherein lenders and borrowers were  
22 solicited for loans secured directly or collaterally by liens on  
23 real property or a business opportunity, and wherein such loans  
24 were arranged, negotiated, processed, and consummated on behalf  
25 of others for compensation or in expectation of a compensation.

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

X

Beginning on or about November 6, 2000 and continuing thereafter, Respondent ORTIZ, without a real estate license and while in the employ of Respondents AMERICAN and HAVEN, negotiated a loan on behalf of Raymundo Ruiz and Victor Manuel Ruiz (hereinafter "the RUIZ") to be secured by a lien on real property being purchased by the RUIZ commonly known as 454 S. Bush Ave., Fresno, California (hereinafter "the Bush Property").

XI

On or about December 4, 2000, in connection with the loan transaction described in Paragraph X above, Respondent SAUNDRA STAPP prepared a false and fraudulent document wherein Respondent falsely stated that Respondent SAUNDRA STAPP while at the Borrower's residence had seen \$4,400.00 in cash. In truth and in facts Respondent SAUNDRA STAPP never visited the RUIZ residence and did not see \$4,400.00 in cash at said residence.

XII

On or before December 15, 2000, in connection with obtaining a loan for the RUIZ, Respondent SAUNDRA STAPP provided or caused to be provided to Haven Mortgage Corporation (hereinafter "the Lender") the false and fraudulent document described in Paragraph XI above, thereby falsely representing a material fact to the Lender in order to induce the Lender into making a loan on the purchase of the Bush Property.

///  
///  
///

1 XIII

2 On or about December 12, 2000, in reliance on the  
3 false representation described in Paragraphs XI and XII above,  
4 the Lender made said loan to the RUIZ on the purchase of the  
5 Bush Property.

6 XIV

7 On or about December 15, 2000, in connection with the  
8 loan on the purchase of the Bush Property described above,  
9 Stewart Title Company mailed a check in the amount of \$289.11 to  
10 the RUIZ.

11 XV

12 On or before December 20, 2000, Respondent ORTIZ  
13 wrongfully obtained said check made payable to the RUIZ.

14 XVI

15 On or about December 20, 2000, Respondent ORTIZ forged  
16 the signatures of the RUIZ on said check and converted said  
17 funds to her own use or uses by depositing said check into  
18 Respondent ORTIZ' personal bank account.

19 XVII

20 The acts and/or omissions of Respondents ORTIZ and  
21 SAUNDRA STAPP described above are grounds for the suspension or  
22 revocation of the licenses and/or license rights of Respondents  
23 ORTIZ and SAUNDRA STAPP under the following sections of the  
24 Code:

25 (1) As to Paragraph X, under Section 10177(d) of the  
26 Code in conjunction with Section 10130 of the Code and Section  
27 10177(f) of the Code as to Respondent ORTIZ;

1 (2) As to Paragraph XI, under Section 10176(i) of the  
2 Code and/or Section 10177(j) of the Code as to Respondent  
3 SAUNDRA STAPP;

4 (3) As to Paragraph XII, under Section 10176(a) of  
5 the Code and Section 10176(i) of the Code and/or Section  
6 10177(j) of the Code as to Respondent SAUNDRA STAPP; and

7 (4) As to Paragraph XV and XVI, under Section  
8 10176(i) of the Code and/or Section 10177(j) of the Code as to  
9 Respondent ORTIZ.

10 SECOND CAUSE OF ACCUSATION

11 XVIII

12 There is hereby incorporated in this second, separate  
13 and distinct cause of accusation, all of the allegations  
14 contained in Paragraphs I through IX of the First Cause of  
15 Accusation with the same force and effect as if herein fully set  
16 forth.

17 XIX

18 Within the three-year period immediately preceding the  
19 filing of this Accusation through on or about March 2, 2002,  
20 Respondent ORTIZ, at a time when Respondent ORTIZ was unlicensed  
21 by the Department of Real Estate and while in the employ of  
22 Respondents AMERICAN and HAVEN, engaged in the business of,  
23 acted in the capacity of, advertised or assumed to act as a real  
24 estate salesperson in the State of California within the meaning  
25 of Section 10131(d) of the Code, including the operation and  
26 conduct of a mortgage loan brokerage business with the public  
27 wherein lenders and borrowers were solicited for loans secured

1 directly or collaterally by liens on real property or a business  
2 opportunity, and wherein such loans were arranged, negotiated,  
3 processed, and consummated on behalf of others for compensation  
4 or in expectation of a compensation within the meaning of  
5 Section 10132 of the Code.

6 XX

7 Beginning on or about November 20, 2000 and continuing  
8 through on or about February 6, 2001, Respondent ORTIZ, without  
9 a real estate license and while in the employ of Respondents  
10 AMERICAN and HAVEN, negotiated a loan on behalf of Gonzalo  
11 Tamayo and Veronica Alaniz (hereinafter "the Borrowers") to be  
12 secured by a lien on real property commonly known as 1536 W.  
13 Thomas Avenue, Fresno, California (hereinafter "the Thomas  
14 Property").

15 XXI

16 On or about February 6, 2001, escrow closed on said  
17 mortgage loan.

18 XXII

19 The acts and or omissions of Respondent ORTIZ  
20 described in this Second Cause of Accusation are grounds for the  
21 suspension or revocation of the license of Respondent ORTIZ  
22 under Section 10177(d) of the Code in conjunction with Section  
23 10130 of the Code and Section 10177(f) of the Code.

24 THIRD CAUSE OF ACCUSATION

25 XXIII

26 There is hereby incorporated in the third, separate  
27 and distinct cause of accusation, all of the allegations

1 contained in Paragraphs I through IX of the First Cause of  
2 Accusation and Paragraphs XIX and XX of the Second Cause of  
3 Accusation with the same force and effect as if herein fully set  
4 forth.

5 XXIV

6 Within the three-year period immediately preceding the  
7 filing of this Accusation and continuing through on or after  
8 February 6, 2001, in connection with the mortgage loan brokerage  
9 activities of Respondent ORTIZ described in hereinabove in the  
10 First Cause of Accusation and the Second Cause of Accusation,  
11 Respondents JERRY STAPP, AMERICAN and HAVEN employed and  
12 compensated, directly or indirectly Respondent ORTIZ to perform  
13 acts requiring a real estate license at a time when Respondent  
14 ORTIZ was not licensed by the Department of Real Estate.

15 XXV

16 Within the three-year period immediately preceding the  
17 filing of this Accusation and continuing at various times  
18 thereafter, Respondent JERRY STAPP, as designated broker-officer  
19 for Respondents AMERICAN and HAVEN, failed to exercise  
20 reasonable supervision and control over the licensed activities  
21 of Respondents AMERICAN and HAVEN required by Section 10159.2 of  
22 the Code in that Respondent JERRY STAPP permitted Respondent  
23 ORTIZ, an employee of Respondent AMERICAN and HAVEN, at a time  
24 when Respondent ORTIZ was not licensed by the Department of Real  
25 Estate, to conduct the mortgage loan brokerage activities  
26 described in the First Cause of Accusation and the Second Cause  
27 of Accusation herein above.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

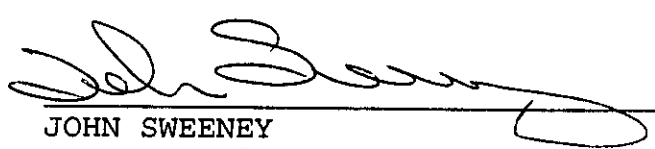
. XXVI

The acts and/or omissions of Respondents JERRY STAPP, AMERICAN and HAVEN as described in this Third Cause of Accusation are grounds for the suspension or revocation of the licenses and/or license rights of Respondents JERRY STAPP, AMERICAN and HAVEN under the following Sections of the Code:

(1) As to Paragraph XXIV, under Section 10137 of the Code as to Respondents JERRY STAPP, AMERICAN and HAVEN; and

(2) As to Paragraph XXV, under Section 10177(h) and or Section 10177(g) of the Code as to Respondent JERRY STAPP.

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 of Respondents, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.

  
JOHN SWEENEY  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 24<sup>th</sup> day of October, 2003.