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FILED

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DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H- 04522 SD
)
PETER STEPHEN KOPCAK) ACCUSATION
doing business as Charger Funding,)
Charger Mortgage, and The Real)
Estate Store,)
)
Respondent,)

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California acting in her official capacity, for cause of Accusation against PETER STEPHEN KOPCAK doing business as Charger Funding, Charger Mortgage, and The Real Estate Store is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

1 31, 2012. The audit examination revealed violations of the Code and the Regulations as set forth
2 below, and more fully discussed in Audit Report LA 110009 and the exhibits and work papers
3 attached.

4 Trust Account

5 6.

6 Respondent did not maintain a trust account during the audit period.

7
8 Violations of the Real Estate Law

9 7.

10 In the course of activities described in Paragraph 4, above, and during the audit
11 examination period described in Paragraph 5, Respondent KOPCAK acted in violation of the
12 Code and the Regulations in which Respondent:

13 (a)(1) Fiscal Year Report/Trust Account Review and Filing Mortgage
14 Loan/Trust Deed Annual Report.

15 Failed to file the Annual Report of a Review of Trust Fund Financial Statements
16 for the fiscal year ending December 31, 2009, due May 31, 2010. KOPCAK forwarded a
17 notarized Trust Fund Non-Accountability Report (RE 854) for his fiscal year ending December
18 31, 2010 on October 05, 2011, in violation of the Code Section 10232.2(b) and Regulation
19 2846.7; and

20 (a)(2) Failed to file the Mortgage Loan/Trust Deed Annual Report
21 (RE881/Business Activity) for the aspects of his business conducted for the fiscal year ending
22 December 31, 2008, and December 31, 2009, due March 31, 2009 and March 31, 2010
23 respectively. KOPCAK forwarded RE 881 for the fiscal year ending December 31, 2010, on
24 October 05, 2011, which had been due on March 31, 2011, in violation of the Code Section
25 10232.2(c); and

1 (b) Failed to file the required threshold quarterly reports/Trust Fund Status Report
2 (RE 854) within thirty (30) days after the end of his fiscal quarters for the quarters with respect to
3 fiscal years 2009, 2010 and 2011, in violation of Code Section 10232.25(b). Respondent
4 forwarded Threshold Notification (Re 853) dated October 05, 2011 by which Respondent is no
5 longer a threshold broker; and

6 (c) Failed to retain all records of KOPCAK's activity during the audit period
7 requiring a real estate broker license, in violation of Code Section 10148.
8

9 Disciplinary Statures and Regulations

10 8.

11 The conduct of Respondent KOPCAK, as alleged and described in Paragraph 7,
12 above, violated the Code and the Regulations as set forth below:

13 <u>PARAGRAPH</u>	14 <u>PROVISIONS VIOLATED</u>
15 7(a)	Code Sections 10232.2(b) and 10232.2(c) and Regulation 2846.7
16 7(b)	Code Section 10232.25(b)
17 7(c)	Code Section 10148

18 The foregoing violations constitute cause for discipline of the real estate license and license rights
19 of Respondent KOPCAK, under the provisions of Code Sections 10177(d) and/or 10177(g).

20 SECOND CAUSE OF ACCUSATION

21 (Negligence)

22 9.

23 The overall conduct of Respondent KOPCAK constitutes negligence or
24 incompetence. This conduct and violation are cause for discipline of the real estate license and
25 license rights of Respondent pursuant to Code Section 10177(g).

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against the license and license rights of Respondent PETER STEPHEN KOPCAK under
4 the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such
5 other and further relief as may be proper under other applicable provisions of law including, but
6 not limited to costs of investigation and enforcement pursuant to Code Section 10106, and as
7 pursuant to applicable provisions of the California Administrative Procedure Act.

8 Dated at Los Angeles, California

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10 this 23 day of September, 2013

V. Kilpatrick
Deputy Real Estate Commissioner

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24 cc: Peter Stephen Kopcak
25 Veronica Kilpatrick
26 Audits – Manijeh Khazrai
27 Sacto