

FILED

JAN 22 2015

BUREAU OF REAL ESTATE

By John Aquila

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on December 1, 2014, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent PETER STEPHEN KOPCAK; express admissions; (2) affidavits; (3) investigative case analysis, and (4) Bureau Audit Report SD 110009; and (4) other evidence.

FACTUAL FINDINGS

1.

On September 23, 2013, Veronica Kilpatrick made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, to Respondent's last known mailing addresses on file with the Bureau on September 25, 2013, by certified mail.

2.

On December 1, 2014, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent PETER STEPHEN KOPCAK's default was entered herein. 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.

License Status

3.

At all times mentioned, PETER STEPHEN KOPCAK ("KOPCAK"), was licensed or had license rights issued by the Bureau of Real Estate ("Bureau") as a real estate broker. KOPCAK was originally licensed as a real estate broker on April 15, 1970.

Brokerage

4.

At all times mentioned, in the City of Vista, County of San Diego, Respondent KOPCAK acted as a real estate broker conducting licensed activities within the meaning of:

A. Code Section 10131(d). Respondent engaged in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance; and

B. Code Section 10131(d). Respondent engaged in activities with the public wherein institutional and private hard money lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed, consummated and serviced on behalf of others for compensation or in expectation of compensation and for fees often collected in advance, in addition to operating a mortgage and loan brokerage.

FIRST CAUSE OF ACCUSATION

(Audit Examination)

5.

On February 21, 2012 the Bureau completed an audit examination of the books and records of Respondent KOPCAK, pertaining to the verification of Bureau of Real Estate licensing records and review as described in Finding 4 which require a real estate license. The audit examination covered a period of time beginning on February 1, 2009 and ending on January 31, 2012. The audit examination revealed violations of the Code and the Regulations as set forth below, and more fully discussed in Audit Report LA 110009 and the exhibits and work papers attached.

Trust Account

6.

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

Violations of the Real Estate Law

7.

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

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

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

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

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

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

8.

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

9.

The overall conduct of Respondent KOPCAK constitutes a failure on his part to exercise reasonable supervision and control over the licensed activities his brokerage, in violation of Code Section 10177(h) and Regulation 2725. Respondent KOPCAK failed to keep his brokerage in compliance with the Real Estate Law, and is

cause for discipline of the real estate license and license rights of Respondent KOPCAK, pursuant to the provisions of Code Sections 10177(d), 10177(g) and/or 10177(h).

DETERMINATION OF ISSUES

1.

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

<u>Finding</u>	<u>Provisions Violated</u>
7(a)	Code Sections <u>10232.2(b)</u> and <u>10232.2(c)</u> and Regulation <u>2846.7</u>
7(b)	Code Section <u>10232.25(b)</u>
7(c)	Code Section <u>10148</u>

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

2.

The conduct of Respondent KOPCAK, as described in Finding 8, above, is in violation of Code Section 10177(g).

3.

The conduct of Respondent KOPCAK, as described in Finding 9, above, is cause for disciplinary action pursuant to Code Sections 10177(d), 10177(g), and 10177(h).

4.

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

ORDER

The real estate broker license and the license rights of Respondent PETER
STEPHEN KOPCAK, under the provisions of Part I of Division 4 of the Business and
Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on FEB 11 2015

DATED: JAN 09 2015

REAL ESTATE COMMISSIONER

By: 

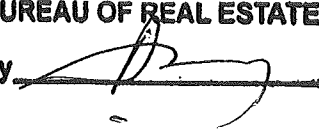
JEFFREY MASON
Chief Deputy Commissioner

FILED

Bureau of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

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BUREAU OF REAL ESTATE

(213) 576-6982

By: 

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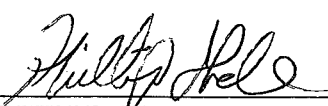
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DEFAULT ORDER

Respondent PETER STEPHEN KOPCAK having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code are now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

DECEMBER 1, 2014
Real Estate Commissioner


By: PHILLIP IHDE
Regional Manager