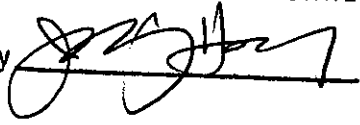


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FILED
OCT 2 2002

DEPARTMENT OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-29020 LA
)	
DANIEL THOMAS MODER,)	
)	
Respondent.)	
)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: DANIEL THOMAS MODER:

On October 31, 2001, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of October 4, 2001, in case No. H-29020 LA. This Order, which was effective October 31, 2001, granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code.

1 Among those terms, conditions and restrictions,
2 Respondent was required, within nine (9) months of the effective
3 date of the Decision, to submit evidence of having completed the
4 continuing education requirements of Article 2.5 of Chapter 3 of
5 the Real Estate Law. The Commissioner has determined that as of
6 July 31, 2002, Respondent has failed to satisfy this condition,
7 and as such, is in violation of Section 10177(k) of the Business
8 and Professions Code.

9 NOW, THEREFORE, IT IS ORDERED under authority of
10 Section 10156.7 of the Business and Professions Code of the State
11 of California that the restricted real estate salesperson license
12 heretofore issued to respondent and the exercise of any
13 privileges thereunder is hereby suspended until such time as
14 Respondent provides satisfactory proof to the Department of
15 compliance with the "condition(s)" referred to above, or pending
16 final determination made after hearing (see "Hearing Rights" set
17 forth below)

18 IT IS FURTHER ORDERED that all license certificates and
19 identification cards issued by Department which are in the
20 possession of respondent be immediately surrendered by personal
21 delivery or by mailing in the enclosed, self-addressed envelope
22 to:

23 Department of Real Estate
24 Attn: Flag Section
25 P. O. Box 187000
26 Sacramento, CA 95818-7000
27

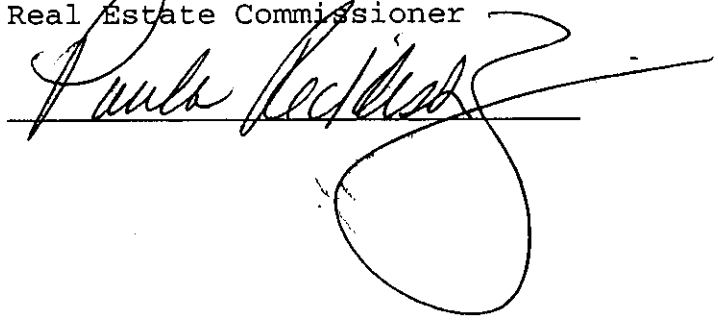
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HEARING RIGHTS: Pursuant to the provisions of Section 10156.7 of the Business and Professions Code, you have the right to a hearing to contest the Commissioner's determination that you are in violation of Section 10177(k). If you desire a hearing, you must submit a written request. The request may be in any form, as long as it is in writing and indicates that you want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the Department at 320 West 4th Street, Suite 350, Los Angeles, California, 90013-1105 within 20 days after the date that this Order was mailed to or served on you, the Department will not be obligated or required to provide you with a hearing.

This Order shall be effective immediately.

DATED: September 26, 2002

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Daniel Thomas Moder
2030 East 4th St., Apt F245
Santa Ana, CA 92705

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 (213) 576-6982
5
6
7

FILED
OCT 11 2001
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 DANIEL THOMAS MODER,) NO. H-29020-LA
13) L-2001050387
14 Respondent.) STIPULATION AND AGREEMENT

15 I, DANIEL THOMAS MODER, Respondent herein,
16 acknowledge that I have received and read the Accusation filed
17 by the Department of Real Estate on April 12, 2001, and the
18 Statement to Respondent sent to me in connection with the
19 Accusation.

20 It is hereby stipulated by and between Respondent
21 DANIEL THOMAS MODER (sometimes referred to herein as
22 "Respondent"), and his attorney of record, Peter L. Nisson, and
23 the Complainant, acting by and through Mary E. Work, Counsel
24 for the Department of Real Estate, as follows for the purpose
25 of settling and disposing of the Accusation.

26 This Stipulation and Agreement ("Stipulation") is
27

1 based on the factual allegations contained in the Accusation
2 filed in this proceeding. In the interest of expedience and
3 economy, Respondent chooses not to contest these factual
4 allegations, but to remain silent and understands that, as a
5 result thereof, these factual statements, without being
6 admitted or denied, will serve as a prima facie basis for the
7 disciplinary action stipulated to herein. This Stipulation and
8 Respondent's decision not to contest the Accusation are hereby
9 expressly limited to this proceeding and made for the sole
10 purpose of reaching an agreed disposition of this proceeding.
11 Respondent's decision not to contest the factual allegations is
12 made solely for the purpose of effectuating this Stipulation and
13 is intended by Respondent to be non-binding upon him in any
14 actions against Respondent by third parties. The Real Estate
15 Commissioner shall not be required to provide further evidence
16 to prove such allegations.

17 This Stipulation and any Order made pursuant to this
18 Stipulation shall have no collateral estoppel or res judicata
19 effect in any proceedings in which Respondent and the
20 Department (or the Department's representative) are not
21 parties. This Stipulation is made and received by the
22 Commissioner and the Department, with the express understanding
23 and agreement that it is for the purpose of settling these
24 proceedings only, and that this Stipulation is not intended as,
25 and shall not be deemed, used, or accepted as an acknowledgment
26 or admission of fact in any other judicial, administrative, or
27 other proceeding to which the Department is not a party.

1 I further acknowledge that the Real Estate
2 Commissioner held a hearing on this Accusation on August 22,
3 2001, before the Office of Administrative Hearings for the
4 purpose of proving the allegations therein. I was present at
5 the hearing in which I was represented by counsel and
6 participated therein. The Administrative Law Judge agreed to
7 delay the issuance of his proposed decision while resolution by
8 Stipulation and Agreement was attempted between the parties.
9 Upon notification of a fully executed Stipulation and
10 Agreement, I understand that the Administrative Law Judge will
11 close the record in the matter and that there will be no
12 proposed decision issued.

13 I understand that by signing this Stipulation and
14 Agreement, I am waiving my right to obtain a dismissal of the
15 Accusation through proceedings under Government Code Section
16 11517(c) if this Stipulation and Agreement is accepted by the
17 Real Estate Commissioner. However, I also understand that I am
18 not waiving my rights to have the Administrative Law Judge
19 render his proposed decision or my rights to further
20 proceedings to obtain a dismissal of the Accusation if this
21 Stipulation and Agreement is not accepted by the Real Estate
22 Commissioner.

23 I hereby request that the Real Estate Commissioner in
24 her discretion revoke my current real estate broker license
25 and issue to me a restricted real estate salesperson license
26 under the authority of Section 10156.5 of the Business and
27 Professions Code if I make application therefor and pay to the

1 Department of Real Estate the appropriate fee for said license
2 within 90 days from the effective date of the Decision herein.

3 I further understand that the restricted license
4 shall be subject to the provisions of Section 10156.7 of the
5 Business and Professions Code and the following conditions,
6 limitations and restrictions will attach to the restricted
7 license issued by the Department of Real Estate pursuant
8 hereto:

9 1. The restricted license issued to Respondent,

10 (a) may be suspended prior to hearing by Order of
11 the Real Estate Commissioner in the event of Respondent's
12 conviction or plea of nolo contendere to a crime which is
13 substantially related to Respondent's qualifications, fitness or
14 capacity as a real estate licensee.

15 (b) may be suspended prior to hearing by Order of
16 the Real Estate Commissioner on evidence satisfactory to the
17 Commissioner that Respondent has violated provisions of the
18 California Real Estate Law, the Subdivided Lands Law, Regulations
19 of the Real Estate Commissioner, or the conditions attaching to
20 this restricted license.

21 2. Respondent shall not be eligible to apply for the
22 issuance of an unrestricted real estate license nor for the
23 removal of any of the conditions, limitations or restrictions of
24 a restricted license until two (2) years have elapsed from the
25 effective date of this Decision.

26 3. Respondent shall submit with any application for
27 license under an employing broker or any application for transfer

1 to a new employing broker, a statement signed by the prospective
2 employing broker on a form approved by the Department which shall
3 certify:

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

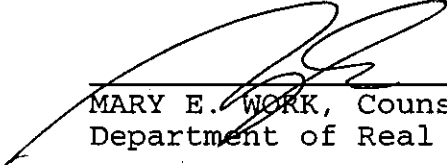
7 (b) That the employing broker will exercise close
8 supervision over the performance by the restricted licensee
9 relating to activities for which a real estate license is
10 required.

11 4. Respondent shall, within six (6) months from the
12 effective date of this Decision, take and pass the Professional
13 Responsibility Examination administered by the Department
14 including the payment of the appropriate fee. If Respondent
15 fails to satisfy this condition, the Commissioner may order
16 suspension of Respondent's license until Respondent passes the
17 examination.

18 5. Respondent shall, within nine (9) months from
19 the effective date of this Decision, present evidence
20 satisfactory to the Real Estate Commissioner that Respondent has,
21 since the most recent issuance of an original or renewal real
22 estate 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 Respondent presents
27 such evidence. The Commissioner shall afford Respondent the

1 opportunity for a hearing pursuant to the Administrative
2 Procedure Act to present such evidence.

3 DATED: 9-23-01


4 MARY E. WORK, Counsel for the
5 Department of Real Estate


6 Respondent can signify acceptance and approval of the terms
7 and conditions of this Stipulation and Agreement by faxing a copy
8 of the signature page, as actually signed by Respondent, to the
9 Department at the following fax number: (213) 576-6917.

10 Respondent agrees, acknowledges and understands that by
11 electronically sending to the Department a fax copy of his actual
12 signature as it appears on the Stipulation and Agreement, that
13 receipt of the faxed copy by the Department shall be as binding
14 on the Respondent as if the Department had received the original
15 signed Stipulation and Agreement.

16 DATED: 9-26-01


17 DANIEL THOMAS MODER, Respondent

18 DATED: 9-26-01


19 PETER L. NISSON, ESQ.,
20 Attorney for Respondent,
21 Approved as to Form and Content.

22 * * *

23 I have read the Accusation filed herein and the
24 foregoing Stipulation and Agreement signed by Respondent. I am
25 satisfied that it will not be inimical to the public interest to
26 issue a restricted salesperson license to Respondent.

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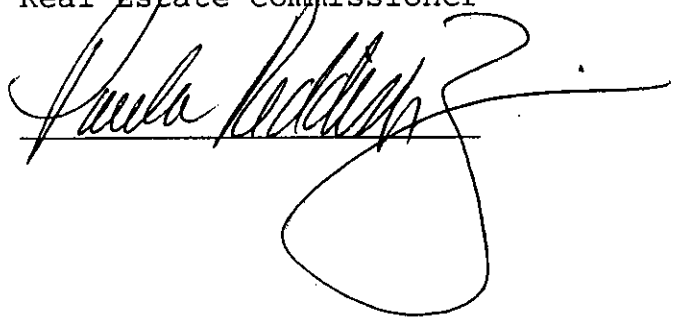
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Therefore, IT IS HEREBY ORDERED that the current real estate broker license of Respondent be revoked and a restricted real estate salesperson license be issued to Respondent if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted as specified in the foregoing Stipulation and Agreement.

This Order shall become effective on October 31, 2001.

IT IS SO ORDERED *October 7, 2001.*

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Handwritten initials

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

FILED
JUL 10 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

DANIEL THOMAS MODER,

By K. Gruduholt

Case No. H-29020 LA

OAH No. L-2001050387

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 W. Fourth St., Ste. 630, Los Angeles, CA on August 22, 2001, at the hour of 1:30 p.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: July 9, 2001

By [Signature]
Counsel

cc: Daniel Thomas Moder
Peter Nisson, Esq.
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 30 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

DANIEL THOMAS MODER,

By [Signature]

Case No. H-29020 LA

OAH No. L-2001050387

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 W. Fourth St., Ste. 630, Los Angeles on July 2, 2001, at the hour of 1:30 p.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: May 30, 2001

By [Signature]
Counsel

cc: Daniel Thomas Moder
Peter Nisson, Esq.
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1 Code, hereinafter Code).

2 III

3 On or about February 2, 1998, the Secretary of State of the
4 State of California suspended the corporate status of PACIFIC
5 CITIES MORTGAGE CORPORATION (hereinafter "Pacific Cities"),
6 pursuant to Section 23202 of the Revenue Taxation Code. On or
7 between April 7, 1999 and May of 1999, Pacific Cities continued
8 to conduct business, in violation of law, when it accepted and
9 processed a loan application from Ryan and Marsha Eliason. Said
10 acts were in violation of Section 2742(c) of Title 10, California
11 Code of Regulations.

12 IV

13 On October 27, 2000, Respondent was served with a subpena
14 duces tecum from the Department alleging sufficient cause to
15 request the production of the following material connected with a
16 transaction for which a real estate broker license is required.
17 In particular, the subpena requested for inspection all records,
18 papers, books, accounts and documents pertaining to the Eliason
19 loan application, to include the broker/salesperson agreement for
20 agent Mike Torres and loan applications and all writings signed
21 by the borrowers in support of an application for a loan. In
22 violation of Business and Professions Code Section 10148,
23 Respondent failed to produce any of the material requested
24 pursuant to the subpena duces tecum.

25 V

26 The facts alleged above in Paragraph IV are grounds for the
27

1 suspension or revocation of Respondent's license under Section
2 10177(d) of the Business and Professions Code.

3 VI

4 As alleged above in Paragraph III, Respondent, as officer
5 designated by a corporate licensee pursuant to Section 10211 of
6 the Business and Professions Code, failed to supervise as
7 required by Section 10159.2 of the Business and Professions Code,
8 when he allowed a violation of 2742(c) of Title 10, California
9 Code of Regulations to occur.

10 VII

11 The facts alleged above in Paragraph VI are grounds for the
12 suspension or revocation of Respondent's license under Section
13 10177(d), (g) and (h) of the Business and Professions Code.

14 WHEREFORE, Complainant prays that a hearing be conducted on
15 the allegations of this Accusation and that upon proof thereof, a
16 decision be rendered imposing disciplinary action against all
17 licenses and/or license rights of DANIEL THOMAS MODER under the
18 Real Estate law and for such other and further relief as may be
19 proper under applicable provisions of law.

20
21 Dated at Los Angeles, California

22 this 12th day of April, 2001.

23 THOMAS MC CRADY

24 Deputy Real Estate Commissioner

25 cc: Daniel Thomas Moder
26 Thomas McCrady
27 SACTO
EE