

1 ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
2 320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105

3 Telephone: (213) 576-6911 (direct)  
4 -or- (213) 576-6982 (office)

FILED  
AUG -4 2003  
DEPARTMENT OF REAL ESTATE

By K. Wiederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 VONROPE MORTGAGE CORPORATION, )  
13 doing business as VMC Realty, )  
14 and, HUMBERTO JOSE PEREZ, )  
15 individually and as designated )  
officer of Vonrope Mortgage )  
Corporation, )

16 Respondents. )

No. H-30025 LA

STIPULATION  
AND  
AGREEMENT

17 It is hereby stipulated by and between VONROPE MORTGAGE  
18 CORPORATION dba VMC Realty and HUMBERTO JOSE PEREZ, individually  
19 and as designated officer of Vonrope Mortgage Corporation  
20 (sometimes collectively referred to as "Respondents"),  
21 represented by John D. Jaffe, Esq., and the Complainant, acting  
22 by and through Elliott Mac Lennan, Counsel for the Department of  
23 Real Estate, as follows for the purpose of settling and disposing  
24 of the Accusation filed on March 20, 2003, in this matter:

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondents  
27

1 at a formal hearing on the Accusation, which hearing was to be  
2 held in accordance with the provisions of the Administrative  
3 Procedure Act ("APA"), shall instead and in place thereof be  
4 submitted solely on the basis of the provisions of this  
5 Stipulation and Agreement (Stipulation).

6           2. Respondents have received, read and understand the  
7 Statement to Respondent, the Discovery Provisions of the APA and  
8 the Accusation filed by the Department of Real Estate in this  
9 proceeding.

10           3. Respondents filed a Notice of Defense pursuant to  
11 Section 11506 of the Government Code for the purpose of  
12 requesting a hearing on the allegations in the Accusation.  
13 Respondents hereby freely and voluntarily withdraw said Notice of  
14 Defense. Respondents acknowledge that they understand that by  
15 withdrawing said Notice of Defense they thereby waive their right  
16 to require the Commissioner to prove the allegations in the  
17 Accusation at a contested hearing held in accordance with the  
18 provisions of the APA and that they will waive other rights  
19 afforded to them in connection with the hearing such as the right  
20 to present evidence in their defense of the allegations in the  
21 Accusation and the right to cross-examine witnesses.

22           4. This Stipulation is based on the allegations  
23 contained in the Accusation. In the interest of expedience and  
24 economy, Respondents choose not to contest these allegations, but  
25 to remain silent and understand that, as a result thereof, these  
26 allegations, without being admitted or denied, will serve as a  
27 prima facie basis for the disciplinary action stipulated to

1 herein. The Real Estate Commissioner shall not be required to  
2 provide further evidence to prove said allegations.

3           5. This Stipulation is based on Respondents decision  
4 not to contest the allegations set forth in the Accusation as a  
5 result of the agreement negotiated between the parties. This  
6 Stipulation is expressly limited to this proceeding and any  
7 further proceeding initiated by or brought before the Department  
8 of Real Estate based upon the facts and circumstances alleged in  
9 the Accusation, and is made for the sole purpose of reaching an  
10 agreed disposition of this proceeding without a hearing. The  
11 decision of Respondents not to contest the allegations is made  
12 solely for the purpose of effectuating this Stipulation. It is  
13 the intent and understanding of the parties that this Stipulation  
14 shall not be binding or admissible against Respondents in any  
15 actions against Respondents by third parties.

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

1           7. The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation shall not  
3 constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Department of Real  
5 Estate with respect to any matters which were not specifically  
6 alleged to be causes for Accusation in this proceeding but do  
7 constitute a bar, estoppel and merger as to any allegations  
8 actually contained in the Accusation against Respondents herein.

9           8. This Stipulation and the order made pursuant to  
10 this Stipulation shall have no collateral estoppel or res  
11 judicata effect in any proceeding(s) in which VONROPE MORTGAGE  
12 CORPORATION and/or HUMBERTO JOSE PEREZ and the Department are not  
13 parties. This Stipulation is made and accepted with the express  
14 understanding and agreement that it is for the purpose of  
15 settling these proceedings only, and is not intended as, nor  
16 shall be it be deemed, used, argued, or accepted as an  
17 acknowledgement or admission of fact in any other judicial,  
18 administrative, or other proceeding in which the Department is  
19 not a party.

20           9. Respondents understand that by agreeing to this  
21 Stipulation, Respondents agree to pay, pursuant to Business and  
22 Professions Code Section 10148, the cost of the audit (LA 000453  
23 and LA 010004) which led to this disciplinary action. The amount  
24 of said cost is \$10,475.17.

25           10. Respondents have received, read, and understand  
26 the "Notice Concerning Costs of Subsequent Audit". Respondents  
27

1 further understand that by agreeing to this Stipulation, the  
2 findings set forth below in the Determination of Issues become  
3 final, and the Commissioner may charge Respondents for the cost  
4 of any subsequent audits conducted pursuant to Business and  
5 Professions Code Section 10148 to determine if the violations  
6 have been corrected. The maximum cost of the subsequent audit  
7 will not exceed \$10,475.17.

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations, it is  
10 stipulated and agreed that the following determination of issues  
11 shall be made:

12 1.

13 The conduct, acts or omissions of VONROPE MORTGAGE  
14 CORPORATION as described in Paragraph 4 above, is in violation of  
15 Section 10145 of the Business and Professions Code ("Code") and  
16 Sections 2831, 2831.2, 2832.1 and 2950(d), 2950(g) and 2950(h),  
17 of Title 10, Chapter 6 of the California Code of Regulations and  
18 is a basis for the suspension or revocation of Respondent's  
19 license pursuant to Sections 10177(d) and 10177(g) of the Code.

20 2.

21 The conduct, acts or omissions of HUMBERTO JOSE PEREZ,  
22 as described in Paragraph 4, constitutes a failure to exercise  
23 reasonable supervision over the activities of Vonrope Mortgage  
24 Corporation, for which a real estate license is required, in  
25 violation of Code Section 10159.2 and is conduct is a basis for  
26  
27

1 the suspension or revocation of Respondent's broker license  
2 pursuant to Sections 10177(g) and 10177(h) of the Code.

3 ORDER

4 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT  
5 TO THE WRITTEN STIPULATION OF THE PARTIES:

6 I. All licenses and licensing rights of Respondents  
7 VONROPE MORTGAGE CORPORATION and HUMBERTO JOSE PEREZ under the  
8 Real Estate Law are suspended for a period of sixty (60) days  
9 from the effective date of this Decision; provided, however, that  
10 thirty (30) days of said suspension shall be stayed for two (2)  
11 years upon the following terms and conditions:

12 A. Respondents shall obey all laws, rules and  
13 regulations governing the rights, duties and responsibilities  
14 of a real estate licensee in the State of California.

15 B. That no final subsequent determination be made,  
16 after hearing or upon stipulation, that cause for disciplinary  
17 action occurred within two (2) years of the effective date of  
18 this Decision. Should such determination be made, the  
19 Commissioner may, in her discretion, vacate and set aside the  
20 stay order and reimpose all or a portion of the stayed  
21 suspension. Should no such determination be made, the stay  
22 imposed herein shall become permanent.

23 II. Prior to the effective date of this Decision  
24 Respondents provide evidence satisfactory to the Commissioner  
25 that the trust fund deficit set forth in Audit Report LA 000453  
26   
27

1 and LA 010004, in the amount of \$2,508.21, as of June 30, 2001,  
2 has been cured, including the identity of the source of funds  
3 used to cure it; and

4 III. All licenses and licensing rights of Respondent  
5 HUMBERTO JOSE PEREZ are indefinitely suspended unless or until he  
6 provides proof satisfactory to the Commissioner, of having taken,  
7 within one hundred twenty (120) days prior to this Order or any  
8 time after said date, the trust fund accounting and handling  
9 course specified in paragraph (3) of subdivision (a) of Business  
10 and Professions Code Section 10170.5.

11 IV. The initial thirty (30) day portion of said sixty  
12 (60) day suspension shall commence on the effective date of this  
13 Decision; provided, however, that if Respondents petition, said  
14 suspension shall be stayed upon condition that:

15 (a) Pursuant to Section 10175.2 of the Business  
16 and Professions Code, Respondent VONROPE MORTGAGE CORPORATION and  
17 Respondent HUMBERTO JOSE PEREZ each pay a monetary penalty of  
18 thirty-three dollars and thirty-three cents (\$33.33) per day  
19 totaling one thousand (\$1,000) dollars each, or two thousand  
20 dollars (\$2,000) in total for both Respondents.

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





1 estimated average hourly salary for all persons performing audits  
2 of real estate brokers, and shall include an allocation for  
3 travel time to and from the auditor's place of work. Said amount  
4 for the prior and subsequent audit shall not exceed \$20,950.34.

5 Respondents shall pay such cost within 60 days of  
6 receiving an invoice from the Commissioner detailing the  
7 activities performed during the audit and the amount of time  
8 spent performing those activities.

9 The Commissioner may suspend the license of a  
10 Respondent pending a hearing held in accordance with Section  
11 11500, et seq., of the Government Code, if payment is not timely  
12 made as provided for herein, or as provided for in a subsequent  
13 agreement between the Respondent and the Commissioner. The  
14 suspension shall remain in effect until payment is made in full  
15 or until a Respondent enters into an agreement satisfactory to  
16 the Commissioner to provide for payment, or until a decision  
17 providing otherwise is adopted following a hearing held pursuant  
18 to this condition.  
19

20 DATED: 5-28-03

Elliot Mac Lennan  
21 ELLIOTT MAC LENNAN, Counsel for  
22 the Department of Real Estate

23 \* \* \*

24 We have read the Stipulation and have discussed it with  
25 our counsel. Its terms are understood by us and are agreeable  
26 and acceptable to us. We understand that we are waiving rights  
27 given to us by the California Administrative Procedure Act

1 (including but not limited to Sections 11506, 11508, 11509 and  
2 11513 of the Government Code), and we willingly, intelligently  
3 and voluntarily waive those rights, including the right of  
4 requiring the Commissioner to prove the allegations in the  
5 Accusation at a hearing at which we would have the right to  
6 cross-examine witnesses against us and to present evidence in  
7 defense and mitigation of the charges.

8 Respondents can signify acceptance and approval of the  
9 terms and conditions of the Stipulation by faxing a copy of its  
10 signature page, as actually signed by Respondents, to the  
11 Department at the following telephone/fax number: (213) 576-6917,  
12 Attention: Elliott Mac Lennan. Respondents agree, acknowledge  
13 and understand that by electronically sending to the Department a  
14 fax copy of Respondents' actual signatures as they appear on the  
15 Stipulation and Agreement, that receipt of the faxed copy by the  
16 Department shall be as binding on Respondents as if the  
17 Department had received the original signed Stipulation.  
18

19 DATED: \_\_\_\_\_

\_\_\_\_\_  
VONROPE MORTGAGE CORPORATION  
BY: HUMBERTO JOSE PEREZ,  
Respondent

22 DATED: \_\_\_\_\_

\_\_\_\_\_  
HUMBERTO JOSE PEREZ, individually  
and as designated officer of  
Vonrope Mortgage Corporation  
Respondent

26 DATED: \_\_\_\_\_

\_\_\_\_\_  
JOHN D. JAFFE, Attorney for  
Respondents. Approved as to form.


1 (including but not limited to Sections 11506, 11508, 11509 and  
2 11513 of the Government Code), and we willingly, intelligently  
3 and voluntarily waive those rights, including the right of  
4 requiring the Commissioner to prove the allegations in the  
5 Accusation at a hearing at which we would have the right to  
6 cross-examine witnesses against us and to present evidence in  
7 defense and mitigation of the charges.

8 Respondents can signify acceptance and approval of the  
9 terms and conditions of the Stipulation by faxing a copy of its  
10 signature page, as actually signed by Respondents, to the  
11 Department at the following telephone/fax number: (213) 576-6917  
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13 and understand that by electronically sending to the Department  
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15 Stipulation and Agreement, that receipt of the faxed copy by the  
16 Department shall be as binding on Respondents as if the  
17 Department had received the original signed Stipulation.

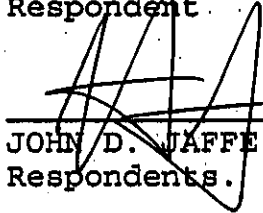
18  
19 DATED: 7/1/03

  
VONROPE MORTGAGE CORPORATION  
BY: HUMBERTO JOSE PEREZ,  
Respondent

20  
21  
22 DATED: 7/1/03

  
HUMBERTO JOSE PEREZ, individually  
and as designated officer of  
Vonrope Mortgage Corporation  
Respondent

23  
24  
25  
26 DATED: 7/7/03

  
JOHN D. JAFFE, Attorney for  
Respondents. Approved as to form.

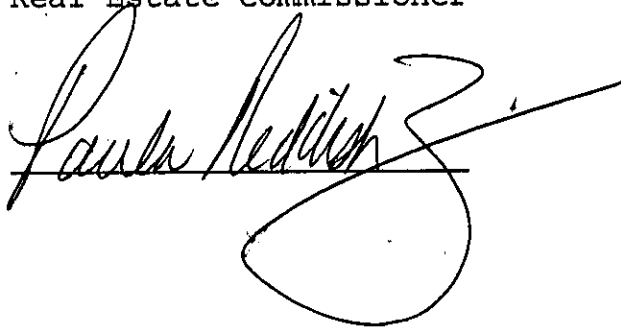
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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and Order and shall become effective at 12  
o'clock noon on August 25, 2003.

IT IS SO ORDERED July 30, 2003.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



*Sacto  
Dylan*

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

**FILED**  
MAY 22 2003  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Accusation of*

VONROPE MORTGAGE CORP., et al.

By *K. Thebehd*

Case No. H-30025 LA

OAH No. L-2003040545

\_\_\_\_\_  
*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 **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **October 29, 30 and 31 2003**, 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: **MAY 22 2003**

By *E. MacLennan*  
**ELLIOTT MAC LENNAN, Counsel**

cc: Vonrope Mortgage Corp./Humberto Jose Perez  
Edward P. Sangster, Esq./Dylan B. Carp, Esq.  
/Sacto/OAH/AS

*Accused*

1 ELLIOTT MAC LENNAN, Counsel  
2 State Bar No. 66674  
3 Department of Real Estate  
4 320 West Fourth Street, Suite 350  
5 Los Angeles, California 90013-1105  
6  
7  
8  
9  
10 (213) 576-6911

**FILED**  
MAR 20 2003  
DEPARTMENT OF REAL ESTATE

By *K. Medeiros*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11	In the Matter of the Accusation of	)	NO. H- 30025 LA
12	VONROPE MORTGAGE CORPORATION doing	)	
13	business as VMC Realty, and	)	
14	HUMBERTO JOSE PEREZ, individually	)	<u>A C C U S A T I O N</u>
15	and as designated officer of	)	
16	Vonrope Mortgage Corporation,	)	
		)	
	Respondents.	)	

17 The Complainant, Janice Waddell, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against VONROPE MORTGAGE CORPORATION dba VMC Realty and HUMBERTO  
20 JOSE PEREZ, individually and as designated officer of Vonrope  
21 Mortgage Corporation, alleges as follows:

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///

1.

1                   The Complainant, Janice Waddell, acting in her  
2                   official capacity as a Deputy Real Estate Commissioner of the  
3                   State of California, makes this Accusation against VONROPE  
4                   MORTGAGE CORPORATION ("VMC") and HUMBERTO JOSE PEREZ,  
5                   individually as designated officer of Vonrope Mortgage  
6                   Corporation ("PEREZ").  
7

8                   2.

9                   All references to the "Code" are to the California  
10                  Business and Professions Code and all references to  
11                  "Regulations" are to Title 10, Chapter 6, California Code of  
12                  Regulations.  
13

14                  3.

15                  VMC and PEREZ (sometimes hereinafter referred to as  
16                  Respondents) are presently licensed or have license rights under  
17                  the Real Estate Law (Part 1 of Division 4 of the Business and  
18                  Professions Code, hereinafter "Code").  
19

20                  4.

21                  At all time herein mentioned, PEREZ was licensed by  
22                  the Department as the designated officer of VMC to qualify VMC  
23                  and to act for VMC as a real estate broker and, as provided by  
24                  Code Section 10159.2, was responsible for the supervision and  
25                  control of the activities conducted on behalf of VMC by VMC's  
26                  officers, managers and employees as necessary to secure full  
27                  compliance with the provisions of the Real Estate Law including

1 the supervision of the salespersons licensed to the corporation  
2 in the performance of acts for which a real estate license is  
3 required. VMC'S corporate real estate broker license was  
4 originally issued on December 15, 1998. PEREZ was originally  
5 licensed as a real estate broker on February 11, 2000. PEREZ  
6 became the designated officer of VMC on February 25, 2000.  
7 During the audit period set forth below in Paragraph 7, from  
8 January 1, 2000 to February 24, 2000, Richard Uriel Centeno was  
9 the designated officer of VMC however he is not part of this  
10 Accusation.

11 5.

12 Whenever reference is made in an allegation in the  
13 Accusation to an act or omission of VMC, such allegation shall  
14 be deemed to mean that the officers, directors, managers,  
15 employees, agents and real estate licensees employed by or  
16 associated with VMC, including PEREZ, committed such act or  
17 omission while engaged in the furtherance of VMC'S business or  
18 operation and while acting within the course and scope of VMC'S  
19 corporate authority, agency and employment.

20 6.

21 At all times herein mentioned in the City of Pomona,  
22 California, VMC engaged in the business as a real estate broker  
23 within the meaning of:

24 A. Code Section 10131(d). VMC operated as a mortgage  
25 and loan broker dba VMC Realty; and  
26

27





1 "Vonrope Mortgage Corporation Escrow Trust Account ("T/A #1")  
Account No. 0468-911201"  
2 Wells Fargo Bank Diamond Bar Office  
1180 Diamond Bar Boulevard  
3 Diamond Bar, CA 91765

4 "Vonrope Mortgage Corporation Escrow Trust Account ("T/A #2")  
Account No. 845010751"  
5 People's Bank of California  
5470 Beach Boulevard  
6 Buena Park, CA 90621

7 9.

8 With respect to the trust funds referred to in  
9 Paragraph 8, it is alleged that VMC:

10 (a) Permitted, allowed or caused the disbursement of  
11 trust funds from T/A #2, to an amount which, on June 30, 2001,  
12 was \$2,508.21, less than the existing aggregate trust fund  
13 liability of VMC to every principal who was an owner of said  
14 funds, without first obtaining the prior written consent of the  
15 owners of said funds, as required by Code Section 10145 and  
16 Regulations 2832.1, 2950(d) and 2950(g).

17  
18 (b) Failed to maintain an accurate or complete control  
19 record in the form of a columnar record in chronological order  
20 of all trust funds received for T/A #2, as required by Code  
21 Section 10145 and Regulations 2831 and 2950(d).

22 (c) Failed to maintain an accurate or complete  
23 separate record for each beneficiary or transaction, thereby  
24 failing to account for all trust funds received, deposited into,  
25 and disbursed from T/A #2, as required by Code Section 10145 and  
26 Regulations 2831.1 and 2950(d).

1 (d) Failed to perform a monthly reconciliation of the  
2 balance of all separate beneficiary or transaction records  
3 maintained pursuant to Regulation 2831.1 with the record of all  
4 trust funds received and disbursed by T/A #2, as required by  
5 Code Section 10145 and Regulations 2831.2 and 2950(d).

6 (e) Failed to disclose in writing to all parties of  
7 VMC's financial interest and ownership of VMC's escrow operation  
8 as required by Regulation 2950(h).

9 10.

10 The conduct of Respondent VMC, described in Paragraph  
11 9, violated the Code and the Regulations as set forth below:

12 <u>PARAGRAPH</u>	13 <u>PROVISIONS VIOLATED</u>
14 9(a)	Code Section 2832.1, 2950(d) and 2950(g)
15 9(b)	Code Section 10145 and 16 Regulations 2831 and 2950(d)
17 9(c)	Code Section 10145 and 18 Regulations 2831.1 and 2950(d)
19 9(d)	Code Section 10145 and 20 Regulation 2831.2 and 2950(d)
21 9(e)	Regulation 2950(h)

22 Each of the foregoing violations separately constitutes cause  
23 for the suspension or revocation of the real estate license and  
24 license rights of VMC under the provisions of Code Sections  
25 10177(d) and/or 10177(g).

26 ///

27

1           The overall conduct of Respondent PEREZ constitutes a  
2 failure on his part, as officer designated by a corporate broker  
3 licensee, to exercise the reasonable supervision and control  
4 over the licensed activities of VMC as required by Code Section  
5 10159.2, and to keep VMC in compliance with the Real Estate Law,  
6 and is cause for the suspension or revocation of the real estate  
7 license and license rights of PEREZ pursuant to the provisions  
8 of Code Sections 10159.2, 10177(g) and 10177(h).

9           WHEREFORE, complainant prays that a hearing be  
10 conducted on the allegations of this Accusation and, that upon  
11 proof thereof, a decision be rendered imposing disciplinary  
12 action against all licenses and licensing rights of Respondents  
13 VONROPE MORTGAGE CORPORATION and HUMBERTO JOSE PEREZ,  
14 individually and as designated officer of Vonrope Mortgage  
15 Corporation under the Real Estate Law (Part 1 of Division 4 of  
16 the Business and Professions Code) and for such other and  
17 further relief as may be proper under other applicable  
18 provisions of law.  
19  
20

21 Dated at Los Angeles, California  
22 this *12th* *March* *2003*

  
Deputy Real Estate Commissioner

23  
24 cc: Vonrope Mortgage Corporation dba VMC Realty  
25 c/o Humberto Jose Perez  
26 Janice Wadell  
27 Sacto  
AS