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

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

FILED

MAY - 9 2008

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34127 LA
THOMAS CHARLES COOPER, dba)	
Escondido Escrow Express)	<u>STIPULATION</u>
and Pacific Standard Financial)	<u>AND</u>
Group,)	<u>AGREEMENT</u>
Respondent.)	

It is hereby stipulated by and between Respondent THOMAS CHARLES COOPER, (sometimes referred to as "Respondent") and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on July 18, 2007, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be 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 ("Stipulation").

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

8 3. Respondent timely filed a Notice of Defense
9 pursuant to Section 11506 of the Government Code for the purpose
10 of requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that he understands that by
13 withdrawing said Notice of Defense he thereby waives his right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that he will waive other rights
17 afforded to him in connection with the hearing such as the right
18 to present evidence in his defense the right to cross-examine
19 witnesses.
20

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation. In the interest of
23 expedience and economy, Respondent chooses not to contest these
24 allegations, but to remain silent and understands that, as a
25 result thereof, these factual allegations, without being admitted
26 or denied, will serve as a prima facie basis for the disciplinary
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1 action stipulated to herein. The Real Estate Commissioner shall
2 not be required to provide further evidence to prove said factual
3 allegations.

4 5. This Stipulation and Respondent's decision not to
5 contest the Accusation is made for the purpose of reaching an
6 agreed disposition of this proceeding and is expressly limited to
7 this proceeding and any other proceeding or case in which the
8 Department of Real Estate ("Department"), the state or federal
9 government, or any agency of this state, another state or federal
10 government is involved, and otherwise shall not be admissible in
11 any other criminal or civil proceedings.

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

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

5 8. Respondent understands that by agreeing to this
6 Stipulation, Respondent agrees to pay, pursuant to Business and
7 Professions Code Section 10148, the cost of audit which led to
8 this disciplinary action. The total amount of said cost is
9 \$8,506.50.

10 9. Respondent has received, read, and understands the
11 "Notice Concerning Costs of Subsequent Audit". Respondent
12 further understands that by agreeing to this Stipulation, the
13 findings set forth below in the Determination of Issues become
14 final, and the Commissioner may charge Respondent for the cost of
15 any subsequent audit conducted pursuant to Business and
16 Professions Code Section 10148 to determine if the violations
17 have been corrected. The maximum cost of the subsequent audit
18 will not exceed \$8,506.50.
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DETERMINATION OF ISSUES

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

I.

The conduct of THOMAS CHARLES COOPER as described in Paragraph 4, above, is in violation of Business and Professions Code Section 10145 and Section 2832.1 of Title 10, Chapter 6 of the California Code of Regulations and is a basis for the suspension or revocation of Respondent's license and license rights as violations of the Real Estate Law pursuant to Code Section 10177(d).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. All licenses and licensing rights of Respondent THOMAS CHARLES COOPER under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision.

A. Provided, however, that if Respondent requests, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$50.00 per day for each day of the suspension for a total monetary penalty of \$1,500.

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1 2. Said payment shall be in the form of a cashier's
2 check or certified check made payable to the Recovery Account of
3 the Real Estate Fund. Said check must be received by the
4 Department prior to the effective date of the Decision in this
5 matter.

6 3. No further cause for disciplinary action against
7 the real estate license of Respondent occurs within two (2) years
8 from the effective date of the Decision in this matter.

9 4. If Respondent fails to pay the monetary penalty in
10 accordance with the terms of the Decision, the Commissioner may,
11 without a hearing, order the immediate execution of all or any
12 part of the stayed suspension, in which event the Respondent
13 shall not be entitled to any repayment nor credit, prorated or
14 otherwise, for money paid to the Department under the terms of
15 this Decision.

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

21 6. The remaining sixty (60) days of the ninety (90)
22 day suspension shall be stayed for two (2) years upon the
23 following terms and conditions:

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1 (a) Respondent shall obey all laws, rules and
2 regulations governing the rights, duties and responsibilities of
3 a real estate licensee in the State of California; and

4 (b) That no final subsequent determination be made
5 after hearing or upon stipulation, that cause for disciplinary
6 action occurred within two (2) years of the effective date of
7 this Decision. Should such a determination be made, the
8 Commissioner may, in his discretion, vacate and set aside the
9 stay order and reimpose all or a portion of the stayed
10 suspension. Should no such determination be made, the stay
11 imposed herein shall become permanent.

12 II. All licenses and licensing rights of Respondent
13 THOMAS CHARLES COOPER are indefinitely suspended unless or until
14 Respondent provides proof satisfactory to the Commissioner, of
15 having taken and successfully completed the continuing education
16 course on trust fund accounting and handling specified in
17 paragraph (3) of subdivision (a) of Section 10170.5 of the
18 Business and Professions Code. Proof of satisfaction of this
19 requirement includes evidence that respondent has successfully
20 completed the trust fund account and handling continuing
21 education course within 120 days prior to the effective date of
22 the Decision in this matter.

24 III. Pursuant to Section 10148 of the Business and
25 Professions Code, Respondent THOMAS CHARLES COOPER shall pay the
26 Commissioner's reasonable cost for (a) the audit which led to
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1 this disciplinary action (b) a subsequent audit to determine if
2 Respondent is now in compliance with the Real Estate Law. The
3 cost of the audit which led to this disciplinary action is
4 \$8,506.50. In calculating the amount of the Commissioner's
5 reasonable cost, the Commissioner may use the estimated average
6 hourly salary for all persons performing audits of real estate
7 brokers, and shall include an allocation for travel time to and
8 from the auditor's place of work. Said amount for the prior and
9 subsequent audits shall not exceed \$17,013.00.

10 Respondent shall pay such cost within 60 days of
11 receiving an invoice from the Commissioner detailing the
12 activities performed during the audit and the amount of time
13 spent performing those activities.

14 The Commissioner may suspend the license of Respondent
15 pending a hearing held in accordance with Section 11500, et seq.,
16 of the Government Code, if payment is not timely made as provided
17 for herein, or as provided for in a subsequent agreement between
18 the Respondent and the Commissioner. The suspension shall remain
19 in effect until payment is made in full or until Respondent
20 enters into an agreement satisfactory to the Commissioner to
21 provide for payment, or until a decision providing otherwise is
22 adopted following a hearing held pursuant to this condition.
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26 DATED: 3-4-68

ELIOTT
27 ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

* * *

EXECUTION OF THE STIPULATION

I have read the Stipulation. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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MAILING AND FACSIMILE

Respondent (1) shall mail the original signed signature page of the stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Additionally, Respondent shall also (2) facsimile a copy of signed signature page, to the Department at the following telephone/fax number: (213) 576-6917, Attention: Elliott Mac Lennan. A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation.

Respondent agrees, acknowledges and understands that by electronically sending to the Department a facsimile copy of Respondent's actual signature as it appears on the stipulation that receipt of the facsimile copy by the Department shall be as binding on Respondent as if the Department had received the original signed stipulation.

DATED: 2.11.08



THOMAS CHARLES COOPER, Respondent

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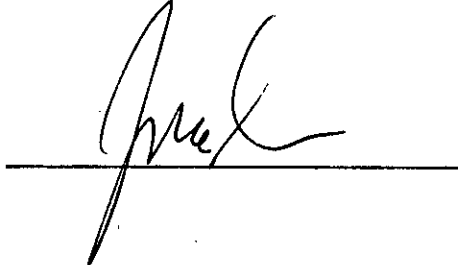
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent THOMAS CHARLES COOPER and
shall become effective at 12 o'clock noon on
June 9 , 2008.

IT IS SO ORDERED 5-6, 2008.

JEFF DAVI
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read 'Jeff Davi', is written over a horizontal line.

Sacto.

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

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

FILED

JUL 18 2007

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34127 LA
)	
THOMAS CHARLES COOPER,)	<u>A C C U S A T I O N</u>
dba Escondido Escrow Express and)	
Pacific Standard Financial Group,)	
)	
Respondent.)	
)	

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity, for cause of Accusation against THOMAS CHARLES COOPER dba Escondido Escrow Express and Pacific Standard Financial Group, is informed and alleges as follows:

1.

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 except as set forth in Paragraph 3.C, below.

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LICENSE HISTORY

2.

A. At all times mentioned, THOMAS CHARLES COOPER ("COOPER") was licensed or had license rights issued by the Department as a real estate broker. On August 8, 1983, COOPER was originally licensed as a real estate broker.

B. On October 3, 2001, in Case No. H-2592 SD, an Accusation was filed against COOPER, that resulted in discipline as set forth below in Paragraph 11.

C. On October 3, 2001, in Case No. H-2604 SD, an Desist and Refrain Order was filed against COOPER, as forth below in Paragraph 12.

LICENSED ACTIVITIES AND BROKERAGE

3.

At all times mentioned, in the City of Chula Vista, County of San Diego, COOPER acted as real estate broker and conducted licensed activities within the meaning of:

A. Code Section 10131(a). COOPER operated a residential resale brokerage.

B. Code Section 10131(d). COOPER operated a mortgage and loan brokerage dba Pacific Standard Financial Group; and

C. In addition, COOPER conducted broker-controlled escrows through his escrow division, Escondido Escrow Express and Escrow Express for Pacific Standard Financial Group and COOPER's residential realty, under the exemption set forth in California

1 Financial Code Section 17006(a)(4) for real estate brokers
2 performing escrows incidental to a real estate transaction where
3 the broker is a party and where the broker is performing acts for
4 which a real estate license is required.

5 AUDIT

6 4.

7 On November 21, 2006, the Department completed an audit
8 examination of the books and records of COOPER, pertaining only
9 to the broker-controlled escrow activities described in Paragraph
10 3.C., above, that require a real estate license. The audit
11 examination covered a period of time beginning on August 01, 2004
12 through July 31, 2006. The audit examination revealed violations
13 of the Code and the Regulations as set forth below, and more
14 fully discussed in Audit Report SD 050030 and the exhibits and
15 workpapers attached to said audit report.

16 5.

17 At all times mentioned, in connection with the
18 activities described in Paragraph 3, COOPER accepted or received
19 funds in trust (trust funds) from or on behalf of parties to real
20 estate transactions including escrowholders. Thereafter COOPER
21 made disposition of such funds. COOPER maintained the following
22 trust account into which he deposited certain of these funds:
23

24 "Pacific Standard Financial Group dba Escrow Express
25 Account No. 0790023706"
26 12312 Poway Road
27 Union Bank of California
Poway, California

("escrow trust account")

1 With respect to the licensed activities referred to in
2 Paragraph 3 and, and the audit examination including the exhibits
3 and workpapers referred to in Paragraph 4, it is alleged that
4 COOPER:

5
6 (a) Permitted, allowed or caused the disbursement of
7 trust funds from the escrow trust account where the disbursement
8 of funds reduced the total of aggregate funds in escrow trust
9 account, to an amount which, on July 31, 2006, was \$3,061.42,
10 less than the existing aggregate trust fund liability to every
11 principal who was an owner of said funds, without first obtaining
12 the prior written consent of the owners of said funds, as
13 required by Code Section 10145 and Regulations 2832.1, 2950(d),
14 2950(g) and 2951.

15 (b) Voided, reissued and disbursed eighteen checks to
16 Escondido Escrow Express without first obtaining the prior
17 written consent of the owners of said funds, as required by Code
18 Sections 10145(a) and 10177(g).

19 (c) Failed to maintain an accurate and complete control
20 record in the form of a columnar record in chronological order of
21 trust funds received, deposited and disbursed by the escrow trust
22 account, as required by Code Section 10145 and Regulation 2831,
23 2950(d) and 2951.

24 (d) Failed to maintain an accurate and complete
25 separate record for each beneficiary or transaction, thereby
26
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1 failing to account for all trust funds received, deposited and
2 disbursed by the escrow trust account, as required by Code
3 Section 10145 and Regulations 2831.1, 2950(d) and 2951.

4 (e) Failed to perform or maintain a monthly
5 reconciliation of the balance of all separate beneficiary or
6 transaction records maintained pursuant to Regulation 2831.1 with
7 the record of all trust funds received and disbursed by the
8 escrow trust account, as required by Code Section 10145 and
9 Regulations 2831.2, 2950(d) and 2951.

10 (f) The escrow trust account was not in the name of the
11 broker as trustee at a bank or other financial institution, nor
12 designated as a trust account, in violation of Code Section 10145
13 of the Code and Regulations 2832(a).

14 (g) Permitted Dianne Lowe, escrow officer, and Maria
15 Guadalupe Cooper, unlicensed and unbonded persons, to be
16 authorized signatories on the escrow trust account, in violation
17 of Code Section 10145 and Regulation 2834; and

18 (h) Used the fictitious name of "Escrow Express", to
19 conduct licensed activities including broker-controlled escrows
20 for Pacific Standard Financial Group without holding a license
21 bearing said fictitious business name, in violation of Code
22 Section 10159.5 and Regulation 2731.
23

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7.

The conduct of Respondent COOPER, described in Paragraph 6, violated the Code and the Regulations as set forth:

PARAGRAPH

PROVISIONS VIOLATED

6(a)

Code Sections 10145 Regulations 2832.1, 2950(d), 2950(g) and 2951

6(b)

Code Sections 10145(a) and 10177(g) and Regulations 2950(d) and 2951

6(c)

Code Section 10145 and Regulations 2831, 2950(d) and 2951

6(d)

Code Section 10145 and Regulations 2831.1, 2950(d) and 2951

6(e)

Code Section 10145 and Regulations 2831.2, 2950(d) and 2951

6(f)

Code Section 10145 and Regulation 2832(a), 2950(d) and 2951

1 6(g)

Code Section 10145 and Regulation 2834

2
3
4 6(h)

Code Section 10159.5 and Regulation 2731

5 Each of the foregoing violations constitute cause for the
6 suspension or revocation of the real estate license and license
7 rights of COOPER under the provisions of Code Sections 10145 and
8 10177(d) and/or 10177(g).

9
10 NEGLIGENCE

11 8.

12 The overall conduct of COOPER constitutes negligence
13 and/or incompetence. This conduct and violation are cause for
14 the suspension or revocation of the real estate license and
15 license rights of COOPER pursuant to Code Section 10177(g).

16 LACK OF SUPERVISION

17 9.

18 The overall conduct of COOPER constitutes a failure to
19 exercise supervision and control over the licensed activities of
20 his brokerage. Nor did COOPER maintain a system in place for
21 regularly monitoring his compliance with the Real Estate Law
22 especially in regard to establishing policies to review trust
23 fund handling and record keeping for his client's trust funds.
24 This conduct is cause for the suspension or revocation of the
25 real estate license and license rights of COOPER pursuant to Code
26 Sections 10177(d) and/or 10177(g) and 10177(h).

PRIOR DEPARTMENTAL ACTION

ACCUSATION

10.

On March 22, 2001, in Case No. H-2592 SD, an Accusation was filed against Respondent THOMAS CHARLES COOPER dba , that resulted in stipulated discipline including a suspension of real estate broker license on terms and conditions including a monetary penalty for violations of Code Sections 10177(g) (negligence) and 10177(h) (supervision), effective October 3, 2001.

PRIOR DEPARTMENTAL ACTION

DESIST AND REFRAIN ORDER

11.

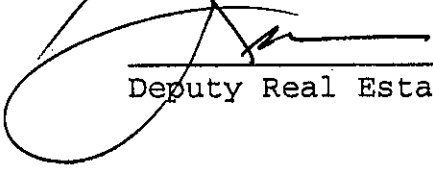
On February 1, 2001, in Case No. H-2604 SD, an ORDER TO DESIST AND REFRAIN was filed against Respondent THOMAS CHARLES COOPER dba Escrow Express and Escondido Escrow Express under Section 10086 of the Code (Engaging in Prohibited Activity, Order to Desist and Refrain) for violations of California Business and Professions Code Section 10177(c) and California Financial Code Section 17006(a)(4), in conjunction with escrow officer Diane Lane, for performing escrows for third parties loan transactions not incidental to a real estate transaction where the Respondent THOMAS CHARLES COOPER was a party and for performing acts for which a real estate license is required.

///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondent
5 THOMAS CHARLES COOPER, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9
10 Dated at Los Angeles, California

11 this 9 day of July, 2007.

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14 Deputy Real Estate Commissioner

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24 cc: Thomas Charles Cooper
25 Joseph Aiu
26 Sacto
27 Audits - Jennifer Borrromeo