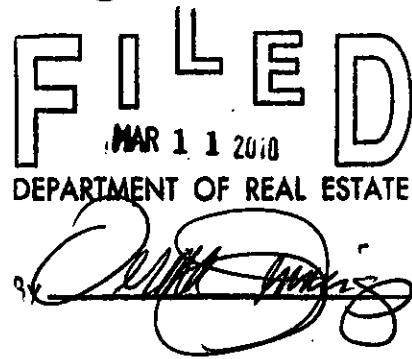


1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

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..1 . 776-6913



DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
DANIEL THOMPSON RHODES,)
and JOSE JESUS OCHOA,)
Respondents.)

No. H-35361 LA
L-2008120224

STIPULATION AND AGREEMENT

It is hereby stipulated by and between JOSE JESUS OCHOA (sometimes referred to as Respondent), and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 9, 2008, 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.
4

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

9 3. On October 27, 2008, Respondent filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that he
14 understands that by withdrawing said Notice of Defense he will
15 thereby waive his right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing such
19 as the right to present evidence in defense of the allegations
20 in the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this
23 proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations, but
25 to remain silent and understands that, as a result thereof,
26 these factual statements, will serve as a prima facie basis for
27 the disciplinary action stipulated to herein. The Real Estate

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

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

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

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation and
23 Agreement shall not constitute an estoppel, merger or bar to any
24 further administrative or civil proceedings by the Department of
25 Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this
27 proceeding.

1
2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers
4 and solely for the purpose of settlement of the pending
5 Accusation without a hearing, it is stipulated and agreed that
6 the following determination of issues shall be made:

7 The conduct of Respondent, JOSE JESUS OCHOA as
8 described in Paragraph IV, above, is grounds for the suspension
9 or revocation of all of the real estate licenses and license
10 rights of Respondent under the provisions of Section 10177(f) of
11 the Business and Professions Code.

12 ORDER

13 All licenses and licensing rights of Respondent JOSE
14 JESUS OCHOA under the Real Estate Law are revoked, provided,
15 however, a restricted real estate salesperson license shall be
16 issued to Respondent pursuant to Section 10156.5 of the Business
17 and Professions Code if Respondent makes application therefor
18 and pays to the Department of Real Estate the appropriate fee
19 for the restricted license within 90 days from the effective
20 date of this Decision. The restricted license issued to
21 Respondent shall be subject to all of the provisions of Section
22 10156.7 of the Business and Professions Code and to the
23 following limitations, conditions, and restrictions imposed
24 under authority of Section 10156.6 of that Code:

25 ///

26 ///

1 1. The restricted license issued to Respondent shall
2 be suspended for a period of one year from the date of issuance
3 of said restricted license.

4 2. The restricted license issued to Respondent may be
5 suspended prior to hearing by Order of the Real Estate
6 Commissioner in the event of Respondent's conviction or plea of
7 nolo contendere to a crime which is substantially related to
8 Respondent's fitness or capacity as a real estate licensee.

9 3. The restricted license issued to Respondent may be
10 suspended prior to hearing by Order of the Real Estate
11 Commissioner on evidence satisfactory to the Commissioner that
12 Respondent has violated provisions of the California Real Estate
13 Law, the Subdivided Lands Law, Regulations of the Real Estate
14 Commissioner or conditions attaching to the restricted license.

15 4. Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor for the
17 removal of any of the conditions, limitations or restrictions of
18 a restricted license until two years have elapsed from the
19 effective date of this Decision.

20 5. Respondent shall submit with any application for
21 license under an employing broker, or any application for
22 transfer to a new employing real estate broker on a form RE 552
23 approved by the Department of Real Estate which shall certify:

24 (a) That the employing broker has read the
25 Stipulation and Agreement which is the basis for the issuance of
26 the restricted license; and
27

1 (b) That the employing broker will carefully
2 review all transaction documents prepared by the restricted
3 licensee and otherwise exercise close supervision over the
4 licensee's performance of acts for which a license is required.

5 6. Respondent shall, within nine months from the
6 effective date of this Decision, present evidence satisfactory
7 to the Real Estate Commissioner that Respondent has, since the
8 most recent issuance of an original or renewal real estate
9 license, taken and successfully completed the continuing
10 education requirements of Article 2.5 of Chapter 3 of the Real
11 Estate Law for renewal of a real estate license. If Respondent
12 fails to satisfy this condition, the Commissioner may order the
13 suspension of the restricted license until the Respondent
14 presents such evidence. The Commissioner shall afford
15 Respondent the opportunity for a hearing pursuant to the
16 Administrative Procedure Act to present such evidence.

17 7. Respondent shall, within six months from the
18 effective date of this Decision, take and pass the Professional
19 Responsibility Examination administered by the Department
20 including the payment of the appropriate examination fee. If
21 Respondent fails to satisfy this condition, the Commissioner may
22 order suspension of Respondent's license until Respondent passes
23 the examination.

24 DATED: Dec. 3, 2009

25
26 James R. Peel
27 JAMES R. PEEL
Counsel for Complainant

1 * * *

2 I have read the Stipulation and Agreement, have
3 discussed it with my attorney if represented, and its terms are
4 understood by me and are agreeable and acceptable to me. I
5 understand that I am waiving rights given to me by the
6 California Administrative Procedure Act (including but not
7 limited to Sections 11506, 11508, 11509 and 11513 of the
8 Government Code), and I willingly, intelligently and voluntarily
9 waive those rights, including the right of requiring the
10 Commissioner to prove the allegations in the Accusation at a
11 hearing at which I would have the right to cross-examine
12 witnesses against me and to present evidence in defense and
13 mitigation of the charges.
14

15 Respondent can signify acceptance and approval of the
16 terms and conditions of this Stipulation and Agreement by faxing
17 a copy of the signature page, as actually signed by Respondent,
18 to the Department at the following telephone/fax number: (213)
19 576-6917. Respondent agrees, acknowledges and understands that
20 by electronically sending to the Department a fax copy of his
21 actual signature as it appears on the Stipulation and Agreement
22 that receipt of the faxed copy by the Department shall be as
23 binding on Respondent as if the Department had received the
24 original signed Stipulation and Agreement.

25 ///

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27 ///

1
2 Further, if the Respondent is represented in these
3 proceedings, the Respondent's attorney can signify her agreement
4 to the terms and conditions of the Stipulation and Agreement by
5 submitting that signature via fax.

6
7
8 DATED: 12/1/09


JOSE JESUS OCHOA
Respondent

9
10
11 * * *

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision in this matter and shall become effective
14 at 12 o'clock noon on _____.

15 IT IS SO ORDERED _____

16
17 JEFF DAVI
Real Estate Commissioner
18
19 _____
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1 Further, if the Respondent is represented in these
2 proceedings, the Respondent's attorney can signify her agreement
3 to the terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.
5

6
7
8 DATED: _____

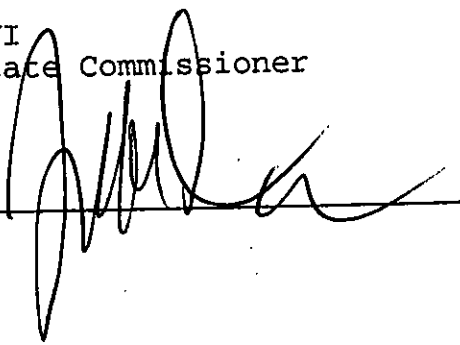
JOSE JESUS OCHOA
Respondent

9
10
11 * * *

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision in this matter and shall become effective
14 at 12 o'clock noon on APR - 1 2010

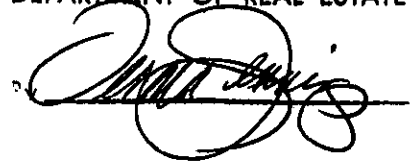
15 IT IS SO ORDERED _____

JAN 21 2010

16 JEFF DAVIS
17 Real Estate Commissioner
18
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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013
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FILED
MAR 11 2010
DEPARTMENT OF REAL ESTATE



8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 DANIEL THOMPSON RHODES,)
14 and JOSE JESUS OCHOA,)
Respondents.)

No. H-35361 LA
L-2008120224

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between DANIEL THOMPSON
16 RHODES (sometimes referred to as Respondent), and his attorney
17 Jeffery J. Czech, and the Complainant, acting by and through
18 James R. Peel, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing of the
20 Accusation filed on October 9, 2008, in this matter.
21

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative

26 ///

27 ///

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.
4

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

9 3. On October 20, 2008, Respondent filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that he
14 understands that by withdrawing said Notice of Defense he will
15 thereby waive his right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing such
19 as the right to present evidence in defense of the allegations
20 in the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this
23 proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations, but
25 to remain silent and understands that, as a result thereof,
26 these factual statements, will serve as a prima facie basis for
27 the disciplinary action stipulated to herein. The Real Estate

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

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

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

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation and
23 Agreement shall not constitute an estoppel, merger or bar to any
24 further administrative or civil proceedings by the Department of
25 Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this
27 proceeding.

1
2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers
4 and solely for the purpose of settlement of the pending
5 Accusation without a hearing, it is stipulated and agreed that
6 the following determination of issues shall be made:

7 The conduct of Respondent, DANIEL THOMPSON RHODES as
8 described in Paragraph IV, above, is grounds for the suspension
9 or revocation of all of the real estate licenses and license
10 rights of Respondent under the provisions of Section 10177(f) of
11 the Business and Professions Code.

12 ORDER

13 All licenses and licensing rights of Respondent DANIEL
14 THOMPSON RHODES under the Real Estate Law are revoked, provided,
15 however, a restricted real estate salesperson license shall be
16 issued to Respondent pursuant to Section 10156.5 of the Business
17 and Professions Code if Respondent makes application therefor
18 and pays to the Department of Real Estate the appropriate fee
19 for the restricted license within 90 days from the effective
20 date of this Decision. The restricted license issued to
21 Respondent shall be subject to all of the provisions of Section
22 10156.7 of the Business and Professions Code and to the
23 following limitations, conditions, and restrictions imposed
24 under authority of Section 10156.6 of that Code:

25 ///

26 ///

1 1. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions of
15 a restricted license until one year has elapsed from the
16 effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing real estate broker on a form RE 552
20 approved by the Department of Real Estate which shall certify:

21 (a) That the employing broker has read the
22 Stipulation and Agreement which is the basis for the issuance of
23 the restricted license; and

24 (b) That the employing broker will carefully
25 review all transaction documents prepared by the restricted
26 licensee and otherwise exercise close supervision over the
27 licensee's performance of acts for which a license is required.

1 5. Respondent shall, within nine months from the
2 effective date of this Decision, present evidence satisfactory
3 to the Real Estate Commissioner that Respondent has, since the
4 most recent issuance of an original or renewal real estate
5 license, taken and successfully completed the continuing
6 education requirements of Article 2.5 of Chapter 3 of the Real
7 Estate Law for renewal of a real estate license. If Respondent
8 fails to satisfy this condition, the Commissioner may order the
9 suspension of the restricted license until the Respondent
10 presents such evidence. The Commissioner shall afford
11 Respondent the opportunity for a hearing pursuant to the
12 Administrative Procedure Act to present such evidence.

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

20 DATED: Dec. 3, 2009

21
22 James R. Peel
23 JAMES R. PEEL
24 Counsel for Complainant
25
26
27

1 * * *

2 I have read the Stipulation and Agreement, have
3 discussed it with my attorney if represented, and its terms are
4 understood by me and are agreeable and acceptable to me. I
5 understand that I am waiving rights given to me by the
6 California Administrative Procedure Act (including but not
7 limited to Sections 11506, 11508, 11509 and 11513 of the
8 Government Code), and I willingly, intelligently and voluntarily
9 waive those rights, including the right of requiring the
10 Commissioner to prove the allegations in the Accusation at a
11 hearing at which I would have the right to cross-examine
12 witnesses against me and to present evidence in defense and
13 mitigation of the charges.
14

15 Respondent can signify acceptance and approval of the
16 terms and conditions of this Stipulation and Agreement by faxing
17 a copy of the signature page, as actually signed by Respondent,
18 to the Department at the following telephone/fax number: (213)
19 576-6917. Respondent agrees, acknowledges and understands that
20 by electronically sending to the Department a fax copy of his
21 actual signature as it appears on the Stipulation and Agreement
22 that receipt of the faxed copy by the Department shall be as
23 binding on Respondent as if the Department had received the
24 original signed Stipulation and Agreement.

25 ///

26 ///

27 ///

1
2 FURTHER, IF the Respondent is represented in these
3 proceedings, the Respondent's attorney can signify his agreement
4 to the terms and conditions of the Stipulation and Agreement by
5 submitting that signature via fax.

DATED:

12-1-09

Daniel Thompson Rhodes
DANIEL THOMPSON RHODES
Respondent

DATED:

12-1-09

Jeffery J. Green
JEFFERY J. GREEN
Respondent's Counsel

* * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision in this matter and shall become effective
17 at 12 o'clock noon on _____.

IT IS SO ORDERED _____

JEFF DAVIS
Real Estate Commissioner

1 Further, if the Respondent is represented in these
2 proceedings, the Respondent's attorney can signify his agreement
3 to the terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.
5

6
7
8 DATED: _____

DANIEL THOMPSON RHODES
Respondent

9
10
11 DATED: _____

JEFFERY J. CZECH
Respondent's Counsel

12
13
14 * * *

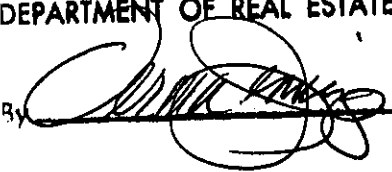
15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision in this matter and shall become effective
17 at 12 o'clock noon on April 1, 2010.

18 IT IS SO ORDERED 1-21-10

19 JEFF DAVI
20 Real Estate Commissioner
21
22
23
24
25
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27

Hand
Flag

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

FILED
OCT - 9 2008
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) No. H-35361 LA
12)
13)
14 DANIEL THOMPSON RHODES,)
15 and JOSE JESUS OCHOA,)
16 Respondents.)

17 The Complainant, Robin L. Trujillo, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 accusation against DANIEL THOMPSON RHODES, and JOSE JESUS OCHOA,
20 alleges as follows:

21 I
22 The Complainant, Robin L. Trujillo, acting in her
23 official capacity as a Deputy Real Estate Commissioner of the
24 State of California, makes this Accusation against DANIEL
25 THOMPSON RHODES and JOSE JESUS OCHOA.

26 ///
27 ///

1 II

2 DANIEL THOMPSON RHODES and JOSE JESUS OCHOA
3 (hereinafter referred to as "Respondents") are presently licensed
4 and/or have license rights under the Real Estate Law (Part 1 of
5 Division 4 of the Business and Professions Code, hereinafter
6 Code).

7 III

8 At all times herein mentioned, Respondent DANIEL
9 THOMPSON RHODES was licensed by the Department of Real Estate of
10 the State of California as a real estate salesperson.

11 IV

12 At all times herein mentioned, Respondent JOSE JESUS
13 OCHOA was licensed as a real estate broker. Respondent's broker
14 license was restricted as a result of the Decision in case No.
15 31080 LA effective January 6, 2005.

16 V

17 At all times material herein, Respondents engaged in
18 the business of, acted in the capacity of, advertised or assumed
19 to act as a real estate broker in the State of California, within
20 the meaning of Section 10131(d) of the Code, including soliciting
21 borrowers and lenders and negotiating loans on real property.

22 VI

23 On or about August 24, 2005 Respondent Rhodes solicited
24 and negotiated a first and second mortgage for borrower
25 Concepcion Guadalupe Zanabria for property at 6531 Rexford Drive,
26 Riverside, California from lender Argent Mortgage Company. The
27 loan applications indicate occupancy is primary residence.

On or about September 22, 2005 Respondent Rhodes solicited and negotiated a mortgage for borrower Zanabria for property at 13667 Caspian Way, Moreno Valley, California from lender World Savings Bank. The loan application indicates occupancy is primary residence and did not disclose ownership of the Rexford Drive property.

VII

On or about August 31, 2005 Respondent Rhodes solicited and negotiated a first mortgage and a second mortgage for borrower Fernando Gonzalez for property at 12153 Allard Street, Norwalk, California from lender Argent Mortgage Company. The loan applications indicate occupancy is primary residence.

On or about September 23, 2005 Respondent Rhodes solicited and negotiated a first mortgage and a second mortgage for borrower Gonzalez for property at 13651 Cope Court, Moreno Valley, California from lender Resmae Mortgage Corporation. The loan applications indicate occupancy is primary and did not disclose ownership of the Allard Street property.

VIII

On or about October 4, 2005 Respondent Rhodes solicited and negotiated a first mortgage and a second mortgage for borrower Raul Mejia for property at 25660 Onate Drive, Moreno Valley, California from lender Argent Mortgage Company. The loan applications indicate occupancy is primary residence.

On or about October 14, 2005 Respondent Rhodes solicited and negotiated a first mortgage and a second mortgage for borrower Mejia for property at 28084 Blossomwood Court,

1 Meniffee, California from lender Residential Mortgage &
2 Investment. The loan applications indicate occupancy is primary
3 residence and did not disclose ownership of the Onate Drive
4 property.

5 IX

6 On or about October 14, 2005 Respondent Rhodes
7 solicited and negotiated a mortgage for borrower Jose Juarez for
8 property at 26658 Opal Street, Moreno Valley, California from
9 lender Resmae Mortgage Corporation. The loan application
10 indicates occupancy is primary residence.

11 On or about November 9, 2005 Respondent Rhodes
12 solicited and negotiated a first mortgage and a second mortgage
13 for borrower Juarez for property at 12180 Odessa Drive, Moreno
14 Valley, California from lender Argent Mortgage Company. The loan
15 applications indicate occupancy is primary occupancy and did not
16 disclose ownership of the Opal Street property.

17 X

18 On or about November 2, 2005 Respondent Rhodes
19 solicited and negotiated a mortgage for borrower Patricia Marie
20 Padilla for property at 24560 Sinaloa Street, Moreno Valley,
21 California from lender Resmae Mortgage Corporation. The loan
22 application indicates occupancy is primary.

23 On or about November 16, 2005 Respondent Rhodes
24 solicited and negotiated a mortgage for borrower Padilla for
25 property at 24560 Hemlock Avenue, Moreno Valley, California from
26 lender Residential Mortgage & Investment, Inc. The loan
27

1 application indicates occupancy is primary and did not disclose
2 ownership of the Sinaloa Street property.

3 On or about November 16, 2005 Respondent Rhodes
4 solicited and negotiated a mortgage for borrower Padilla for
5 property at 12840 December Court, Riverside, California from
6 lender Novastar Mortgage, Inc. The loan application indicates
7 primary occupancy and did not disclose ownership of the Sinaloa
8 Street property.

9 On or about November 29, 2005 Respondent Rhodes
10 solicited and negotiated a mortgage for borrower Padilla for
11 property at 25176 Silent Creek Road, Moreno Valley, California
12 from lender BNC Mortgage, Inc. The loan application indicates
13 primary occupancy and did not disclose ownership of the Sinaloa
14 Street, Hemlock Avenue, and December Court properties.

15 XI

16 On or about November 7, 2005 Respondent Rhodes
17 solicited and negotiated a first mortgage and a second mortgage
18 for borrower Rigoberto Aguilar, Jr. for property at 12669 Gorham
19 Street, Moreno Valley, California from lender Resmae Mortgage
20 Corporation. The loan applications indicate primary occupancy.

21 On or about November 30, 2005 Respondent Rhodes
22 solicited and negotiated a first mortgage and a second mortgage
23 for borrower Aguilar for property at 14908 Curry Street, Moreno
24 Valley, California from lender New Century Mortgage. The loan
25 applications indicate primary occupancy and did not disclose
26 ownership of the Gorham Street property.

1 XII

2 On or about November 16, 2005 Respondent Rhodes
3 solicited and negotiated a first mortgage and a second mortgage
4 for borrower Ricky Lopez for property at 24582 Elmendorf Drive,
5 Moreno Valley, California from lender Argent Mortgage Company.
6 The loan applications indicate primary occupancy.

7 On or about November 28, 2005 Respondent Rhodes
8 solicited and negotiated a first mortgage and a second mortgage
9 for borrower Lopez for property at 12415 Cool Court, Moreno
10 Valley, California from lender Resmae Mortgage Corporation. The
11 loan applications indicate primary occupancy and did not disclose
12 ownership of the Elmendorf Drive property.

13 XIII

14 On or about November 30, 2005 Respondent Rhodes
15 solicited and negotiated a first mortgage and a second mortgage
16 for borrower Sergio Romero for property at 24675 Skyland Drive,
17 Moreno Valley, California from lender Resmae Mortgage
18 Corporation. The loan applications indicate primary occupancy.

19 On or about December 5, 2005 Respondent Rhodes
20 solicited and negotiated a first mortgage and a second mortgage
21 for borrower Romero for property at 24871 Heil Drive, Moreno
22 Valley, California from lender Argent Mortgage Company. The loan
23 applications indicate primary occupancy and did not disclose
24 ownership of the Skyland Drive property.

25 XIV

26 Respondents Rhodes and Ochoa were at all times aware
27 that the above transactions involved dummy buyers and that

1 Respondent Ochoa intended to obtain ownership of the various
2 properties via the use of the fictitious buyers.

3 XV

4 On or about November 25, 2005 Respondent Ochoa
5 represented Alejandra Velazquez Garcia in the purchase of
6 property at 22860 Canyon View Drive, Corona, California.

7 XVI

8 Respondent Ochoa and Garcia entered into a signed and
9 notarized written agreement wherein the Canyon View property is
10 under Garcia's name, but Respondent Ochoa is purchasing the
11 property and in one month the Grant Deed will be changed to
12 reflect Ochoa's ownership and will be refinanced within one year
13 to take Garcia off the loan.

14 XVII

15 On or about December 16, 2005 escrow closed and the
16 loan funded on Canyon View with Garcia as the borrower. Ochoa
17 did not disclose the written agreement to the lender. Garcia
18 thereafter signed the Grant Deed transferring title to Ochoa.

19 XVIII

20 Due to the higher risk related to investment
21 properties, it is unlikely that the lenders would have approved
22 these loans for the granted terms had Respondent Rhodes disclosed
23 that the subject properties were investment properties.

24 XIX

25 On or about January 25, 2006 Padilla executed Grant
26 Deeds transferring title on the Silent Creek, December Court,
27

1 Sinaloa Street, and Hemlock Avenue properties to Respondent Ochoa
2 for no consideration.

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4 On or about June 16, 2006 Lopez executed Grant Deeds
5 transferring title on the Cool Ct. and Elmendorf properties to
6 Respondent Ochoa for no consideration.

7 XXI

8 On or about December 7, 2006 Mejia executed a Grant
9 Deed transferring title on the Blossomwood Ct. property to
10 Respondent Ochoa for no consideration.

11 XXII

12 On or about December 12, 2006 Juarez executed a Grant
13 Deed transferring title on the Odessa Dr. property to Respondent
14 Ochoa for no consideration.

15 XXIII

16 The conduct, acts and/or omissions of Respondents
17 DANIEL THOMPSON RHODES, and JOSE JESUS OCHOA, as alleged above,
18 subject their real estate licenses and license rights to
19 suspension or revocation pursuant to Code Sections 10176(a),
20 10176(i), 10177(f) and (j).

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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 all licenses and license rights of Respondents
5 DANIEL THOMPSON RHODES, and JOSE JESUS OCHOA under the Real
6 Estate Law (Part 1 of Division 4 of the Business and Professions
7 Code) and for such other and further relief as may be proper
8 under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 8 day of October, 2008.

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14 ROBIN L. TRUJILLO
15 Deputy Real Estate Commissioner
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23 cc: Daniel Thompson Rhodes
24 The Real Estate Store, Inc.
25 Jose Jesus Ochoa
26 Robin L. Trujillo -
27 Sacto.
Phil Ihde