

786

FILED

MAY - 7 2009

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-35502 LA

POPE MORTGAGE & ASSOCIATES INC.,)

L-2009010216

doing business as Pope Real)

Estate , Pope Mortgage &)

Associates, Pope Mortgage, and)

North American Escrow; POPE)

FINANCIAL CENTER INC., doing)

business as Pope & Associates;)

PAUL N. POPE, individually, and)

Doing business as Pope Realty &)

Mortgage, Pope Mortgage &)

Associates Realty, Pope Mortgage)

& Associates, and North American)

Escrow, and as designated)

officer of Pope Mortgage &)

Associates Inc. and of Pope)

Financial Center Inc.,)

Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 5, 2008, an Accusation and a First Amended
Accusation was filed on March 19, 2009, in this matter against
Respondent POPE FINANCIAL CENTER INC.

1 On April 21, 2009, Respondent petitioned the
2 Commissioner to voluntarily surrender its real estate license(s)
3 pursuant to Section 10100.2 of the Business and Professions Code.

4 IT IS HEREBY ORDERED that Respondent POPE FINANCIAL
5 CENTER INC.'s petition for voluntary surrender of its real estate
6 license(s) is accepted as of the effective date of this Order as
7 set forth below, based upon the understanding and agreement
8 expressed in Respondent's Declaration dated April 21, 2009
9 (attached as Exhibit "A" hereto). Respondent's license
10 certificate(s), pocket card(s) and any branch office license
11 certificate(s) shall be sent to the below listed address so that
12 they reach the Department on or before the effective date of this
13 Order:

14 DEPARTMENT OF REAL ESTATE
15 Attn: Licensing Flag Section
16 P. O. Box 187000
Sacramento, CA 95818-7000

17 This Order shall become effective at 12 o'clock noon
18 on May 27, 2009.

19 DATED: 5-6, 2009

21 JEFF DAVI
22 Real Estate Commissioner
23
24
25
26
27

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-35502 LA
)
POPE FINANCIAL CENTER)
INC., doing business as Pope)
Real Estate, Pope Mortgage &)
Associates, Pope Mortgage,)
and North American Escrow;)
POPE FINANCIAL CENTER INC.,)
doing business as Pope &)
Associates; PAUL N. POPE,)
individually, and doing)
business as Pope Realty &)
Mortgage, Pope Mortgage &)
Associates Realty, Pope)
Mortgage & Associates,)
and North American Escrow,)
and as designated officer)
of Pope Mortgage & Asso-)
ciates Inc. and of Pope)
Financial Center Inc.,)
)
Respondents.)
_____)

DECLARATION

My name is PAUL N. POPE. POPE FINANCIAL
CENTER INC. is licensed as a real estate corporation and/or has

1 license rights with respect to said license. I am currently an
2 officer of POPE FINANCIAL CENTER INC., and am authorized and
3 empowered to sign this declaration on behalf of POPE FINANCIAL
4 CENTER INC. POPE FINANCIAL CENTER INC. is represented in this
5 matter by Gary E. Mastin, Esq.

6 In lieu of proceeding in this matter in accordance with
7 the provisions of the Administrative Procedure Act (Sections
8 11400 et seq., of the Government Code) POPE FINANCIAL CENTER INC.
9 wishes to voluntarily surrender its real estate license issued by
10 the Department of Real Estate ("Department"), pursuant to the
11 provisions of Business and Professions Code Section 10100.2.

12 I understand that POPE FINANCIAL CENTER INC., by so
13 voluntarily surrendering its license, can only have it reinstated
14 in accordance with the provisions of Section 11522 of the
15 Government Code. I also understand that by so voluntarily
16 surrendering its license, POPE FINANCIAL CENTER INC. agrees to
17 the following:

18 1. The filing of this Declaration shall be deemed as
19 the petition of POPE FINANCIAL CENTER INC. for voluntary
20 surrender.

21 2. It shall also be deemed to be an understanding and
22 agreement by POPE FINANCIAL CENTER INC. that it waives all rights
23 it has to require the Commissioner to prove the allegations
24 contained in the Accusation filed in this matter at a hearing
25 held in accordance with the provisions of the Administrative
26 Procedure Act (Government Code Sections 11400 et seq.), and that
27 POPE FINANCIAL CENTER INC. also waives other rights afforded to

1 it in connection with the hearing such as the right to discovery,
2 the right to present evidence in defense of the allegations in
3 the Accusation and the right to cross-examine witnesses.

4 3. I further agree that upon acceptance by the
5 Commissioner, as evidenced by an appropriate order, all
6 affidavits and all relevant evidence obtained by the Department
7 in this matter prior to the Commissioner's acceptance, and all
8 allegations contained in the Accusation filed by the Department
9 in Case No. B-35302 LA, may be considered by the Department to be
10 true and correct for the purpose of deciding whether to grant
11 relicensure or reinstatement of POPE FINANCIAL CENTER INC.'s
12 license pursuant to Government Code Section 11522..

13 4. I am acting freely and voluntarily on behalf of
14 POPE FINANCIAL CENTER INC. to surrender its license and all
15 license rights attached thereto.

16 I declare under penalty of perjury under the laws of
17 the State of California that the above is true and correct.

18

19

20

21

22

23

24

25

26

27

4-21-09 Rancho Cucamonga CA

Paul N. Pope

Date and Place

nan
FILED

MAY - 7 2009

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-35502 LA

POPE MORTGAGE & ASSOCIATES INC.,)

L-2009010216

doing business as Pope Real)
Estate , Pope Mortgage &)
Associates, Pope Mortgage, and)
North American Escrow; POPE)
FINANCIAL CENTER INC., doing)
business as Pope & Associates;)
PAUL N. POPE, individually, and)
Doing business as Pope Realty &)
Mortgage, Pope Mortgage &)
Associates Realty, Pope Mortgage)
& Associates, and North American)
Escrow, and as designated)
officer of Pope Mortgage &)
Associates Inc. and of Pope)
Financial Center Inc.,)

Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 5, 2008, an Accusation and a First Amended
Accusation was filed on March 19, 2009, in this matter against
Respondent POPE MORTGAGE & ASSOCIATES INC.

1 On April 21, 2009, Respondent petitioned the
2 Commissioner to voluntarily surrender its real estate license(s)
3 pursuant to Section 10100.2 of the Business and Professions Code.

4 IT IS HEREBY ORDERED that Respondent POPE MORTGAGE &
5 ASSOCIATES INC.'s petition for voluntary surrender of its real
6 estate license(s) is accepted as of the effective date of this
7 Order as set forth below, based upon the understanding and
8 agreement expressed in Respondent's Declaration dated April 21,
9 2009 (attached as Exhibit "A" hereto). Respondent's license
10 certificate(s), pocket card(s) and any branch office license
11 certificate(s) shall be sent to the below listed address so that
12 they reach the Department on or before the effective date of this
13 Order:

14 DEPARTMENT OF REAL ESTATE
15 Attn: Licensing Flag Section
16 P. O. Box 187000
Sacramento, CA 95818-7000

17 This Order shall become effective at 12 o'clock noon
18 on May 27, 2009.

19 DATED: 5-6, 2009
20

21 JEFF DAVI
22 Real Estate Commissioner
23
24
25
26
27

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-35502 LA
)
POPE MORTGAGE & ASSOCIATES)
INC., doing business as Pope)
Real Estate, Pope Mortgage &)
Associates, Pope Mortgage,)
and North American Escrow;)
POPE FINANCIAL CENTER INC.,)
doing business as Pope &)
Associates; PAUL N. POPE,)
individually, and doing)
business as Pope Realty &)
Mortgage, Pope Mortgage &)
Associates Realty, Pope)
Mortgage & Associates,)
and North American Escrow,)
and as designated officer)
of Pope Mortgage & Asso-)
ciates Inc. and of Pope)
Financial Center Inc.,)
)
Respondents.)
_____)

DECLARATION

My name is PAUL N. POPE. POPE MORTGAGE &
ASSOCIATES INC. is licensed as a real estate corporation and/or

1 has license rights with respect to said license. I am currently
2 an officer of POPE MORTGAGE & ASSOCIATES INC., and am authorized
3 and empowered to sign this declaration on behalf of POPE
4 MORTGAGE & ASSOCIATES INC. POPE MORTGAGE & ASSOCIATES INC. is
5 represented in this matter by Gary E. Mastin, Esq.

6 In lieu of proceeding in this matter in accordance with
7 the provisions of the Administrative Procedure Act (Sections
8 11400 et seq., of the Government Code) POPE MORTGAGE & ASSOCIATES
9 INC. wishes to voluntarily surrender its real estate license
10 issued by the Department of Real Estate ("Department"), pursuant
11 to the provisions of Business and Professions Code Section
12 10100.2.

13 I understand that POPE MORTGAGE & ASSOCIATES INC., by
14 so voluntarily surrendering its license, can only have it
15 reinstated in accordance with the provisions of Section 11522 of
16 the Government Code. I also understand that by so voluntarily
17 surrendering its license, POPE MORTGAGE & ASSOCIATES INC. agrees
18 to the following:

19 1. The filing of this Declaration shall be deemed as
20 the petition of POPE MORTGAGE & ASSOCIATES INC. for voluntary
21 surrender.

22 2. It shall also be deemed to be an understanding and
23 agreement by POPE MORTGAGE & ASSOCIATES INC. that it waives all
24 rights it has to require the Commissioner to prove the
25 allegations contained in the Accusation filed in this matter at a
26 hearing held in accordance with the provisions of the
27 Administrative Procedure Act (Government Code Sections 11400 et

1 seq.), and that POPE MORTGAGE & ASSOCIATES INC. also waives other
2 rights afforded to it in connection with the hearing such as the
3 right to discovery, the right to present evidence in defense of
4 the allegations in the Accusation and the right to cross-examine
5 witnesses.

6 3. I further agree that upon acceptance by the
7 Commissioner, as evidenced by an appropriate order, all
8 affidavits and all relevant evidence obtained by the Department
9 in this matter prior to the Commissioner's acceptance, and all
10 allegations contained in the Accusation filed by the Department
11 in Case No. H-35502 LA, may be considered by the Department to be
12 true and correct for the purpose of deciding whether to grant
13 relicensure or reinstatement of POPE MORTGAGE & ASSOCIATES INC.'s
14 license pursuant to Government Code Section 11522.

15 4. I am acting freely and voluntarily on behalf of
16 POPE MORTGAGE & ASSOCIATES INC. to surrender its license and all
17 license rights attached thereto.

18 I declare under penalty of perjury under the laws of
19 the State of California that the above is true and correct.

20 4-21-09 Rancho Cucamonga, CA

Paul N. Pope

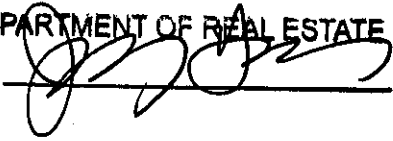
21 Date and Place

2. 7/10/09

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

MAY - 7 2009

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35502 LA
POPE MORTGAGE & ASSOCIATES INC.,)	L-2009010216
doing business as Pope Real)	
Estate , Pope Mortgage &)	
Associates, Pope Mortgage, and)	
North American Escrow; POPE)	
FINANCIAL CENTER INC., doing)	
business as Pope & Associates;)	
PAUL N. POPE, individually, and)	
Doing business as Pope Realty &)	
Mortgage, Pope Mortgage &)	
Associates Realty, Pope Mortgage)	
& Associates, and North American)	
Escrow, and as designated)	
officer of Pope Mortgage &)	
Associates Inc. and of Pope)	
Financial Center Inc.,)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 5, 2008, an Accusation and a First Amended
Accusation was filed on March 19, 2009, in this matter against
Respondent PAUL N. POPE.

1 On April 21, 2009, Respondent petitioned the
2 Commissioner to voluntarily surrender his real estate broker
3 license(s) pursuant to Section 10100.2 of the Business and
4 Professions Code.

5 IT IS HEREBY ORDERED that Respondent PAUL N. POPE's
6 petition for voluntary surrender of his real estate broker
7 license(s) is accepted as of the effective date of this Order as
8 set forth below, based upon the understanding and agreement
9 expressed in Respondent's Declaration dated April 21, 2009
10 (attached as Exhibit "A" hereto). Respondent's license
11 certificate(s), pocket card(s) and any branch office license
12 certificate(s) shall be sent to the below listed address so that
13 they reach the Department on or before the effective date of this
14 Order:

15 DEPARTMENT OF REAL ESTATE
16 Attn: Licensing Flag Section
17 P. O. Box 187000
Sacramento, CA 95818-7000

18 This Order shall become effective at 12 o'clock noon
19 on May 27, 2009.

20
21 DATED: 5-1, 2009

22 JEFF DAVI
23 Real Estate Commissioner
24
25
26
27

Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-35502 LA
)
POPE MORTGAGE & ASSOCIATES)
INC., doing business as Pope)
Real Estate, Pope Mortgage &)
Associates, Pope Mortgage,)
and North American Escrow;)
POPE FINANCIAL CENTER INC.,)
doing business as Pope &)
Associates; PAUL N. POPE,)
individually, and doing)
business as Pope Realty &)
Mortgage, Pope Mortgage &)
Associates Realty, Pope)
Mortgage & Associates,)
and North American Escrow,)
and as designated officer)
of Pope Mortgage & Asso-)
ciates Inc. and of Pope)
Financial Center Inc.,)
Respondents.)

DECLARATION

My name is PAUL N. POPE, and I am currently licensed as
a real estate broker and/or have license rights with respect to

1 said license. I am represented by Gary E. Mastin, Esq. in this
2 matter.

3 In lieu of proceeding in this matter in accordance with
4 the provisions of the Administrative Procedure Act (Sections
5 11400 et seq., of the Government Code) I wish to voluntarily
6 surrender my real estate license issued by the Department of Real
7 Estate ("Department"), pursuant to Business and Professions Code
8 Section 10100.2.

9 I understand that by so voluntarily surrendering my
10 license, it can only be reinstated in accordance with the
11 provisions of Section 11522 of the Government Code. I also
12 understand that by so voluntarily surrendering my license, I
13 agree to the following:

14 1. The filing of this Declaration shall be deemed as
15 my petition for voluntary surrender.

16 2. It shall also be deemed to be an understanding and
17 agreement by me that I waive all rights I have to require the
18 Commissioner to prove the allegations contained in the Accusation
19 filed in this matter at a hearing held in accordance with the
20 provisions of the Administrative Procedure Act (Government Code
21 Sections 11400 et seq.), and that I also waive other rights
22 afforded to me in connection with the hearing such as the right
23 to discovery, the right to present evidence in defense of the
24 allegations in the Accusation and the right to cross-examine
25 witnesses.

26 3. I further agree that upon acceptance by the
27 Commissioner, as evidenced by an appropriate order, all

1 affidavits and all relevant evidence obtained by the Department
2 in this matter prior to the Commissioner's acceptance, and all
3 allegations contained in the Accusation filed by the Department
4 in Case No. H-35502 LA may be considered by the Department to be
5 true and correct for the purpose of deciding whether to grant
6 relicensure or reinstatement pursuant to Government Code Section
7 11522.

8 4. I freely and voluntarily surrender all my licenses
9 and license rights under the Real Estate Law.

10 I declare under penalty of perjury under the laws of
11 the State of California that the above is true and correct.

12

13 4/21/09 Rancho Cucamonga, CA Paul N. Pope
14 Date and Place PAUL N. POPE

15

16

17

18

19

20

21

22

23

24

25

26

27

1 CHERYL D. KEILY SBN# 94008
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-5770

FILED

DEC - 5 2008

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H- 35502 LA

POPE MORTGAGE & ASSOCIATES)
INC., doing business as Pope)
Real Estate, Pope Mortgage &)
Associates, Pope Mortgage,)
and North American Escrow;)
POPE FINANCIAL CENTER INC.,)
doing business as Pope &)
Associates; PAUL N. POPE,)
individually, and doing)
business as Pope Realty &)
Mortgage, Pope Mortgage &)
Associates Realty, Pope)
Mortgage & Associates,)
and North American Escrow,)
and as designated officer)
of Pope Mortgage & Asso-)
ciates Inc. and of Pope)
Financial Center Inc.,)

A C C U S A T I O N

Respondents.)

24
25 The Complainant, Robin Trujillo, a Deputy Real Estate
26 Commissioner of the State of California, for cause of Accusation
27 against POPE MORTGAGE & ASSOCIATES INC. (hereinafter referred to

1 as "Respondent POPE MORTGAGE"), doing business as Pope Real
2 Estate, Pope Mortgage & Associates, Pope Mortgage and North
3 American Escrow, POPE FINANCIAL CENTER INC. (hereinafter
4 referred to as "Respondent POPE FINANCIAL"), doing business as
5 Pope & Associates, and, PAUL N. POPE (hereinafter referred to as
6 "Respondent POPE"), individually, and doing business as Pope
7 Realty & Mortgage, Pope Mortgage & Associates Realty, Pope
8 Mortgage & Associates, and North American Escrow, and as
9 designated officer of Pope Mortgage & Associates Inc. and Pope
10 Financial Center Inc., is informed and alleges as follows:

11 1.

12 The Complainant, Robin Trujillo, a Deputy Real Estate
13 Commissioner of the State of California, makes this Accusation
14 in her official capacity.

15 2.

16 Respondent POPE MORTGAGE is presently licensed and/or
17 has license rights under the Real Estate Law (Part 1 of Division
18 4 of the Business and Professions Code, hereinafter "Code"), as
19 a real estate corporation acting by and through Respondent POPE
20 as its designated broker-officer.

21 3.

22 Respondent POPE FINANCIAL is presently licensed and/or
23 has license rights under the Real Estate Law, as a real estate
24 corporation acting by and through Respondent POPE as its
25 designated broker-officer.

26 ///

4.

Respondent POPE is presently licensed and/or has license rights under the Real Estate Law as a real estate broker and designated broker-officer of POPE MORTGAGE and POPE FINANCIAL.

5.

All further references to respondents herein include Respondents POPE MORTGAGE, POPE FINANCIAL, and POPE, and also include officers, directors, employees, agents and real estate licensees employed by or associated with POPE MORTGAGE, POPE FINANCIAL, and POPE, and who at all times herein mentioned were engaged in the furtherance of the business or operations of Respondents POPE MORTGAGE, POPE FINANCIAL, and POPE, and who were acting within the course and scope of their authority and employment.

6.

From July 24, 2008, to the present Respondent POPE, as the officer designated by Respondent POPE MORTGAGE pursuant to Section 10211 of the Code, was responsible for the supervision and control of the activities conducted on behalf of Respondent POPE MORTGAGE by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

7.

From February 13, 2008, to the present Respondent POPE, as the officer designated by Respondent POPE FINANCIAL

1 pursuant to Section 10211 of the Code, was responsible for the
2 supervision and control of the activities conducted on behalf of
3 Respondent POPE FINANCIAL by its officers and employees as
4 necessary to secure full compliance with the Real Estate Law as
5 set forth in Section 10159.2 of the Code.

6 8.

7 At all times herein mentioned, Respondents POPE
8 MORTGAGE, POPE FINANCIAL and POPE engaged in the business of an
9 advance fee brokerage, within the definition of Code Section
10 10131.2, in that, for fees received in advance, as well as at
11 the conclusion of transactions, Respondents performed loan
12 modification services with respect to loans which were secured
13 by liens on real property, including, but not limited to, the
14 following:

15 a. At a date unknown, you collected an advance fee
16 of \$1,000 from Samuel Hernandez pursuant to the provisions of a
17 written agreement pertaining to loan modification services to be
18 provided by you with respect to a loan secured by the real
19 property located at 15634 Beechwood Avenue, Ivanhoe, California
20 91235.

21
22 b. On or about August 1, 2008, you collected an
23 advance fee of \$2,895 from Bryan K. Batiste pursuant to the
24 provisions of a written agreement pertaining to loan
25 modification services to be provided by you with respect to a
26 loan secured by the real property located at 23338 Wagon Trail
27 Road, Diamond Bar, California 91765.

1 c. On or about August 21, 2008, and September 22,
2 2008, you collected an advance fee totaling \$2,000 from Curtis
3 Ward pursuant to the provisions of a written agreement
4 pertaining to loan modification services to be provided by you
5 with respect to a loan secured by the real property located at
6 1442 West Victoria Street, Rialto, California 92376.

7 9.

8 Respondents collected the above described advance fees
9 pursuant to the provisions of a document entitled "Loss
10 Mitigation Services Agreement," the written agreement described
11 in Paragraph 8, above, which document constitutes an advance fee
12 agreement within the meaning of Code Section 10085.

13 10.

14 Respondent POPE ordered, caused, authorized or
15 participated in the conduct of Respondents POPE MORTGAGE and
16 POPE FINANCIAL, as is alleged in this Accusation.

17 11.

18 Respondents failed to submit the written agreements
19 referred to in Paragraph 8, above, to the Commissioner ten days
20 before using them in violation of Code Section 10085 and
21 Regulation 2970.

22 12.

23 The conduct, acts and/or omissions of Respondents POPE
24 MORTGAGE, POPE FINANCIAL and POPE, as set forth above, are cause
25 for the suspension or revocation of the licenses and license
26 rights of Respondent POPE MORTGAGE, Respondent POPE FINANCIAL,
27

and Respondent POPE pursuant to Code Sections 10085, 10177(d)
and/or 10177(h).

13.

The conduct, acts and/or omissions of Respondent POPE,
as set forth above, are cause for the suspension or revocation
of the licenses and license rights of Respondent POPE pursuant
to Code sections 10159.2 and/or 10177(d) and (h).

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

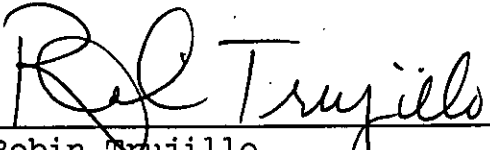
///

///

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 the licenses and license rights of Respondent
5 POPE MORTGAGE & ASSOCIATES INC., Respondent POPE FINANCIAL
6 CENTER INC. and Respondent PAUL N. POPE, individually, and as
7 designated broker-officer of Respondents Pope Mortgage &
8 Associates Inc. and Pope Financial Center Inc., under the Real
9 Estate Law (Part 1 of Division 4 of the Business and Professions
10 Code), and for such other and further relief as may be proper
11 under other applicable provisions of law.

12 Dated at Los Angeles, California

13 this 4 day of December, 2008.
14
15
16

17 
18 Robin Trujillo
19 Deputy Real Estate Commissioner
20
21
22
23
24

25 cc: POPE MORTGAGE & ASSOCIATES INC.
26 POPE FINANCIAL CENTER INC.
27 PAUL N. POPE
Robin Trujillo
Sacto.