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2 Department of Real Estate
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4 Los Angeles, California 90013

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FILED

MAY 13 2009

DEPARTMENT OF REAL ESTATE
BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of)
13)
14 RICHARD PETER MOHR, indivi-)
15 dually, and doing business as)
16 RPM Real Estate Services,)
17)
18 Respondent.)
19 _____)

No. H-35965 LA

A C C U S A T I O N

20 The Complainant, Robin Trujillo, a Deputy Real Estate
21 Commissioner of the State of California, for cause of Accusation
22 against RICHARD PETER MOHR ("MOHR"), individually, and doing
23 business as RPM Real Estate Services, is informed and alleges as
24 follows:

25 1.

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

2.

Respondent MOHR is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate broker.

3.

At all times relevant herein Andrew Lugo was licensed by the California Department of Real Estate ("Department") as a real estate salesperson.

4.

On or about March 12, 2009, at 505 E. Grove Street, Orange, California 92865, MOHR engaged in the business of negotiating, or offering to negotiate, loan modifications with respect to loans secured by liens on real property for compensation or in expectation of compensation.

FIRST CAUSE OF ACCUSATION

(Unlicensed Activity)

5.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 4, above.

6.

The activities described in Paragraph 4, above, require a real estate license under Section 10131(d) of the Code.

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7.

Respondent MOHR violated Section 10137 of the Code by employing and/or compensating individuals who were not licensed as a real estate salesperson or as a broker to perform activities requiring a license in that Respondent employed Impresa Development Corporation doing business as Loan Fixers and Paul Chiavatti to perform some or all of the services alleged in Paragraph 4, above, though neither was licensed as a real estate salesperson or broker.

8.

The conduct, acts and/or omissions of Respondent MOHR violate Code Section 10137, and are cause for the suspension or revocation of the licenses and license rights of Respondent MOHR pursuant to Code Sections 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION

(Failure to Notify of Salesperson Employment)

9.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 8, above.

10.

Respondent violated Code Section 10161.8(a) and Section 2752 of the Regulations by employing and/or compensating salesperson Andrew Lugo to perform some or all of the activities described in Paragraph 4, above, without notifying the Department within five days of such employment.

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11.

1 The conduct, acts and/or omissions of Respondent MOHR,
2 as set forth in Paragraph 10, above, are cause for the suspension
3 or revocation of the license and license rights of Respondent
4 MOHR pursuant to Code Sections 10177(d) and/or 10177(g).
5

6 WHEREFORE, Complainant prays that a hearing be
7 conducted on the allegations of this Accusation and that upon
8 proof thereof, a decision be rendered imposing disciplinary
9 action against all the licenses and license rights of Respondent
10 RICHARD PETER MOHR under the Real Estate Law, and for such other
11 and further relief as may be proper under other applicable
12 provisions of law.

13 Dated at Los Angeles, California

14 this 11 day of May, 2009.
15

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17 
18 Robin Trujillo
19 Deputy Real Estate Commissioner
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26 cc: RICHARD PETER MOHR
27 Robin Trujillo
Sacto.

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

NOV 19 2009

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12)
13 RICHARD PETER MOHR,)
14 individually, and doing)
15 business as RPM Real Estate)
16 Services,)
Respondent.)

NO. H-35965 LA
L-2009060007

STIPULATION AND AGREEMENT

17
18 It is hereby stipulated by and between RICHARD PETER
19 MOHR, individually, and doing business as RPM Real Estate
20 Services ("Respondent"), and Respondent's attorney, Edward D.
21 Lear, and the Complainant, acting by and through Cheryl Keily,
22 Counsel for the Department of Real Estate, as follows for the
23 purpose of settling and disposing of the Accusation filed on May
24 13, 2009, in this matter.

25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and
27 Respondents at a formal hearing on the Accusation, which hearing
was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

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

8 3. On May 22, 2009, Respondent filed an Answer to
9 Accusation in propria persona, pursuant to Section 11506 of the
10 Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondent hereby freely and
12 voluntarily withdraws said Answer to Accusation requesting a
13 hearing on the Accusation. Respondent acknowledges that he
14 understands that by withdrawing his request for a hearing on the
15 allegations in the Accusation he will thereby waive his right to
16 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 he will waive other rights
19 afforded to him in connection with the hearing, such as the
20 right to present evidence in defense of the allegations in the
21 Accusation and the right to cross-examine witnesses.

22 4. This Stipulation and Agreement is based on the
23 factual allegations contained in the Accusation filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondent chooses not to litigate these allegations at a formal
26 administrative hearing, but to remain silent and understand
27 that, as a result thereof, these factual allegations, without

1 being admitted or denied, will serve as a prima facie basis for
2 the disciplinary action stipulated to herein. This Stipulation
3 and Agreement and Respondent's decision not to contest the
4 Accusation are hereby expressly limited to this proceeding and
5 made for the sole purpose of reaching an agreed disposition of
6 this proceeding. Respondent's decision not to contest the
7 factual allegations at a formal administrative hearing is made
8 solely for the purpose of effectuating this Stipulation and
9 Agreement and is intended to be non-binding upon Respondent in
10 any actions against him by third parties. The Real Estate
11 Commissioner shall not be required to provide further evidence
12 to prove said factual allegations.

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

24 6. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation and
26 Agreement shall not constitute an estoppel, merger or bar to any
27 further administrative or civil proceedings by the Department of

1 Real Estate with respect to any matters which were not
2 specifically alleged to be causes for accusation in this
3 proceeding.

4 DETERMINATION OF ISSUES

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

9 The conduct of Respondent, as described in the
10 Accusation, are in violation of Code Sections 10137 and
11 10161.8(a), and are grounds for the suspension or revocation of
12 all the real estate licenses and license rights of Respondent
13 under the provisions of Business & Professions Code sections
14 10177(d) and 10177(g).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 1. ALL licenses and licensing rights of Respondent
18 RICHARD PETER MOHR under the Real Estate Law are suspended for a
19 period of ninety (90) days from the effective date of this
20 decision. The entire period of the ninety (90) day suspension
21 shall be stayed for two (2) years upon the following terms and
22 conditions:

23 a. Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and

26 b. That no final subsequent determination be made,
27 after hearing or upon stipulation, that cause for disciplinary

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 2. Respondent shall, within six months from the
8 effective date of this Decision, take and pass the Professional
9 Responsibility Examination administered by the Department
10 including the payment of the appropriate examination fee. If
11 Respondent fails to satisfy this condition, the Commissioner may
12 order suspension of Respondent's license until Respondent passes
13 the examination.

14
15 DATED: 10/13/09




CHERYL D. KELLY, Counsel
DEPARTMENT OF REAL ESTATE

16
17 * * *

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

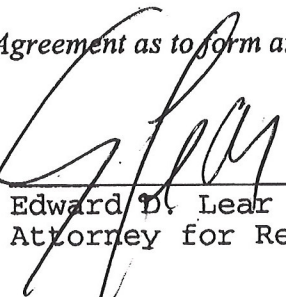
1 Respondent can signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of its signature page, as actually signed by Respondent,
4 to the Department at the following telephone/fax number (213)
5 576-6917. Respondent agrees, acknowledges, and understands that
6 by electronically sending to the Department a fax copy of his
7 actual signature as it appears on the Stipulation and Agreement,
8 that receipt of the faxed copy by the Department shall be as
9 binding on Respondent as if the Department had received the
10 original signed Stipulation and Agreement.

11 DATED: 10-8-09


12 RICHARD PETER MOHR
13 Respondent

14 *I have reviewed the Stipulation and Agreement as to form and content and have*
15 *advised my clients accordingly.*

16 DATED: 10/9/09


17 Edward D. Lear
18 Attorney for Respondent

19 * * *

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision in this matter and shall become effective
22 at 12 o'clock noon on December 9, 2009.

23 IT IS SO ORDERED 11/16, 2009.

24 
25 JEFF DAVI
26 Real Estate Commissioner

27 BY: Barbara J. Bigby
Chief Deputy Commissioner