

1 DEPARTMENT OF REAL ESTATE

2 P. O. Box 187007

3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0791

FILED

MAR 26 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

To:

NEGOTIATION CENTER OF AMERICA, INC.)
TODD HASOPPE, and,)
PHIL MISSILDINE.)

H-5183 SAC

ORDER TO DESIST
AND REFRAIN
(B&P Code Section 10086)

The Real Estate Commissioner of the State of California ("Commissioner") has caused an investigation to be made of your activities and based upon the findings herein below set forth, is of the opinion that you NEGOTIATION CENTER OF AMERICA, INC. ("NCA"), and you, TODD HASOPPE ("HASOPPE"), and you, PHIL MISSILDINE ("MISSILDINE"), have violated Section 10130 of the California Business and Professions Code ("Code") by engaging in the business of or acting as a real estate salesperson or broker, within the meaning of Sections 10085.5, 10130, and 10131(d) of the Code without first having obtained a real estate license from the California Department of Real Estate ("Department").

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1 UNLICENSED ACTIVITY

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3 At no time mentioned herein were you, NCA, and you, HASOPPE, and you,
4 MISSILDINE, licensed by the Department as a real estate broker or real estate salesperson, as
5 appropriate.

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7 At all times mentioned herein between on or about February of 2008, and
8 continuing up to at least June of 2008, you, NCA, engaged in the business of, acted in the
9 capacity of, or assumed to act as a real estate broker within the State of California within the
10 meaning of Section 10131(d) of the Code, including solicitation of borrowers for or negotiation
11 of loans or performance of services for borrowers or lenders or note owners in connection with
12 loans secured directly or collaterally by liens on real property, including but not limited to
13 direct solicitation as described above of individual mortgage borrowers Patricia Herron of
14 Vacaville, California, and Beth Lynagh of Martinez, California. Further, your employee or
15 assign responded to a telephone inquiry from a Department investigator with further
16 solicitation as described above.

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18 On March 14, 2008, you, NCA, and you, HASOPPE, engaged in the business
19 of, acted in the capacity of, or assumed to act as a real estate broker within the State of
20 California within the meaning of Section 10131(d) of the Code, including solicitation of
21 borrowers for or negotiation of loans or performance of services for borrowers or lenders or
22 note owners in connection with loans secured directly or collaterally by liens on real property,
23 including but not limited to direct solicitation as described above in response to a telephone
24 inquiry from a Department investigator.

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2 On June 4, 2008, you, NCA, and you, MISSILDINE, engaged in the business
3 of, acted in the capacity of, or assumed to act as a real estate broker within the State of
4 California within the meaning of Section 10131(d) of the Code, including solicitation of
5 borrowers for or negotiation of loans or performance of services for borrowers or lenders or
6 note owners in connection with loans secured directly or collaterally by liens on real property,
7 including but not limited to direct mail solicitation and telephonic solicitation as described
8 above of individual mortgage borrower Beth Lynagh of Martinez, California.

10 In acting as described in Paragraphs 2, 3, and 4, above, you, NCA, and you,
11 HASOPPE, and you, MISSILDINE, violated Sections 10130 and 10131(d) of the Code.

12 MISREPRESENTATION OF AFFILIATION WITH
13 CURRENT MORTGAGE LENDER
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16 In or about February of 2008, you, NCA, mailed a written solicitation for
17 financial services directed to consumer Patricia Herron of Vacaville, California, who had
18 previously obtained a loan from lender American Home Mortgage Acceptance. Your
19 solicitation was not consented to by American Home Mortgage Acceptance. The written
20 solicitation failed to state, in close proximity to the first and most prominent use of the name of
21 American Home Mortgage Acceptance, that NCA is not sponsored by or affiliated with
22 American Home Mortgage Acceptance, or that the solicitation by NCA was not authorized by
23 American Home Mortgage Acceptance.

25 In or about June of 2008, you, NCA, mailed a written solicitation for financial
26 services directed to consumer Beth Lynagh of Martinez, California, who had previously
27 obtained a loan from lender Long Beach Mortgage Co. Your solicitation was not consented to

1 by Long Beach Mortgage Co. The written solicitation failed to state, in close proximity to the
2 first and most prominent use of the name of Long Beach Mortgage Co, that NCA is not
3 sponsored by or affiliated with Long Beach Mortgage Co., or that the solicitation by NCA was
4 not authorized by Long Beach Mortgage Co.

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6 In acting as described in Paragraphs 6 and 7, above, you, NCA, violated Section
7 14701, et seq of the Code.

8 PROHIBITED PRACTICES BY
9 MORTGAGE FORECLOSURE CONSULTANT
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12 In acting as described in Paragraphs 2, 3, and 4, above, you, NCA, and you,
13 HASOPPE, and you, MISSILDINE, among other things, solicited and/or performed services for
14 borrowers, including but not limited to Patricia Herron and Beth Lynagh, in connection with
15 loans secured directly or collaterally by liens on real property or on a business opportunity, for
16 or in expectation of a compensation and claimed, demanded, charged, received, collected or
17 contracted for an advanced fee for such services.

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19 The acts you, NCA, and you, HASOPPE, and you, MISSILDINE, performed, for
20 or in expectation of compensation, described in Paragraph 9 above, as well as the claiming,
21 demanding, charging, receiving, collecting, or contracting for the collection of advance fees, are
22 acts requiring a real estate salesperson or broker license under the provisions of Sections 10130
23 and 10131(d) of the Code and Section 10085.5 of the Code, respectively.


24 11

25 You, NCA, and you, HASOPPE, and you, MISSILDINE, violated Sections
26 10085.5 and 10130 of the Code by engaging in the activities described in Paragraphs 9 and 10,
27 above, without first obtaining a real estate salesperson or broker license from the Department.

1 NOW, THEREFORE, YOU, NCA, AND YOU, HASOPPE, AND YOU,
2 MISSILDINE, YOUR EMPLOYEES, AGENTS, OFFICIAL SUCCESSORS AND ASSIGNS,
3 ARE ORDERED TO DESIST AND REFRAIN from (1) performing any and all acts within the
4 State of California for which a real estate salesperson or broker license is required, unless and
5 until you obtain a real estate salesperson or broker license; (2) misrepresenting your affiliation
6 with consumers' current mortgage brokers; and, (3) seeking advance fees for acts for which a
7 real estate salesperson or broker license is required, unless and until you obtain a real estate
8 salesperson or broker license.

9 DATED: 3(3), 2009

10 JEFF DAVI
11 Real Estate Commissioner

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16 cc: NEGOTIATION CENTER OF AMERICA, INC.
17 ATTN: MICHAEL CARDWELL
18 3010 W. Agua Fria Freeway
19 Phoenix, AZ 85027

20 NEGOTIATION CENTER OF AMERICA, INC.
21 c/o GIBSON FERRIN & RIGGS PLC - Agent
22 1423 S. Higley Road #110
23 Mesa, AZ 85206

24 TODD HASOPPE
25 3010 W. Agua Fria Freeway
26 Phoenix, AZ 85027

27 PHIL MISSILDINE
3010 W. Agua Fria Freeway
Phoenix, AZ 85027