

1 DEPARTMENT OF REAL ESTATE
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FILED

JUL 21 2010

DEPARTMENT OF REAL ESTATE

By H. Mar

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

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11 To:) NO. H-5429 SAC
12)
12 NEGOTIATION CENTER OF AMERICA, INC.,) ORDER TO DESIST AND REFRAIN
13 TODD HASOPPE and PHIL MISSILDINE.) (B & P Code Section 10086)
14)

15 The Real Estate Commissioner of the State of California (Commissioner) has
16 caused an investigation to be made of the activities of NEGOTIATION CENTER OF
17 AMERICA, INC. (NCA), TODD HASOPPE (HASOPPE) and PHIL MISSILDINE
18 (MISSILDINE) including engaging in the business of, acting in the capacity of, advertising, or
19 assuming to act as a real estate broker in the State of California within the meaning of Section
20 10131(d) of the California Business and Professions Code (the Code). Based upon the findings
21 of that investigation, as set forth below, the Commissioner has determined and is of the opinion
22 that NCA, HASOPPE and MISSILDINE, have violated Section 10130 of the Code by engaging
23 in the business of or acting as a real estate salesperson or broker, within the meaning of Sections
24 10085.5 (charging an advance fee), 10130 (act as a real estate broker or salesman without a
25 license) and 10131(d) (soliciting borrowers for services in connection with loans secured by real
26 property) of the Code without first having obtained a real estate license from the California
27 Department of Real Estate (Department). Whenever acts referred to below are attributed to

1 NCA, those acts are alleged to have been done by NCA, acting by itself, or by and/or through
2 one or more agents, associates, and/or co-conspirators, and using other names or fictitious
3 names unknown at this time (the related entities).

4 FINDINGS OF FACT

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

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

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

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

1 DESIST AND REFRAIN ORDER

2 Now, therefore, NEGOTIATION CENTER OF AMERICA, TODD HASOPPE
3 AND PHIL MISSILDINE, their employees and agents, ARE HEREBY ORDERED to
4 immediately Desist and Refrain from:

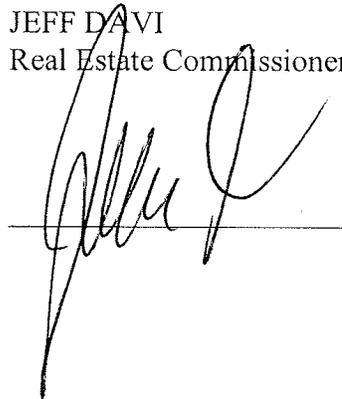
5 (1) performing any and all acts within the State of California for which a real
6 estate salesperson or broker license is required, unless and until they obtain a real estate
7 salesperson or broker license;

8 (2) misrepresenting their affiliation with consumers' current mortgage brokers;
9 and

10 (3) charging, demanding, contracting for or receiving advance fees, as that term
11 is defined in Section 10026 of the code, for acts for which a real estate salesperson or broker
12 license is required, unless and until they obtain a real estate salesperson or broker license and
13 submit an advance fee agreement to the Department for review as requested by Section 10085
14 of the Code.

15 DATED: 7/7/2000,

16 JEFF DAVI
17 Real Estate Commissioner

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