

1 Arizona Department of Real Estate
2 2910 North 44th Street, Suite 100
3 Phoenix, Arizona 85018
4 Telephone: (602) 771-7760
5 Facsimile: (602) 468-0562

6 **BEFORE THE ARIZONA DEPARTMENT OF REAL ESTATE**

7 In the matter of the real estate broker's
8 license of:

9 **Joseph Edward Shopper**, holder of license
10 number **BR012469000**,

11 Respondent.

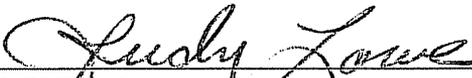
12 **File No.: 12F-DI-251**

13 **ORDER OF SUMMARY SUSPENSION
14 AND NOTICE OF OPPORTUNITY FOR
15 HEARING**

16 The Arizona Department of Real Estate (the "Department") hereby finds that **Joseph**
17 **Edward Shopper** ("Respondent") has violated the provisions of the Arizona Revised Statutes
18 ("A.R.S."), Title 32 as set forth below, and finds that the public health, safety, and welfare
19 require emergency action pursuant to A.R.S. §§ 32-2153 and 32-2157.

20 **THEREFORE, IT IS ORDERED** summarily suspending the Arizona real estate
21 broker's license number **BR012469000** of **Joseph Edward Shopper**. This suspension is
22 **effective immediately.**

23 EFFECTIVE this 22 day of February, 2012.

24 
25 **JUDY LOWE, Commissioner**
26 Arizona Department of Real Estate

27 PLEASE TAKE NOTICE that, pursuant to A.R.S. Titles 32 and 41, and Title 20,
28 Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondent is hereby notified that
this Summary Suspension Order is an appealable agency action and Respondent is entitled
to a hearing to contest the allegations set forth in this Order. Pursuant to A.R.S. §41-1092,
Respondent may request an administrative hearing to contest this Summary Suspension
Order by filing a Notice of Appeal with the Arizona Department of Real Estate within **thirty**
(30) days of service of this Summary Suspension Order. Failure to timely file a Notice of

1 Appeal will constitute a waiver of Respondent's right to a hearing on this matter and to any
2 other appeal right to which Respondent is otherwise entitled. The Notice of Appeal must
3 identify the appealing party, the party's address, the action being appealed, and must also
4 contain a concise statement of the reason(s) for the appeal. If Respondent does not file a
5 Notice of Appeal, this Summary Suspension Order shall become final.

6 Upon the filing of a Notice of Appeal, the Department shall issue a Notice of Hearing
7 scheduling the matter for hearing in accordance with A.R.S. §41-1092.05. The Notice of
8 Hearing will inform Respondent of the date, time, and location of the hearing, as well as the
9 allegations being contested.

10 If Respondent files a Notice of Appeal, Respondent may also request an Informal
11 Settlement Conference at the time of filing the Notice of Appeal, or separately by filing a
12 written request no later than twenty (20) days before the scheduled hearing. This conference
13 will be held within fifteen (15) days after receipt of your request. A Department representative
14 with authority to act on behalf of the Department will be present at the conference. Please
15 note that in requesting an Informal Settlement Conference, Respondent waives any right to
16 object to the participation of the Department Representative in the final administrative
17 decision of this matter, if it is not settled. In addition, any written or oral statement made by
18 Respondent at such informal settlement conference, including written documentation created
19 or expressed solely for purposes of settlement negotiations, are inadmissible in any
20 subsequent administrative hearing. (See A.R.S. §41-1092.06 for rules regarding informal
21 settlement conferences). Conversely, any written or oral statement made by Respondent
22 outside an Informal Settlement Conference is not barred from being admitted by the
23 Department in any subsequent hearing. ***The Department is under no obligation to accept
24 settlement terms Respondent may offer.*** The Informal Settlement Conference will not
25 delay the scheduled hearing.

26 The Notice of Appeal and request for an Informal Settlement Conference should be
27 addressed to:

28 Enforcement and Compliance Division
Arizona Department of Real Estate

1 2910 N. 44th Street, Floor 1, Suite 100
2 Phoenix, Arizona 85018

3 If Respondent does not request a hearing, this Summary Suspension Order shall
4 become final. If Respondent requests a hearing, the purpose of the hearing shall be to
5 determine if grounds exist for: (1) the suspension or revocation of Respondent's license
6 pursuant to A.R.S. §§32-2153 and 32-2157; (2) the imposition of a civil monetary penalty
7 pursuant to A.R.S. §32-2160.01; and (3) an order or any other remedy the Commissioner
8 deems appropriate or necessary to protect the public interest and ensure compliance with
9 Arizona's real estate laws.

10 **FACTUAL FINDINGS**

11 1. On or about July 8, 1985, the Department issued original broker's License Number
12 BR012469000 to Respondent. That license expires on November 30, 2012. Respondent is
13 currently employed as the Designated Broker by Condominium Rental Services LLC dba
14 Condominium Rental Services, holder of license number LC506032000.

15 2. On or about January 24, 2011, Respondent entered into a plea agreement with the
16 United States District Court, State of Arizona, Case No. CR-10-0823-PHX-SRB, pleading
17 guilty to Perjury, a Class D felony. The case involved Respondent's providing false
18 information regarding an application for a loan to purchase a residential property.

19 3. On or about August 1, 2011, the Court accepted Respondent's plea agreement and
20 found Respondent guilty of Perjury. Respondent was placed on five (5) years Probation and
21 ordered to pay restitution in the amount of \$491,492.53.

22 4. Respondent failed to timely notify the Department of the conviction as required by
23 A.A.C. R4-28-301 (F) and A.A.C. R4-28-303 (D).

24 5. The conduct described above constitutes grounds for the summary suspension of
25 Respondent's broker's license.

26 **VIOLATIONS**

27 1. Pursuant to A.R.S. Title 32, Chapter 20, the Department has the authority and duty
28 to regulate all persons engaged in the business of, or acting in the capacity of, a real estate

1 broker or salesperson, and to enforce all statutes, rules, and regulations relating to real
2 estate.

3 2. By engaging in the conduct set forth in the Factual Findings above, Respondent
4 was convicted in a court of competent jurisdiction in this or any other state of a felony in
5 violation of A.R.S. §32-2153 (B)(2).

6 3. By engaging in the conduct set forth in the Factual Findings above, Respondent
7 was guilty of conduct, whether of the same or a different character than specified in this
8 section, which constituted dishonest dealings, in violation of A.R.S. §32-2153 (B)(5).

9 4. By engaging in the conduct set forth in the Factual Findings above, Respondent
10 has not shown that she is a person of honesty, truthfulness and good character, in violation of
11 A.R.S. §32-2153 (B)(7).

12 5. By engaging in the conduct set forth in the Factual Findings above, Respondent
13 violated federal law, regulation or rule that related to dishonest dealings, in violation of A.R.S.
14 §32-2153 (B)(10).

15 6. By engaging in the conduct set forth in the Factual Findings above, Respondent
16 disregarded or violated provisions or rules of A.R.S. Title 32, Chapter 20, which constitutes
17 grounds to deny, suspend, or revoke Respondent's license pursuant to A.R.S. § 32-2153
18 (A)(3).

19 7. Pursuant to A.R.S. §§32-2157 (C) and 41-1092.11 (B), the conduct set forth in the
20 Factual Findings warrants an immediate suspension of Respondent's salesperson's license.

21 8. The violations set forth in the Factual Findings above are grounds for the
22 imposition of a civil penalty not to exceed \$1,000 per violation, pursuant to A.R.S. §32-
23 2160.01, for each violation of Title 32, Chapter 20, of the Arizona Revised Statutes and Title
24 4, Chapter 28 of the Arizona Administrative Code.

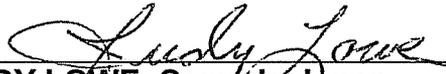
25 9. Grounds exist to summarily suspend Respondent's broker's license in accordance
26 with A.R.S. §§32-2157 (C); 32-2153 (A)(3), (B)(2), (B)(5), (B)(7), (B)(10) and 41-1092.11 (B).

27 WHEREFORE, Respondent's real estate broker's license number **BR012469000** is
28 hereby summarily suspended. If Respondent does not request a hearing to contest the above

1 WHEREFORE, Respondent's real estate broker's license number **BR012469000** is
2 hereby summarily suspended. If Respondent does not request a hearing to contest the above
3 Factual Findings, Respondent's license shall remain suspended unless and until reinstated or
4 until said license expires by operation of law.

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DATED this 22 day of February, 2012.



JUDY LOWE, Commissioner
Arizona Department of Real Estate

COPY of the foregoing sent via Certified U.S. Mail
Receipt No.
This 22nd day of FEBRUARY, 2012, to:
91 7108 2133 3938 2716 5346
Joseph Edward Shopper
C/o Condominium Rental Services
26420 N. 82nd St
Scottsdale, Arizona 85255
Respondent

1 COPY of the foregoing mailed
This 22nd day of FEBRUARY, 2012, to:

2
3 Lynette Evans, Assistant Attorney General
4 Office of the Attorney General, State of Arizona
5 1275 W. Washington St.
6 Phoenix, Arizona 85007
7 Attorney for the Department

8 Joseph Edward Shopper
9 26420 N. 82nd St
10 Scottsdale, Arizona 85255
11 Respondent

12 COPY of the foregoing delivered this
13 22nd day of FEBRUARY, 2012 to:

14 Arizona Department of Real Estate
15 Manager, Licensing and Professional Education
16 Manager, Investigations
17 Department Compliance Officer
18 ADRE Chief of Staff
19 E&C for Real Estate Bulletin

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