DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED

MAY 18 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

TO: JOHN W. POSTGATE, JR., JOSE ROBLEDO, and UNIVERSAL HOME LOANS, INC.	NO. H-2746 FR ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Real Estate Commissioner (Commissioner) of the California Department of Real Estate (Department) caused an investigation to be made of the activities of JOHN W. POSTGATE JR (POSTGATE), JOSE ROBLEDO aka JOSE NUNEZ ROBLEDO (ROBLEDO), and UNIVERSAL HOME LOANS, INC. (UHLI) (collectively referred to as "you"). Based on that investigation, the Commissioner has determined that you have engaged in, are engaging in, or are attempting to engage in, acts or practices constituting violations of the California Business and Professions Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations), including the business of, acting in the capacity of, and/or advertising or assuming to act as, real estate brokers in the State of California within the meaning of Section 10131(d) (performing services for borrowers in connection with loans secured by real property) of the Code. Additionally, you have violated Sections 10130 (unlicensed activity), 10085 (advanced fee agreements), 10085.5 (advance fee payments), 10085.6 (advance fee payments), and

10177(d) (violating the real estate law) of the Code, and Sections 2970 (advance fee materials) and 2972 (accounting content) of the Regulations. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

Whenever acts referred to below are attributed to POSTGATE, ROBLEDO, and UHLI, those acts are alleged to have been done by POSTGATE, ROBLEDO, and UHLI, acting either by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, known or unknown.

FINDINGS OF FACT

1. POSTGATE has been licensed by the Department as a real estate broker since October 2, 1979; said license will expire January 13, 2013.

2. ROBLEDO and UHLI, are not now, and have never been, licensed by the Department in any capacity.

3. During the period of time set out below, POSTGATE allowed, employed and supervised ROBLEDO dba UHLI, to perform the activities requiring a real estate license, in violation of Section 10130 of the Code.

4. Between about April 10, 2009 and February 20, 2010, POSTGATE, through ROBLEDO, claimed, demanded, charged, received, collected or contracted for advance fees from the following property owners prior to submission to the Department of any or all materials used in advanced fee agreements or performed services for the following borrowers in connection with loans secured with real property before the borrowers became obligated to complete said loans, and failed to deposit said advance fees into a trust account with a bank or other recognized depository, in violation of Sections 10085 (advance fee materials), 10085.5 (advance fees), 10085.6 (advance fees) of the Code, and Sections 2970 (advance fee materials) and 2972 (accounting content) of the Regulations:

Owner	Property Address	Advance Fee	Date
Daniel G.	Verbena Dr.	$11,350	4/10/09

(Continued)	Owner	Property Address	Advance Fee	Date
	Graciela B.	Yellow Rose Ct. Evadonna Rd. Berkshire Rd. Shadow Wells St.	$17,370	5/8/09
	Annie R.	Butternut Ave. Pageant St.	$25,000	5/9/09
	Julio D.	176th St.	$11,000	10/17/09
	Jose R.	Engelberg Dr.	$11,600	2/20/10

CONCLUSIONS OF LAW

1. Based on the Findings of Fact contained in Paragraphs 1 through 4, POSTGATE, ROBLEDO and UHLI, acting either by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, performed services for those borrowers and their lenders in connection with loans secured directly or collaterally by one or more liens on real property, and charged, demanded or collected advance fees for the services to be provided, which acts require a real estate broker license under Sections 10130, 10131(d), and 10131.2 (advance fees) of the Code, during a period of time when ROBLEDO and UHLI were not licensed by the Department in any capacity.

2. Based on the Findings of Fact contained in Paragraphs 1 through 4, POSTGATE, ROBLEDO, and UHLI, acting either by themselves, or by and/or through one or more agents, associates, affiliates, and/or co-conspirators, known or unknown, solicited borrowers and performed services for those borrowers and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property, and charged, demanded or collected advance fees for the services to be provided, in violation of Sections 10085, 10085.5, 10085.6, and 10177(d) of the Code, and Sections 2970 and 2972 of the Regulations.

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DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, JOSE ROBLEDO and UNIVERSAL HOME LOANS, INC., whether doing business under your own names, or any other names or fictitious names, ARE HEREBY ORDERED TO:

1. IMMEDIATELY DESIST AND REFRAIN from performing any acts within the State of California for which a real estate broker license is required until and unless you have obtained a broker license. And, in particular, you are ordered to desist and refrain from:

   (i) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Section 10085.6 of the Code); and,

   (ii) charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by you to others.

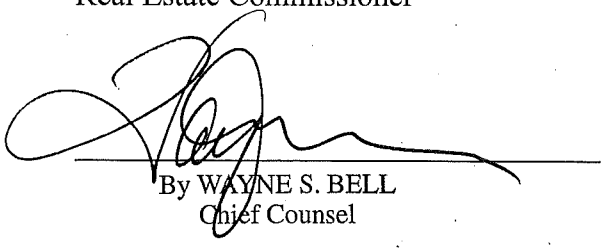
Based upon the Findings of Fact and Conclusions of Law stated herein, it is hereby ordered that JOHN W. POSTGATE JR whether doing business under your own name, or any other names, or any fictitious names, ARE HEREBY ORDERED TO IMMEDIATELY DESIST AND REFRAIN from:

1. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Section 10085.6 of the Code); and,
2. charging, demanding, claiming, collecting and/or receiving advance fees, as that

term is defined in Section 10026 of the Code, for any other real estate related services offered by you to others.

DATED: May 17, 2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel

-NOTICE-

Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)."

cc: JOHN W. POSTGATE
13569 Bullion Court
Corpus Christi, TX 78418
and
P.O. Box 10268
Bakersfield, CA 93389

UNIVERSAL HOME LOANS, INC.
Attn: Jose Robledo, Agent for Service of Process
4200 Stine Rd., Suite B
Bakersfield, CA 93313

JOSE ROBLEDO aka JOSE NUNEZ ROBLEDO
12202 Stonington Ave
Bakersfield, CA 93312

ATTY MFC/kc