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FILED

JUL 10 2012

DEPARTMENT OF REAL ESTATE
By A. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-4377 SD
ALEXANDER RAMON LOZANO,)	
)	<u>ACCUSATION</u>
Respondent.)	
_____)	

The Complainant, VERONICA KILPATRICK, in her official capacity as a Deputy Real Estate Commissioner of the State of California, ("Complainant"), for Accusation against ALEXANDER RAMON LOZANO, individually and doing business as "Equity Lending", ("Respondent"), is informed and alleges as follows:

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At all times mentioned, Respondent was and now is licensed by the State of California Department of Real Estate, ("the Department"), as a real estate broker.

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Peter Alexander John, ("John") was licensed by the Department as a real estate salesperson until July 11, 2009, when his license expired.

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1 FIRST CAUSE OF ACTION

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3 During or about August, 2009, John, while in the employ of and on behalf of
4 Equity Lending and Respondent, entered into an agreement with Robert C. to provide mortgage
5 loan refinancing services for Robert C.'s real property located at 3117 Courser Avenue, San
6 Diego, California.

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8 John informed Robert C. that John's only compensation for the transaction would
9 be one point on the loan.

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11 According to the first Good Faith Estimate received by Robert C., there was no
12 yield spread premium included as part of the transaction. However, subsequent Good Faith
13 Estimates indicated a yield spread premium was payable to Equity Lending. John confirmed to
14 Robert C. that the yield spread premium language in the transaction documents was a mistake
15 and the lender's quality control department would catch and remove it prior to closing. John
16 also promised Robert C. that if a yield spread premium was paid as part of the transaction, John
17 would refund those fees to Robert C. After the transaction closed, Robert C. discovered that a
18 yield spread premium had been paid to Equity Lending as part of the transaction.

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20 On or about September 23, 2009, the Courser Avenue refinancing transaction
21 closed. At that time, Respondent received a \$4,170 origination fee and a \$2,085 yield spread
22 premium from the lender (total of \$6,255).

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24 On or about September 30, 2009, Respondent paid \$5,629.50 of the \$6,255 he
25 received from the lender for the Courser Avenue refinancing transaction to John for his services
26 related to that transaction.

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Neither Respondent nor John has repaid the yield premium payment to Robert C.

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The acts and/or omissions of John, as set forth in Paragraphs 3 through 5, above, were done with the knowledge and approval of Respondent.

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The acts and/or omissions of Respondent as set forth in Paragraphs 3 through 9, above, violate Section 10137 (employment of or payment of compensation to unlicensed person) of the Code, and are grounds for discipline under Sections 10177(d) (willful disregard of real estate law) and/or 10177(g) (negligence or incompetence), and 10176(i) (fraud or dishonest dealing) of the Code.

SECOND CAUSE OF ACTION

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At all times mentioned, Respondent failed to exercise reasonable supervision over the acts of his agents and employees in such a manner as to allow the acts and omissions as set forth in Paragraphs 3 through 8 above, to occur.

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The acts and/or omissions by Respondent as alleged in Paragraph 11, above, violate Section 10159.2 (supervision responsibility of designated broker/officer) of the Code and Section 2725 (reasonable supervision by broker) of the Regulations, and are grounds for the suspension or revocation of the license or license rights of Respondent under Sections 10177(d), 10177(j) or 10177(g), and 10177(h) (reasonable supervision by broker) of the Code.

COST RECOVERY

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this

1 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
2 case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the
4 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
5 disciplinary action against all licenses and license rights of Respondent under the Code, for the
6 reasonable cost of investigation and prosecution of this case, including agency attorney's fees,
7 and for such other and further relief as may be proper under other provisions of law.

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10 VERONICA KILPATRICK
11 Deputy Real Estate Commissioner

12 Dated at San Diego, California,
13 this 6 day of June, 2012.
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