

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

4 Telephone: (916) 227-0789

FILED

AUG - 8 2013

BUREAU OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) NO. H-4377 SD
13 ALEXANDER RAMON LOZANO,) STIPULATION AND AGREEMENT
14 Respondent.)
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16 It is hereby stipulated by and between Respondent ALEXANDER RAMON
17 LOZANO ("Respondent"), acting by and through Steven C. Vondran, counsel for Respondent,
18 and the Complainant, acting by and through John W. Barron, Counsel for the Department of
19 Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July
20 10, 2012, in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions
25 of this Stipulation and Agreement.

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1 2. Respondent has received, read and understands the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department
3 of Real Estate in this proceeding.

4 3. On July 23, 2012, Respondent filed a Notice of Defense pursuant to
5 Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
8 Notices of Defense, Respondent will thereby waive Respondent's right to require the
9 Commissioner to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that Respondent will waive other rights
11 afforded to Respondent in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
15 these factual allegations, but to remain silent and understand that, as a result thereof, these
16 factual statements will serve as a prima facie basis for the "Determination of Issues" and
17 "Order" set forth below. The Real Estate Commissioner shall not be required to provide further
18 evidence to prove such allegations.

19 5. This Stipulation and Respondent's decision not to contest the Accusation
20 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
21 limited to this proceeding and any other proceeding or case in which the Department of Real
22 Estate, the State or the federal government, an agency of this State, or an agency of another state
23 is involved.

24 6. It is understood by the parties that the Real Estate Commissioner may
25 adopt the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty
26 and sanctions on Respondent's real estate license and license rights as set forth in the "Order",
27 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and

Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

7. This Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

8. Respondent further understands that by agreeing to this Stipulation and Agreement, the findings set forth below in the Determination of Issues become final, and that the Commission may charge said Respondent for the costs of the investigation herein. The amount of such costs is \$1,114.20.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the acts and omissions of Respondent described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10137 (employment of or compensation to unlicensed person), 10159.2 (broker supervision), 10176(i) (fraud or dishonest dealing), 10177(d) (willful disregard of real estate law) and 10177(g) (negligence) of the Code, and Section 2725 (broker supervision) of Title 10, California Code of Regulations.

ORDER

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All licenses and licensing rights of Respondent under the Real Estate Law are
suspended for a period of thirty (30) days from the effective date of this Order; provided,
however, that:

1. Thirty (30) days of said suspension shall be stayed, upon the condition
that Respondent petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty

1 pursuant to Section 10175.2 of the Business and Professions Code at a rate of \$100.00 for each
2 day of the suspension for a total monetary penalty of \$3,000.00.

3 a. Said payment shall be in the form of a cashier's check or certified check
4 made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered
5 to the Department prior to the effective date of the Decision in this matter.

6 b. No further cause for disciplinary action against the real estate license of
7 Respondent occurs within two (2) years from the effective date of the decision in this matter.

8 c. If Respondent fails to pay the monetary penalty in accordance with the
9 terms and conditions of the Decision, the Commissioner may, without a hearing, order the
10 immediate execution of all or any part of the stayed suspension, in which event, Respondent
11 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
12 Department under the terms of this decision.

13 d. If Respondent pays the monetary penalty, and if no further cause for
14 disciplinary action against the real estate license of Respondent occurs within two (2) years
15 from the effective date of the Decision herein, then the stay hereby granted shall become
16 permanent.

17 2. All licenses and licensing rights of Respondent are indefinitely suspended
18 unless or until Respondent pays the sum of \$1,114.20 for the Commissioner's reasonable cost of
19 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
20 the form of a cashier's check or certified check made payable to the Real Estate Fund. Said
21 check must be received by the Department prior to the effective date of the Order in this matter.

22 3. All licenses and licensing rights of Respondent are indefinitely suspended
23 unless or until Respondent provides evidence to the Commissioner sufficient to demonstrate
24 that he has repaid to Robert John Cochran the funds collected by Respondent as a yield spread
25 premium, as set forth in the Accusation (total of \$2,085.00).

26 4. Respondent shall, within six (6) months from the effective date of this
27 Order, take and pass the Professional Responsibility Examination administered by the

1 Department, including the payment of the appropriate examination fee. If Respondent fails to
2 satisfy this condition, the Commissioner may order the suspension of all licenses and licensing
3 rights of Respondent until Respondent passes the examination.

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5 5/14/13

6 DATED

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JOHN W. BARRON
Counsel for Department of Real Estate

I have read the Stipulation and Agreement and its terms are understood by me
and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
the California Administrative Procedure Act (including but not limited to Sections 11506,
11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
voluntarily waive those rights, including the right of requiring the Commissioner to prove the
allegations in the Accusation at a hearing at which I would have the right to cross-examine
witnesses against me and to present evidence in defense and mitigation of the charges.

4/23/13

DATED

ALEXANDER RAMON LOZANO
Respondent

I have reviewed this Stipulation and Agreement and Order as to form and
content and have advised my client(s) accordingly.

5/13/13

DATED

STEVEN C. VONDRAN, Esq.
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent ALEXANDER RAMON LOZANO and shall become
effective at 12 o'clock noon on AUG 28 2013

IT IS SO ORDERED 7/23/2013

WAYNE S. BELL
Real Estate Commissioner

