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1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
BY: Jane B. Olson

4 Telephone: (213) 576-6982
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6
7
8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 ***

12 In the Matter of the Application of) NO. H-37821 LA
13) 2012021131
14)
14 JAMES ALFRED SANTANA,) FIRST AMENDED
15) STATEMENT OF ISSUES
15)
16 Respondent.) Mortgage Loan Originator
16) License Endorsement
17)

18 This Statement of Issues amends the Statement of Issues filed on January 31,
19 2012. The Complainant, SYLVIA YRIGOLLEN, in her official capacity as a Deputy Real
20 Estate Commissioner of the State of California, for cause of Statement of Issues against JAMES
21 ALFRED SANTANA, (hereinafter "Respondent"), is informed and alleges as follows:

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23 Respondent is presently licensed by the California Department of Real Estate
24 (hereinafter "the Department") as a real estate broker, license number 01194777.

25 2

26 On April 14, 2008, the California Department of Real Estate ("Department") filed
27 an Accusation against Respondent, in Case No. H-34870 LA, alleging that the conduct of

1 Respondent constituted cause for the suspension or revocation of Respondent's real estate
2 license, pursuant to California Business and Professions Code ("Code") Sections 10176(e),
3 10176(a), 10176(g), 10177(d), 10177(g) and 10177(h). On July 6, 2009, Respondent filed a
4 Notice of Defense on this Accusation. The outcome of this case is still pending.

5 3

6 On April 23, 2008, the California Department of Real Estate ("Department")
7 filed an Accusation against Respondent, in Case No. H-34868 LA, alleging that the conduct of
8 Respondent constituted cause for the suspension or revocation of Respondent's real estate
9 license, pursuant to California Business and Professions Code ("Code") Sections 10165,
10 10176(a), 10176(g) 10177(d), 10177(g) and 10177(h). On May 8, 2008, Respondent filed a
11 Notice of Defense on this Accusation. The outcome of this case is still pending.

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13 On or about December 10, 2010, Respondent made application to the
14 Department for an individual mortgage loan originator license endorsement (hereinafter
15 "individual license endorsement").

16 5

17 Question (K) of the individual license endorsement application, states, to wit:
18 "Are you now the subject of any regulatory action proceeding that could result in a 'yes' answer
19 to any part of I or J?". Question (I) asked, in pertinent part, if the applicant has ever had a
20 license denied, suspended or revoked through a regulatory action. In response to Question (K) ,
21 Respondent failed to reveal that he was the subject of the regulatory actions described in
22 Paragraph 2 above.

23 6

24 On or about September 12, 2011, Respondent made application to the
25 Department for a control person mortgage loan originator license endorsement (hereinafter
26 "control person license endorsement").

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Question (K) of the control person license endorsement application, states, to wit:
“Are you now the subject of any regulatory action proceeding that could result in a ‘yes’ answer to any part of I or J?”. Question (I) asked, in pertinent part, if the applicant has ever had a license denied, suspended or revoked through a regulatory action. In response to Question (K), Respondent failed to reveal that he was the subject of the regulatory actions described in Paragraphs 2 and 3 above.

On or about September 17, 2011, Respondent made application to the Department for a company mortgage loan originator license endorsement (hereinafter “company license endorsement”). The entity named in the company license endorsement was “James Alfred Santana”.

Question (E) of the company license endorsement application, states, to wit: “Is the entity or control affiliate now the subject of any regulatory action proceeding that could result in a ‘yes’ answer to any part of C?”. Question (C) asked, in pertinent part, if the entity has ever had a license denied, suspended or revoked through a regulatory action. In response to Question (E), Respondent failed to reveal that he was the subject of the regulatory actions described in Paragraphs 2 and 3 above.

The facts alleged in Paragraphs 2 through 9 above, constitute cause for denial of Respondent’s applications for license endorsements under Sections 475(a)(1), 480(c), 10177(a) and 10166.051(b) (withholding information or material misstatement in license endorsement application) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Statement of Issues, and that upon proof thereof, a decision be rendered that the
3 Commissioner refuse to authorize the issuance of, and deny the issuance of, mortgage loan
4 originator license endorsements to Respondent, and for such other and further relief as may be
5 proper under the provisions of law.

6
7 
8 SYLVIA YRIGOLLEN
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 10th day of April, 2012.

11
12 cc: James Alfred Santana
13 Sylvia Yrigollen
Sacto.

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7
8

DEPARTMENT OF REAL ESTATE
BY: *Rosalie Valencia*

9 BEFORE THE
10 DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 ***

12	In the Matter of the Application of)	NO. H-37821 LA
13)	
14	JAMES ALFRED SANTANA,)	<u>STATEMENT OF ISSUES</u>
15	Respondent.)	Mortgage Loan Originator
16)	License Endorsement

17 The Complainant, SYLVIA YRIGOLLEN, in her official capacity as a Deputy
18 Real Estate Commissioner of the State of California, for cause of Statement of Issues against
19 JAMES ALFRED SANTANA, (hereinafter "Respondent"), is informed and alleges as follows:

20 1

21 Respondent is presently licensed by the California Department of Real Estate
22 (hereinafter "the Department") as a real estate broker, license number 01194777.

23 2

24 On April 14, 2008, the California Department of Real Estate ("Department") filed
25 an Accusation against Respondent, in Case No. H-34870 LA, alleging that the conduct of
26 Respondent constituted cause for the suspension or revocation of Respondent's real estate
27 license, pursuant to California Business and Professions Code ("Code") Sections 10176(e),

1 10176(a), 10176(g), 10177(d), 10177(g) and 10177(h). Respondent filed a Notice of Defense on
2 this Accusation. The outcome of this case is still pending.

3 3

4 On or about December 10, 2010, Respondent made application to the
5 Department for an individual mortgage loan originator license endorsement (hereinafter
6 "individual license endorsement").

7 4

8 Question (K) of the individual license endorsement application, states, to wit:
9 "Are you now the subject of any regulatory action proceeding that could result in a 'yes' answer
10 to any part of I or J?". Question (I) asked, in pertinent part, if the applicant has ever had a
11 license denied, suspended or revoked through a regulatory action. In response to Question (K) ,
12 Respondent failed to reveal that he was the subject of the regulatory action described in
13 Paragraph 2 above.

14 5

15 On or about September 12, 2011, Respondent made application to the
16 Department for a control person mortgage loan originator license endorsement (hereinafter
17 "control person license endorsement").

18 6

19 Question (K) of the control person license endorsement application, states, to wit:
20 "Are you now the subject of any regulatory action proceeding that could result in a 'yes' answer
21 to any part of I or J?". Question (I) asked, in pertinent part, if the applicant has ever had a
22 license denied, suspended or revoked through a regulatory action. In response to Question (K) ,
23 Respondent failed to reveal that he was the subject of the regulatory action described in
24 Paragraph 2 above.

25 7

26 On or about September 17, 2011, Respondent made application to the Department
27 for a company mortgage loan originator license endorsement (hereinafter "company license

1 endorsement"). The entity named in the company license endorsement was "James Alfred
2 Santana".

3 8

4 Question (E) of the company license endorsement application, states, to wit: "Is
5 the entity or control affiliate now the subject of any regulatory action proceeding that could
6 result in a 'yes' answer to any part of C?". Question (C) asked, in pertinent part, if the entity has
7 ever had a license denied, suspended or revoked through a regulatory action. In response to
8 Question (E), Respondent failed to reveal that he was the subject of the regulatory action
9 described in Paragraph 2 above.

10 9

11 The facts alleged in Paragraphs 2 through 8 above, constitute cause for denial of
12 Respondent's applications for license endorsements under Sections 475(a)(1), 480(c), 10177(a)
13 and 10166.051(b) (withholding information or material misstatement in license endorsement
14 application) of the Code.

15 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
16 of this Statement of Issues, and that upon proof thereof, a decision be rendered that the
17 Commissioner refuse to authorize the issuance of, and deny the issuance of, mortgage loan
18 originator license endorsements to Respondent, and for such other and further relief as may be
19 proper under the provisions of law.

20
21 
22 SYLVIA YRIGOLLEN
Deputy Real Estate Commissioner

23 Dated at Sacramento, California,
24 this 20th day of January, 2012.

25
26 cc: James Alfred Santana
Sylvia Yrigollen
27 Sacto.