

1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105

**FILED**

MAY -4 2012

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 To: )  
12 )  
13 JAMES ALFRED SANTANA, doing business as )  
14 Above Board Realty, Bankers First Real Estate )  
15 and West Pointe Escrow, )  
16 Respondents )

No. H- 38106 LA

ORDER TO  
DESIST AND REFRAIN  
(B&P 10086)

17 The Commissioner ("Commissioner") of the California Department of Real Estate  
18 ("Department") caused an investigative audit to be made of the activities of JAMES ALFRED  
19 SANTANA ("SANTANA").  
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21 Based on the findings of that investigative audit, set forth below, the  
22 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and  
23 Refrain Order under the authority of Section 10086 of the Code.

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FINDINGS OF FACT

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3           JAMES ALFRED SANTANA ("SANTANA"). At all times mentioned,  
4 Respondent SANTANA was licensed or had license rights issued by the Department as a real  
5 estate broker. On March 28, 1995, SANTANA was originally licensed as a real estate broker.  
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8           At all times mentioned, in the Cities of Fountain Valley and Anaheim, County of  
9 Orange, Respondent SANTANA acted as a real estate broker conducting licensed activities  
10 within the meaning of:

11           A. Code Section 10131(a). Respondent operated a residential resale brokerage  
12 doing business as Above Board Realty and Bankers First Real Estate. Respondent engaged in the  
13 business of acted in the capacity of, advertised or assumed to act a as real estate broker, including  
14 the solicitation for listings of and the negotiation of sale of real property as the agent of others.  
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16           B. Code Section 10131(d). Respondent engaged in activities with the public  
17 wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on  
18 real property, wherein such loans were arranged, negotiated, processed and consummated on  
19 behalf of others for compensation or in expectation of compensation and for fees often collected  
20 in advance including loan modification, short sales and short sale-repurchase financing; and  
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22           C. In addition, Respondent conducted broker-controlled escrows through his  
23 escrow operation doing business as and West Pointe Escrow, under the exemption set forth in  
24 California Financial Code Section 17006(a)(4) for real estate brokers performing escrows  
25 incidental to a real estate transaction where the broker is a party and where the broker is  
26 performing acts for which a real estate license is required.  
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DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that:

JAMES ALFRED SANTANA shall immediately desist and refrain from performing third party escrows within the State of California, unless JAMES ALFRED SANTANA is in compliance with the Real Estate Law and California Finance Code Section 17006(a)(4).

DATED: May 3, 2012.

REAL ESTATE COMMISSIONER



By WAYNE S. BELL  
Chief Counsel

cc: James Alfred Santana  
1777 W. Lincoln Ave.  
Anaheim, Ca 92801