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

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FILED

AUG - 8 2013

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ALEXANDER RAMON LOZANO, Respondent.	NO. H-4377 SD STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent ALEXANDER RAMON LOZANO ("Respondent"), acting by and through Steven C. Vondran, counsel for Respondent, and the Complainant, acting by and through John W. Barron, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 10, 2012, in this matter:

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

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

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

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

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

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the "Order", 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

1

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

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

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

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

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

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

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

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

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

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

5/14/13
DATED

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

* * *

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

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FILED
JUL 10 2012
DEPARTMENT OF REAL ESTATE
By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ALEXANDER RAMON LOZANO, Respondent.	NO. H-4377 SD ACCUSATION

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:

1

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.

2

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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FIRST CAUSE OF ACTION

3

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

4

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

5

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

6

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

7

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

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8

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

9

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.

10

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

11

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.

12

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

13

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

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

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

V. Kilpatrick

VERONICA KILPATRICK
Deputy Real Estate Commissioner

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