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FILED
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DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

To: ALEXANDER RAMON LOZANO.	NO. H-4378 SD ORDER TO DESIST AND REFRAIN (B & P Code Section 10086)

The Commissioner ("the Commissioner") of the California Department of Real Estate ("the Department") caused an investigation to be made of the activities of ALEXANDER RAMON LOZANO, individually and doing business as "Equity Lending", ("Respondent"). Based on that investigation, the Commissioner has determined that Respondent has engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in the capacity of, advertising or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) (performing services for borrowers and/or lenders in connection with loans secured by real property) and 10137 (unlawful employment or payment of compensation) of the Code. Furthermore, based on the investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

FINDINGS OF FACT

1. At all times relevant herein, Respondent was and is licensed by 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.

3. During the period of time set out below, Respondent performed services for one or more borrowers and negotiated to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate one or more loans for, or perform services for, borrowers and/or lenders with respect to loan modifications, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property.

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

5. 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).

6. 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 John's services related to that transaction.

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

CONCLUSIONS OF LAW

8. Based on the Findings of Fact contained in Paragraphs 1 through 7, above, ALEXANDER RAMON LOZANO, through Peter John Alexander, solicited borrowers and/or performed services for those borrowers with respect to loan modifications, loan refinance, principal reduction, foreclosure abatement or short sale services and/or those borrowers' lenders in connection with loans secured directly or collaterally by one or more liens on real property.

9. ALEXANDER RAMON LOZANO employed and compensated Peter Alexander John for activities related to real estate while Peter Alexander John was not licensed by the Department to conduct real estate activities in the State of California in violation of Section 10137 of the Code.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, ALEXANDER RAMON LOZANO, whether doing business under your own names, or any other names or fictitious names, IS HEREBY ORDERED to immediately desist and refrain from employing or paying compensation to persons without a California real estate license for activities related to real estate that requires a real estate license.

DATED: 6/15/2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

-NOTICE-

Business and Professions Code Section 10139 provides that, "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars ($20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars ($60,000)...."

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ATTY JWB/km