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

FILED

MAY - 4 2012

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: JAMES ALFRED SANTANA, doing business as Above Board Realty, Bankers First Real Estate and West Pointe Escrow, Respondents	No. H- 38106 LA ORDER TO DESIST AND REFRAIN (B&P 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigative audit to be made of the activities of JAMES ALFRED SANTANA ("SANTANA").

Based on the findings of that investigative audit, set forth below, 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.

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FINDINGS OF FACT

1.

JAMES ALFRED SANTANA ("SANTANA"). At all times mentioned, Respondent SANTANA was licensed or had license rights issued by the Department as a real estate broker. On March 28, 1995, SANTANA was originally licensed as a real estate broker.

2.

At all times mentioned, in the Cities of Fountain Valley and Anaheim, County of Orange, Respondent SANTANA acted as a real estate broker conducting licensed activities within the meaning of:

A. Code Section 10131(a). Respondent operated a residential resale brokerage doing business as Above Board Realty and Bankers First Real Estate. Respondent engaged in the business of acted in the capacity of, advertised or assumed to act a as real estate broker, including the solicitation for listings of and the negotiation of sale of real property as the agent of others.

B. Code Section 10131(d). Respondent engaged in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance including loan modification, short sales and short sale-repurchase financing; and

C. In addition, Respondent conducted broker-controlled escrows through his escrow operation doing business as and West Pointe Escrow, under the exemption set forth in California Financial Code Section 17006(a)(4) for real estate brokers performing escrows incidental to a real estate transaction where the broker is a party and where the broker is performing acts for which a real estate license is required.

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
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Anaheim, Ca 92801