

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
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FILED
OCT 25 2004

DEPARTMENT OF REAL ESTATE

By *Laurie A. Zeri*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:) No. H-1720 FRESNO
12)
13) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

15 The Real Estate Commissioner of the State of
16 California (hereinafter "Commissioner") has caused an
17 investigation to be made of your activities and based upon the
18 findings herein below set forth, is of the opinion that (1) you,
19 ANGELINE LIZARRAGO, have violated Section 10130 of the
20 California Business and Professions Code (hereinafter Code) by
21 engaging in the business of or acting as a real estate
22 salesperson or broker, within the meaning of Sections 10130,
23 10131(a) and 10131(d) of the Code without first having obtained
24 a real estate license from the California Department of Real
25 Estate (hereinafter Department) and violated Section 10085.5 of
26 the Code by collecting an advance fee for the performance of
27 acts for which a real estate salesperson or broker license is

1 required without first obtaining such a license; and (2) you,
2 DELTA BAY FUNDING, INC. have violated Section 10137 of the Code
3 by employing and compensating ANGELINE LIZARRAGO to do the acts
4 discussed immediately above which require a real estate
5 salesperson or broker license without her first obtaining such a
6 license.

7 I

8 At all times mentioned herein after May 28, 2004, you
9 ANGELINE LIZARRAGO; were employed by DELTA BAY FUNDING, INC.
10 (hereinafter "DELTA").

11 II

12 At no time herein mentioned were you, ANGELINE
13 LIZARRAGO, licensed by the Department as a real estate broker or
14 salesperson.

15 III

16 From on or about April 1, 2004, through the present,
17 you, ANGELINE LIZARRAGO, performed activities for which a real
18 estate license is required, including but not limited to,
19 soliciting or negotiating the purchase of real property or a
20 business opportunity and soliciting borrowers or lenders for or
21 negotiating loans or collecting payments or performing services
22 for borrowers or lenders in connection with loans secured
23 directly or collaterally by liens on real property or on a
24 business opportunity. You, ANGELINE LIZARRAGO, performed said
25 acts for, but not limited to, Virginia Reyes (hereinafter
26 "Virginia"), Robert and Monica Garza (hereinafter "Robert and
27 Monica"), Angel and Sylvia Garza (hereinafter "Angel and

1 Sylvia") and, Angelina Reyes (hereinafter "Angelina"). In
2 connection with those acts you, ANGELINE LIZARRAGO, (1) received
3 \$40,000 from Virginia on June 25, 2004 as a down payment for the
4 purchase of a building in Madera but refused and failed to
5 return the deposit when Virginia did not qualify for the loan
6 she was to obtain through you, ANGELINE LIZARRAGO; (2) obtained
7 from Robert and Monica, on or about April 14, 2004, a check in
8 the amount of \$4,000 as an advance for your, ANGELINE
9 LIZARRAGO's, services in obtaining a refinance loan; (3)
10 received \$1,500 on April 1, 2004 and \$500 on May 14, 2004 from
11 Angel and Sylvia as an advance for your, ANGELINE LIZARRAGO's,
12 services in obtaining a mortgage loan after soliciting Angel and
13 Sylvia for the purpose of obtaining said funds; and (4) received
14 a total of over \$31,500 from Angelina between May 1, 2004 and
15 July 1, 2004 as a deposit on a home that you, ANGELINE
16 LIZARRAGO, were assisting her in financing.

17 At no time when you, ANGELINE LIZARRAGO, were
18 performing the acts described above were you, ANGELINE
19 LIZARRAGO, licensed by the Department nor did you, ANGELINE
20 LIZARRAGO, have an approved advance fee agreement on file with
21 the Department.

22 IV

23 The acts described in Paragraph III above are acts
24 requiring a real estate salesperson or broker license under the
25 provisions of Sections 10085.5, 10130, 10131(a) and 10131(d) of
26 the Code.

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V

You, ANGELINE LIZARRAGO, violated Sections 10085.5 and 10130 of the Code by engaging in the activities described above in Paragraphs III and IV without first obtaining a real estate salesperson or broker license from the Department.

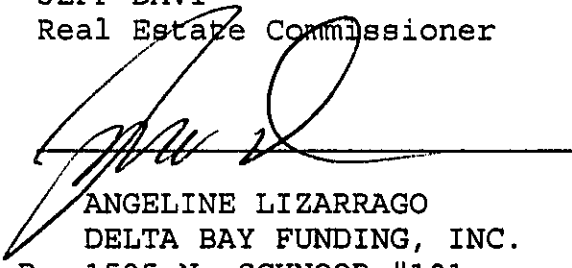
VI

You, DELTA BAY FUNDING, INC., violated Section 10137 of the Code by employing or compensating ANGELINE LIZARRAGO for performing acts for which a real estate license is required without having first obtained a real estate salesperson or broker license from the Department.

NOW THEREFORE, YOU, ANGELINE LIZARRAGO, ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing any and all acts for which a real estate license is required and collecting advance fees until such time as you obtain the required license from the Department.

NOW THEREFORE, YOU, DELTA BAY FUNDING, INC., ARE HEREBY ORDERED TO DESIST AND REFRAIN from employing or compensating ANGELINE LIZARRAGO for performing any and all acts for which a real estate license is required until ANGELINE LIZARRAGO obtains the required license from the Department.

DATED: 10-20-04 JEFF DAVI
Real Estate Commissioner



cc: ANGELINE LIZARRAGO
DELTA BAY FUNDING, INC.
1313 N. MILPITAS BLVD., #160-B
MILPITAS, CA 95035
ANGELINE LIZARRAGO
DELTA BAY FUNDING, INC.
1525 N. SCHNOOR #101
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