


**FILED**

**November 13, 2012**

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By  \_\_\_\_\_

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 To:	)	
	)	NO. H-5908 SAC
12 MIDTOWN MORTGAGE, INC.,	)	
13 RODDY WONG and	)	<u>ORDER TO DESIST AND REFRAIN</u>
14 JAMES RICHARD CLARY, JR.,	)	(B & P Code Section 10086)
	)	

15 The Real Estate Commissioner of the State of California (Commissioner) has  
16 caused an investigation to be made of the activities of MIDTOWN MORTGAGE, INC.  
17 (MIDTOWN), RODDY WONG (WONG) and JAMES RICHARD CLARY, JR. (CLARY)  
18 and/or any other names or fictitious names used by MIDTOWN and WONG, including engaging  
19 in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker  
20 in the State of California within the meaning of Section 10131(a) of the California Business and  
21 Professions Code (the Code). Based upon the findings of that investigation, as set forth below,  
22 the Commissioner has determined and is of the opinion that:

23 MIDTOWN and WONG have violated Section 10137 of the Code by employing  
24 and/or compensating one or more unlicensed persons to act in the capacity of a real estate broker  
25 or salesperson; and CLARY, has violated Section 10130 of the Code by engaging in the business  
26 of or acting as a real estate salesperson or broker, within the meaning of Section 10131(A)  
27 (Soliciting Buyers/Sellers for Sale of Real Property) of the Code without first having obtained a

1 real estate license from the California Department of Real Estate (Department). Whenever acts  
2 referred to below are attributed to MIDTOWN or WONG, those acts are alleged to have been  
3 done by MIDTOWN or WONG, acting by itself or himself, or by and/or through one or more  
4 agents, associates, and/or co-conspirators, and using other names or fictitious names unknown at  
5 this time (the related entities).

6 MIDTOWN has violated Section 2742(c), Title 10 of the California Code of  
7 Regulations (Regulations) by failing to keep its corporate status in good standing with the  
8 California Secretary of State.

9 FINDINGS OF FACT

10 1. Since April 28, 2007, MIDTOWN has been licensed by the Department  
11 corporate real estate broker.

12 2. As of October 5, 2012, the status of MIDTOWN was "suspended" by the  
13 California Secretary of State.

14 3. Since June 22, 1990, WONG has been licensed by the Department as a  
15 real estate broker.

16 4. At no time mentioned herein was CLARY licensed by the Department  
17 as a real estate broker or real estate salesperson, as appropriate.

18 5. At all times mentioned herein between on or about July 27, 2012, and  
19 continuing up to at least November 1, 2012, CLARY engaged in the business of, acted in the  
20 capacity of, or assumed to act as a real estate broker within the State of California within the  
21 meaning of Section 10131(a) of the Code, including solicitation of prospective sellers or  
22 purchases of, soliciting or obtaining listing of, negotiating the purchase, sale or exchange of real  
23 property or business opportunities.

24 6. On July 27, 2012, a Special Investigator for the Department, who indicated  
25 that he wanted to purchase a house, made a shop visit to MIDTOWN and spoke to CLARY.

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NOTICE

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2 Business and Professions Code Section 10139 provides that "Any person acting  
3 as a real estate broker or real estate salesperson without a license or who advertises using words  
4 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
5 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
6 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
7 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
8 (\$60,000)..."

6 TO: RODDY WONG  
7 As Agent for Service of Process for  
8 MIDTOWN MORTGAGE, INC.  
9 1014 Fourth Street  
10 Sacramento, CA 95814

10 RODDY WONG  
11 As Agent for Service of Process for  
12 MIDTOWN MORTGAGE, INC.  
13 128 J Street, Suite A.  
14 Sacramento, CA 95814

14 RODDY WONG  
15 128 J Street, Suite A.  
16 Sacramento, CA 95814

16 JAMES RICHARD CLARY, JR.  
17 128 J Street, Suite A  
18 Sacramento, CA 95814

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26  
27 ATTY RKU/ga