

DEPARTMENT OF REAL ESTATE

State of California

To:

EMELITA DOMINGO SAGUN
C/O CHRISTOPHER C. HUANG
3082 STEVENS LANE
SAN JOSE, CA 95148



DRE Case No. H-6872 SAC

NOTICE OF SERVICE

This DESIST AND REFRAIN ORDER NO. H-6872 SAC is served pursuant to Section 415.30 of the California Code of Civil Procedure. Failure to complete this form and return it to the sender within 20 days may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in effecting service upon you in any other manner permitted by law. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, this form must be signed in the name of such entity by you or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of this Order. Section 415.30 provides that this Order is deemed served on the date of execution of an acknowledgment of receipt.

Dated: February 23, 2022

Adriana Z. Badilas / Adew

Adriana Z. Badilas
Counsel

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt on the _____ day of _____, _____, of a copy of the DESIST AND REFRAIN ORDER NO. H-6872 SAC at _____

(Street Address, City, State, and Zip Code)

Signature

Date

Title

Printed Name

FILED

FEB 23 2022

DEPARTMENT OF REAL ESTATE

By R. Lew

1 DEPARTMENT OF REAL ESTATE
2 1651 Exposition Blvd.
3 P. O. Box 137007
4 Sacramento, CA 95813-7007
5 Telephone: (916) 576-8700
6
7

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * * *

11 To:) NO. H-6872 SAC
12 EMELITA D. SAGUN)
13) ORDER TO DESIST AND REFRAIN
14) (B&P Code Section 10086)

15 The Real Estate Commissioner ("Commissioner") of the California Department
16 of Real Estate ("Department") has caused an investigation to be made of the activities of
17 EMELITA D. SAGUN ("SAGUN"). Based upon that investigation, the Commissioner has
18 determined that SAGUN engaged in the business of, acted in the capacity of, advertised, or
19 assumed to act as a mortgage loan originator within the meaning of Section 10166.01(b) of the
20 Business and Professions Code ("Code").

21 The Commissioner has determined and is of the opinion that Respondent violated
22 Section 10166.02 of the Code by engaging in mortgage loan originator activities without first
23 having obtained a real estate license endorsement identifying Respondent as a licensed
24 mortgage loan originator ("MLO").

25 Furthermore, based on the investigation, the Commissioner hereby issues the
26 following Findings of Fact and Desist and Refrain Order under the authority of Section 10086
27 of the Code.

///

1 FINDINGS OF FACT

2 1. SAGUN does not now and has never had a real estate license and/or an
3 MLO license.

4 2. Complainant is informed, believes, and thereon alleges that SAGUN used,
5 and/or uses, a business card wherein she identifies herself as an underwriter for International
6 Realty with DRE License No. 00937351 and NMLS No. 905284. Both license numbers belong
7 to real estate broker Pompey H. Festejo Jr.

8 3. Complainant is informed, believes, and thereon alleges that SAGUN used,
9 and/or uses, the real estate broker license and/or MLO license of individuals, including Pompey
10 H. Festejo Jr. and Oliver Luna, to conduct real estate and MLO activities.

11 4. On or about September 28, 2018, the Department received a complaint
12 from Viola M. alleging that SAGUN acted as a mortgage broker on behalf of Jorge C. in
13 connection with the purchase of a property located at 6700 Flora St., Oakland, CA 94621 ("Flora
14 Street Property"). SAGUN solicited lenders, negotiated loans, and performed real estate services
15 on behalf of Jorge C.

16 5. Viola M. was the real estate agent for Jorge C. during the Flora Street
17 Property transaction.

18 6. Neither Viola M. nor Jorge C. were aware that SAGUN was unlicensed by
19 the Department.

20 7. SAGUN held herself out as being a mortgage loan broker by representing
21 to Viola M. and Jorge C. that she would obtain and/or negotiate a mortgage loan on Jorge C.'s
22 behalf.

23 8. SAGUN subsequently obtained and/or negotiated a hard money loan on
24 Jorge C.'s behalf in the amount of \$66,000 from Virginia R.

25 9. SAGUN obtained and/or negotiated an additional mortgage loan on Jorge
26 C.'s behalf from lender Rushmyfile, Inc.

27 ///

1 real property or on a business opportunity, for or in expectation of a compensation, without
2 first obtaining a mortgage loan originator license endorsement.

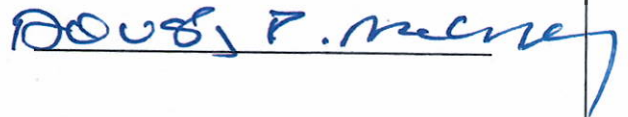
3 20. Based on the Findings of Fact contained above in Paragraphs 1 through
4 18, SAGUN further violated Sections 10130 and 10131(d) of the Code by soliciting borrowers or
5 lenders for or negotiating loans, or performing services for borrowers or lenders in connection
6 with loans secured directly or collaterally by liens on real property or a business opportunity,
7 without first obtaining a real estate license.

8 DESIST AND REFRAIN ORDER

9 Based upon the Findings of Fact and Conclusions of Law stated herein,
10 EMELITA D. SAGUN IS HEREBY ORDERED to immediately Desist and Refrain from
11 performing any acts within the State of California that require a real estate license and/or a
12 mortgage loan originator license, unless and until appropriate licensure is obtained.

13 DATED: 1.18.22

14
15 DOUGLAS R. McCAULEY
16 REAL ESTATE COMMISSIONER

17 

18
19 -NOTICE-

20 Business and Professions Code Section 10139 provides that, "Any person acting
21 as a real estate broker or real estate salesperson without a license or who advertises using words
22 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
23 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
24 imprisonment in the county jail for a term not to exceed six months, or by both fine and
25 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
26 (\$60,000)..."
27

DEPARTMENT OF REAL ESTATE

CITE & FINE

P.O. BOX 137012

SACRAMENTO, CA 95813-7012

**CITATION**

YOUR FAILURE TO RESPOND TO THIS CITATION, PAY THE ASSESSED FINE, OR SATISFY AN ORDER TO DESIST & REFRAIN MAY RESULT IN:

- ✓ LICENSE ISSUANCE WITHHELD
- ✓ A CIVIL JUDGMENT FOR THE UNPAID FINE.
- ✓ ANY UNPAID DEBT SENT TO COLLECTIONS, WHICH MAY INCUR ADDITIONAL FEES AND NEGATIVELY IMPACT YOUR CREDIT RATING.

To: EMELITA DOMINGO SAGUN
C/O CHRISTOPHER C. HUANG
3082 STEVENS LANE
SAN JOSE, CA 95148

RE: NUMBER OF CITATIONS: 1
CITATION NUMBER(S): See Below
DRE CASE NUMBER: 5-18-0810-004
DRE HEARING NUMBER: H-6872SAC
PAYMENT DUE DATE: 30 Days after receipt

TOTAL FINE AMOUNT:
\$2,500.00

Pursuant to the authority provided in California Business and Professions Code §10080.9 and Commissioner's Regulation 2907, et seq., the California Department of Real Estate hereby issues this citation to Emelita Domingo Sagun (Respondent), an unlicensed person for specified violation(s) of the Real Estate Law. An Order to Desist & Refrain (D&R) accompanies the Citation(s).

CITATION SECTION

REF	CITATION NUMBER	VIOLATION(S)	FINE
1	C-4-21-0621-001 (PRIMARY)	Violation: B&P 10130/10131/10166.02 - Acting without license Respondent performed unlicensed activities, which included but are not limited to, soliciting lenders, negotiating loans, and performing real estate services on behalf of Jorge C. in connection with the purchase of a property located at 6700 Flóra St., Oakland, CA 94621.	\$2500.00
TOTAL ADMINISTRATIVE FINES: \$2,500.00			

PAYMENT OF ADMINISTRATIVE FINE

Payment of the fine shall not constitute an admission of the violation(s) cited.

Please return the enclosed invoice form and include the Citation number on your cashier's check or money order. If you are paying by credit card, please complete and return the Credit Card Authorization form. Send payments to:

DEPARTMENT OF REAL ESTATE
FISCAL / Citations
Post Office Box 137006
Sacramento CA 95813-7006

FAILURE TO RESPOND OR COMPLY WITH CITATION

The failure to comply with the terms of the citation or pay a fine assessed pursuant to B&P §10080.9 shall subject that person to formal disciplinary action by the Commissioner, which could, if you are a licensee, result in the suspension or revocation of your real estate license *and mortgage loan originator license endorsement (if applicable)*. A license may not be renewed, nor may a new license be issued, if an unpaid fine remains outstanding or the terms of a citation have not been complied with.

Unpaid fines may be referred for collections, which may negatively affect one's credit rating. Please know that pursuant to Government Code §16583.1, a referral for collections and a subsequent collections effort may result in additional costs to you from fees related to the collections, which may total more than the amount of the initially-assessed fine. The Department may also seek a civil court judgment for the unpaid debt from superior court.

If, within thirty (30) days from the receipt of the citation, you fail to notify the Department's Cite & Fine section of your intent to contest the citation and request a formal hearing, the citation shall be deemed final.

CONTESTING THE CITATION – CITATION REVIEW CONFERENCE

You may contest or dispute any aspect of the citation by making written request to the Department no later than 30 days after receipt of the citation. Use the enclosed form, "Notice of Intent to Request a Formal Hearing", to indicate your wish to contest the citation. Upon receipt of your request, the Department will schedule you for a Citation Review Conference, or CRC, which are held in the Department's Sacramento or Los Angeles offices.

The CRC is an opportunity for you to meet in person with a representative of the Department and to present evidence or mitigating information regarding the cited violations. Following the CRC the Department will notify you of its decision to affirm, modify, or dismiss the citation(s).

CONTESTING THE D&R AND CITATION – FORMAL ADMINISTRATIVE HEARING

Pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, you have the right to a formal administrative hearing conducted by an administrative law judge through the Office of Administrative Hearings. Please refer to the accompanying Order to Desist & Refrain for information on contesting the D&R.

ADDITIONAL CITE AND FINE INFORMATION is available on the Department's website at www.dre.ca.gov.

CITE & FINE
Department of Real Estate

By: _____

LSMARTIN

L.S. MARTIN
Compliance Officer

CITATION AND FINE INVOICE

RE 589 (Rev 9/14)

DRE USE ONLY

DRE USE ONLY

CITATION INFORMATION		
DRE CITATION NUMBER C-4-21-0621-001 (PRIMARY)		
DRE CASE NUMBER 5-18-0810-004		
CITATION/INVOICE DATE 06/22/2021	INVOICE NUMBER CIT03126 (PRIMARY)	DRE RECEIVED DATE
CITED PARTY		DRE LICENSE NUMBER

EMELITA DOMINGO SAGUN
C/O CHRISTOPHER C. HUANG
3082 STEVENS LANE
SAN JOSE, CA 95148

DESCRIPTION	TOTAL
ASSESSED ADMINISTRATIVE FINE <u>TOTAL DUE TO DRE BY:</u> 30 DAYS AFTER RECEIPT ❖ Payment may be made by certified funds, money order, or credit card. If paying by credit card, complete and return the credit card information requested. <u>No personal or company checks will be accepted.</u> ❖ If payment is mailed, please include a copy of this invoice with your payment. ❖ Per Government Code §16583.1, referral of this bill to Collections may result in additional costs to you, above the amount of the initial fine assessed. To avoid additional costs, you must pay this bill within the time prescribed. ❖ This invoice is for 1 citation.	\$2,500.00

INSTRUCTIONS

FOR ACCOUNTING USE
ONLY:
164300.36

- A copy of this invoice must accompany your remittance to ensure proper credit to your account.
- Make the cashier's check or money order payable to:
California Department of Real Estate, or DRE
- Mail to: CALIFORNIA DEPARTMENT OF REAL ESTATE
FISCAL/CITATIONS
P.O. BOX 137006
SACRAMENTO, CA 95813-7006

CREDIT CARD PAYMENT FOR CITATIONS

RE 909CAF (Rev. 1/14)

GENERAL INFORMATION

- Fines may be charged to your VISA, MasterCard, Discover, or American Express credit card.
- Complete the information requested below and mail or fax to DRE at:

DEPARTMENT OF REAL ESTATE
Fiscal/Citations
P.O. Box 137006
Sacramento, CA 95813-7006
Fax: (916) 263-8889

CREDIT CARD INFORMATION

- When charging fees to your VISA, MasterCard (MC), Discover Card (DSC), or American Express (AE), the following information must be completed and submitted:

METHOD OF PAYMENT (CHECK ONE) <input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> DSC <input type="checkbox"/> AE	ACCOUNT NUMBER	<i>DRE USE ONLY</i>	
EXPIRATION DATE	AMOUNT AUTHORIZED \$	ZIP CODE OF CARDHOLDER	Approval #
CARDHOLDER NAME (PLEASE PRINT)			Reference #
CITED PERSON'S NAME (IF DIFFERENT THAN CARDHOLDER)			
PURPOSE OF TRANSACTION INVOICE CIT03126 (PRIMARY)			Transaction Date
			Initials
LICENSE INFORMATION (IF APPLICABLE) <input type="checkbox"/> SALESPERSON <input type="checkbox"/> BROKER <input type="checkbox"/> CORPORATION/OFFICER ID#	DRE CITATION OR CASE # (IF KNOWN)		

CERTIFICATION

*I hereby certify that I understand that the fee remitted is deemed earned upon receipt.
(B&P Section 10207)*

SIGNATURE ➤	DATE		
PRINTED NAME (LAST, FIRST MIDDLE)	DAYTIME TELEPHONE NUMBER ()		
MAILING ADDRESS	CITY	STATE	ZIP CODE

PRIVACY NOTICE: Section 1798.17 of the Civil Code requires this notice be provided when collecting personal or confidential information from individuals. Each individual has the right to review personal information maintained by this agency, unless access is exempted by law. Government Code Section 6162 and 6163 authorizes the maintenance of this information. All information is voluntary; however, failure to provide requested information may cause your credit card payment request to be delayed. The information requested in this form is used to verify the authenticity of the credit card you wish to use to pay for DRE transaction/service fees. There are no known or foreseeable interagency or intergovernmental transfers of this information. For more information or access to this record, please contact the Fiscal Officer at (916) 576-8098 or you may write to Department of Real Estate, 1651 Exposition Blvd, Sacramento, CA 95815.

NOTICE OF INTENT TO REQUEST A FORMAL HEARING
RE 588A (New 7/14)

CITATION INFORMATION

CITED PARTY		DRE LICENSE NUMBER
CITATION NUMBER	DRE CASE NUMBER	

INSTRUCTIONS

- ❖ Check the boxes corresponding to the parts of the citation you are contesting for each violation as numbered in the citation.
- ❖ Please attach an explanation and supporting documents that you wish for us to consider during our review.

TO THE REAL ESTATE COMMISSIONER

I hereby acknowledge receipt of the Citation referenced above and notification of my right to contest the Citation. I do hereby contest the Citation and notify you that I intend to request a formal citation hearing. I have indicated below the parts of the Citation I am contesting, and I am not contesting any parts that I have not checked.

CONTESTED PARTS

VIOLATION NUMBER	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	COMMENTS
1	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	
2	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	
3	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	
4	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	
5	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	
6	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	
7	<input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDER OF CORRECTION <input type="checkbox"/> FINE AMOUNT	

SIGNATURE		DATE	
MAILING ADDRESS		CITY	STATE ZIP CODE
TELEPHONE NUMBER	ALTERNATE TELEPHONE NUMBER	EMAIL ADDRESS	

Return To: DEPARTMENT OF REAL ESTATE, Cite & Fine, PO Box 137012, Sacramento, CA 95813-7012

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Desist and Refrain Order to:

DRE Case No. H-6872 SAC

EMELITA DOMINGO SAGUN

DECLARATION OF MAILING

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I am employed in the office of the Department of Real Estate of the State of California at 1651 Exposition Blvd., Sacramento, CA 95815. I am over the age of eighteen years and not a party to the within action.

On February 23, 2022, I served the following document(s):

- Desist and Refrain Order
- RE-575 Notice of Service (Individual)
- Citation and Fine Citation
- Citation and Fine Invoice
- Credit Card Payment For Citations
- Notice of Intent To Request a Formal Hearing

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

EMELITA DOMINGO SAGUN
C/O CHRISTOPHER C. HUANG
3082 STEVENS LANE
SAN JOSE CA 95148

(By Regular Mail) I served the above document(s) on behalf of the Department of Real Estate by placing for collection and mailing following ordinary business practices, true copies to the addressed as shown above, on this date and at the place shown, in envelope(s) in the ordinary course of business.

(By Certified Mail) I served the above document(s) on behalf of the Department of Real Estate by placing for collection and mailing following ordinary business practices, true copies to the addressed as shown above, on this date and at the place shown, in envelope(s) in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 23, 2022, at Sacramento, California.

Rebecca Lynn Dew
REBECCA LYNN DEW