

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

MAR 23 2004

DEPARTMENT OF REAL ESTATE

By Laurie L. Jain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:

12 ALAIN WESLEY JOHNSON,
13 MICHAEL J. MEDINA,
14 RICHARD GERALD MOORE,
15 STELLA RODRIGUEZ,
16 GILBERT SANTOS,
OSCAR URIBE, AND
ROBERT ESPIRITU

)
) No. H- 8700 SF

)
) ORDER TO DESIST AND REFRAIN
) (B&P Code Section 10086)

17 The Real Estate Commissioner of the State of
18 California (hereinafter "Commissioner") has determined from
19 evidence available to the California Department of Real Estate
20 (hereinafter "the Department") that you, ALAIN WESLEY JOHNSON
21 (herein "JOHNSON"), MICHAEL J. MEDINA (herein "MEDINA"), RICHARD
22 GERALD MOORE (herein "MOORE"), STELLA RODRIGUEZ (herein
23 "RODRIGUEZ"), GILBERT SANTOS, OSCAR URIBE (herein "URIBE") and
24 ROBERT ESPIRITU (herein "ESPIRITU") (hereinafter collectively
25 "you"), while engaged in activities which require a real estate
26 broker license under the provisions of Section 10131(d) of the

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1 California Business and Professions Code (hereinafter "the
2 Code"), violated Section 10130 of the Code.

3 I

4 You, JOHNSON, MEDINA, MOORE, RODRIGUEZ, GILBERT SANTOS,
5 URIBE, and ESPIRITU were not licensed by the Department either as
6 a real estate salesperson or as a real estate broker at any time
7 mentioned herein.

8 II

9 At all times mentioned herein from on or about April
10 1, 2001 through on or about October 31, 2001, Azucena Sandy
11 Zipagan (herein "Zipagan") and Ronald Palana Santos (herein "Ron
12 Santos") individually and by and through you, JOHNSON, MEDINA,
13 MOORE, RODRIGUEZ, GILBERT SANTOS, URIBE, and ESPIRITU, among
14 others, engaged in the business of, acted in the capacity of,
15 advertised, or assumed to act as real estate brokers within the
16 State of California within the meaning of Section 10131(d) of
17 the Code, including the operation and conduct of a mortgage loan
18 brokerage business with the public wherein, on behalf of others,
19 for compensation or in expectation of compensation, you
20 solicited lenders and borrowers for loans secured directly or
21 collaterally by liens on real property, and wherein you
22 arranged, negotiated, processed, and consummated such loans.

23 III

24 At all times mentioned herein from on or about April
25 1, 2001 through on or about October 31, 2001, you, and each of
26 you, were employed and compensated by Zipagan and Ron

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1 Santos to perform the acts and conduct the activities described
2 in Paragraph II, above, including but not limited to negotiating
3 and arranging the mortgage loan transactions described in
4 Paragraph IV, below.

5 IV

6 In course of the activities and employment described
7 above, without first being licensed by the Department either as
8 a real estate salesperson or as a real estate broker, you:

9 (a) ESPIRITU negotiated and arranged approximately
10 nine loans secured by liens on real property, including but not
11 limited to: (1) a \$303,000 loan from Washington Mutual to Yvonne
12 Landa secured by residential real property at 1420 Canton Drive,
13 Milpitas; and (2) a \$165,000 loan from Accubanc Mortgage to Joan
14 Burt secured by residential real property at 353 Maud Avenue,
15 San Leandro;

16 (b) JOHNSON negotiated and arranged approximately
17 four loans secured by liens on real property, including but not
18 limited to a \$364,000 loan from Long Beach Mortgage to Terrie
19 Kruger secured by residential real property at 7860 Church
20 Street, Gilroy;

21 (c) MEDINA negotiated and arranged approximately two
22 loans secured by liens on real property, including but not
23 limited to a \$273,000 loan from Accubanc Mortgage to Peggy
24 Ramirez secured by residential real property at 4587 Shadowhurst
25 Court, San Jose;

26 (d) MOORE negotiated and arranged approximately three
27 loans secured by liens on real property, including but not

1 limited to a \$228,750 loan from Downey Savings to Julius Ferrer
2 secured by residential real property at 65 Silcreek Drive, San
3 Jose;

4 (e) RODRIGUEZ negotiated and arranged approximately
5 sixteen loans secured by liens on real property, including but
6 not limited to: (1) a \$190,000 loan from World Savings to Peter
7 Perez secured by residential real property at 88 Faith Drive,
8 Watsonville; (2) a \$142,400 loan from Long Beach Mortgage to
9 Norman Davis secured by residential real property at 325 Meadow
10 Circle, Greenfield; (3) a \$160,000 loan from World Savings to
11 Manuel Lopez secured by residential real property at 425 Circle
12 Place, Salinas; and (4) a \$354,000 loan from Accubanc Mortgage
13 to Susan Martinez secured by residential real property at 590
14 Verona Place, Hollister;

15 (f) GILBERT SANTOS negotiated and arranged
16 approximately twenty-three loans secured by liens on real
17 property, including but not limited to: (a) a \$176,000 loan from
18 Accubank Mortgage to Deborah Cerruti secured by residential real
19 property at 148 Aurora Place, Union City; and (b) a \$376,000
20 loan from Long Beach Mortgage to Malaga Smith secured by
21 residential real property at 2629 Grant Street, Berkeley; and

22 (g) URIBE negotiated and arranged approximately four
23 loans secured by liens on real property, including but not
24 limited to a \$290,000 loan from Long Beach Mortgage to Rosario
25 Ruiz secured by residential real property at 4001 San Ysidro
26 Way, San Jose.

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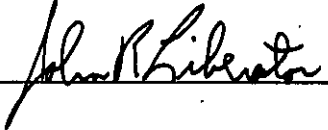
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In acting as described above, you, and each of you,
violated Section 10130 of the Code.

NOW, THEREFORE, YOU, ALAIN WESLEY JOHNSON, MICHAEL J.
MEDINA, RICHARD GERALD MOORE, STELLA RODRIGUEZ, GILBERT SANTOS,
OSCAR URIBE and ROBERT ESPIRITU, AND EACH OF YOU, ARE HEREBY
ORDERED TO DESIST AND REFRAIN from performing any activities for
which a real estate license is required unless you comply with
Section 10130 of the Code.

DATED: March 17, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner



cc: ALAIN WESLEY JOHNSON
2909 NIEMAN BLVD.
SAN JOSE, CA 95121

MICHAEL J. MEDINA
(ADDRESS UNKNOWN)

RICHARD GERALD MOORE
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STELLA RODRIGUEZ
967 SAGE COURT
SALINAS, CA 93905

GILBERT SANTOS
534 GILES WAY
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OSCAR URIBE
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ROBERT ESPIRITU
2951 STALLION WAY
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