SAC

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FILED
JAN 26 2012
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

To:	No. H-37808 LA
DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, FWHLA, FWHLA.ORG, HOME PROTECTION GROUP, JESUS EMANUEL JUAN LIM, TWIN BUILDERS FOUNDATION CORPORATION, RENE WILFREDO SOLIS, SALLY SAMARIS, SOLIS REALTY, INC., SERVICE SOLUTION, INC., TONY HASCHKE, CESAR LEON, NINO VERA, RAYMUNDO ROJAS, JOSE ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR, JUAN A. LAZARO, MARCELO RAMOS, FRANKLIN D. MARQUEZ, EMILY S. VASQUEZ, ALEX CANJURRA, LUCY DELGADO, FLAVIO HUMBERTO LOPEZ, NORTHERN BLUE MASTERS, INC.,	<u>ORDER TO DESIST AND REFRAIN</u> (B&P Code Section 10086)

GLOBAL CREDIT MASTERS, INC.,)
PRINICIPAL HOME SERVICES, INC.,)
THE SECOND CHANCE)
CONSULTING, INC.,)
WILBER ALEXANDER OLIVA,)
ARMANDO MEMBRENO,)
OCTAVIO PONCE,)
JUANA CHAVEZ BOLANOS,)
JUAN DEMECIO JIMENEZ,)
AVANTGARDE HORIZON, INC. and)
GUSTAVO VARGAS.)
)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, FWHLA, FWHLA.ORG, HOME PROTECTION GROUP, JESUS EMANUEL JUAN LIM, aka Jesus Lim and Jess Lim, TWIN BUILDERS FOUNDATION CORPORATION, RENE WILFREDO SOLIS, SALLY SAMARIS, SOLIS REALTY, INC., SERVICE SOLUTION, INC., TONY HASCHKE, CESAR LEON, NINO VERA, RAYMUNDO ROJAS, JOSE ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR, JUAN A. LAZARO, MARCELO RAMOS, FRANKLIN D. MARQUEZ, EMILY S. VASQUEZ, ALEX CANJURRA, LUCY DELGADO, FLAVIO HUMBERTO LOPEZ, NORTHERN BLUE MASTERS, INC., GLOBAL CREDIT MASTERS, INC., PRINICIPAL HOME SERVICES, INC., THE SECOND CHANCE CONSULTING, INC., WILBER ALEXANDER OLIVA, ARMANDO MEMBRENO, OCTAVIO PONCE, JUANA CHAVEZ BOLANOS, JUAN DEMECIO JIMENEZ, AVANTGARDE HORIZON, INC. and GUSTAVO VARGAS (sometimes collectively referred to as "Respondents").

Based on that investigation the Commissioner has determined that Respondents have engaged in or are engaging in acts or attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as real estate brokers in the State of California within the meaning of Business and Professions Code Sections 10131(a) (solicit prospective sellers or purchasers of, or negotiate the purchase, sale or exchange of real property), 10131(b)

(rent or solicit for prospective tenants, negotiate the sale, purchase or exchanges of leases on real property, or collect rent from real property), 10131(d) (solicit borrowers for or negotiate loans or perform services for borrowers in connection with loans secured by liens on real property), 10131(e) (sell, buy, exchange or offer to exchange a real property sales contract, or a promissory note secured directly or collaterally by a lien on real property, and performs services for the holders thereof), and 10131.1(a) (make agreements with the public for the collection of payments or for the performance of services in connection with real property sales contracts or promissory notes secured directly or collaterally by liens on real property).

In addition, based on that investigation, the Commissioner has determined that Respondents have engaged in or are engaging in acts or are attempting to engage practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"). Based on the findings of that investigation, 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.

FINDINGS OF FACT

1. At no time mentioned herein have DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, FWHLA, FWHLA.ORG., HOME PROTECTION GROUP, JESUS EMANUEL JUAN LIM, aka Jesus Lim and Jess Lim, RENE WILFREDO SOLIS, aka Rene Solis, TONY HASCHKE, CESAR LEON, aka Cesar De Leon, TWIN BUILDERS FOUNDATION CORPORATION, SOLIS REALTY, INC., SERVICE SOLUTION, INC., RAYMUNDO ROJAS, JOSE ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR, JUAN A. LAZARO, MARCELO RAMOS, FRANKLIN D. MARQUEZ, EMILY S. VASQUEZ, ALEX CANJURRA, LUCY DELGADO, FLAVIO HUMBERTO LOPEZ, NORTHERN BLUE MASTERS, INC., GLOBAL CREDIT MASTERS, INC., PRINICIPAL HOME SERVICES, INC., THE SECOND CHANCE CONSULTING, INC., OCTAVIO PONCE, JUANA CHAVEZ BOLANOS and AVANTGARDE HORIZON, INC. ever been licensed by the Department in any

capacity.

2. From March 4, 2006, through March 3, 2010, JUAN DEMECIO JIMENEZ, aka Juan D. Jimenez, was licensed by the Department of Real Estate ("Department") as a real estate salesperson, Department License No. 01734435.

3. From September 4, 1996, through May 3, 2005, WILBER ALEXANDER OLIVA was licensed by the Department as a real estate salesperson, Department License No. 01212941. The Department revoked WILBER ALEXANDER OLIVA's real estate salesperson license on May 3, 2005 (Department Case No. H-32103 LA).

4. From January 27, 2007, through January 26, 2011, ARMANDO MEMBRENO, was licensed by the Department as a real estate salesperson, Department License No. 01786106.

5. From February 18, 1988, through the present, GUSTAVO VARGAS has been licensed by the Department as a real estate salesperson, Department License No. 00983190.

6. From January 4, 2004, through the present, SALLY SAMARIS has been licensed by the Department as a real estate salesperson, Department License No. 01412664.

7. From March 22, 2007, through the present, NINO VERA has been licensed by the Department as a real estate salesperson, Department License No. 01756427.

8. At all times mentioned herein, in the State of California, Respondents, while using their own names or other fictitious business names, engaged in the business of a real estate broker conducting activities requiring a real estate license within the meaning of Code Sections 10131(a) (solicit prospective sellers or purchasers of, or negotiate the purchase, sale or exchange of real property), 10131(b) (rent or solicit for prospective tenants, negotiate the sale, purchase or exchanges of leases on real property, or collect rent from real property), 10131(d) (solicit borrowers for or negotiate loans or perform services for borrowers in connection with loans secured by liens on real property), 10131(e) (sell, buy, exchange or offer to exchange a real property sales contract, or a promissory note secured directly or collaterally by a lien on real property, and performs services for the holders thereof), and 10131.1(a) (make agreements with

the public for the collection of payments or for the performance of services in connection with real property sales contracts or promissory notes secured directly or collaterally by liens on real property).

9. For compensation or in expectation of compensation and for fees often collected in advance, Respondents, while using their own names or other fictitious business names, solicited borrowers by offering to conduct loan negotiations and modifications, foreclosure forbearance, mitigation, or foreclosure consultant services in connection with loans secured by liens on real property.

10. For compensation or in expectation of compensation and for fees often collected in advance, Respondents engaged in a plan and scheme wherein Respondents solicited and induced homeowners into signing Powers of Attorney and Quitclaim Deeds to their real properties for DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, TWIN BUILDERS FOUNDATION CORPORATION, or other unknown individuals, entities, or trusts. Respondents further induced homeowners to stop paying their mortgages and instead pay rents or "caretaker" fees for the real properties directly to Respondents on a monthly basis. Respondents made misrepresentations to homeowners including, but not limited to, that Respondents would stop the foreclosure on the homeowners' properties, that homeowners would obtain more favorable terms, lowered principal or lower payments on their mortgages, that the Respondents would pool the homeowners' monies in order to purchase the notes from the homeowners' lenders and sell the real properties back to the homeowners at a lower cost. Respondents offered to pay commissions for referring other homeowners to join the "caretaker" plan. Respondents failed to complete the services promised to the homeowners. Several homeowners subsequently lost their properties in foreclosure and were evicted from their homes after joining Respondents' "caretaker" plan.

11. Approximately 550 homeowners were victimized as a result of Respondents' plan and scheme described in Paragraph 10 above. Said homeowners include, but are not limited

to, the following:

	DATE OF TRANSACTION	HOMEOWNER	AMOUNT PAID TO RESPONDENTS
1	Dec., 2008	Elia C.	$8,500
2	Jan. 7, 2009	Martha A.	$6,400
3	June 19, 2009	Armando R.	$4,654
4	Aug. 2, 2009	Efran H.	$3,700
5	Aug. 27, 2009	Milagro P.	$2,500
6	Dec. 3, 2009	Arisbe C.	$3,778
7	Jan. 11, 2010	Maria R.	$5,472
8	Jan. 25, 2010	Fidel G.	$6,400
9	Feb. 23, 2010	Jose and Juana R.	$8,595
10	Feb. 26, 2010	Raul T.	$5,653
11	March 3, 2010	Maria C.	$6,297
12	March 6, 2010	Manuel A.	$10,176
13	March 23, 2010	Cruz G.	$8,628
14	April 1, 2010	Martha L.	$5,053
15	April 21, 2010	Juan V.	$7,500
16	April 21, 201	Gustavo C.	$5,600
17	April 29, 2010	Bernardino and Maria S.	$11,500
18	May 25, 2010	Eutemio C.	$6,000
19	June 8, 2010	Quetsy G.	$8,500
20	July 28, 201	Osiel and Adelaida Mora	$7,792
21	Aug. 18, 2010	Juan S.	$10,000

CONCLUSIONS OF LAW

12. Based on the information contained in Paragraphs 1 through 11, above, DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, FWHLA, FWHLA.ORG, HOME PROTECTION GROUP, JESUS EMANUEL JUAN LIM, aka Jesus Lim and Jess Lim,, TWIN BUILDERS FOUNDATION CORPORATION, RENE WILFREDO SOLIS, SALLY SAMARIS, SOLIS REALTY, INC., SERVICE SOLUTION, INC., TONY HASCHKE, CESAR LEON, NINO VERA, RAYMUNDO ROJAS, JOSE ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR, JUAN A. LAZARO, MARCELO RAMOS, FRANKLIN D. MARQUEZ, EMILY S. VASQUEZ, ALEX CANJURRA, LUCY DELGADO, FLAVIO HUMBERTO LOPEZ, NORTHERN BLUE MASTERS, INC., GLOBAL CREDIT MASTERS, INC., PRINICIPAL HOME SERVICES, INC., THE SECOND CHANCE CONSULTING, INC., WILBER ALEXANDER OLIVA, ARMANDO MEMBRENO, OCTAVIO PONCE, JUANA CHAVEZ BOLANOS, JUAN DEMECIO JIMENEZ, AVANTGARDE HORIZON, INC. and GUSTAVO VARGAS violated Code Section 10130 by engaging in activities requiring a real estate license without first obtaining a broker license from the Department.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT IS HEREBY ORDERED THAT DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, FWHLA, FWHLA.ORG, HOME PROTECTION GROUP, JESUS EMANUEL JUAN LIM, aka Jesus Lim and Jess Lim,, TWIN BUILDERS FOUNDATION CORPORATION, RENE WILFREDO SOLIS, SALLY SAMARIS, SOLIS REALTY, INC., SERVICE SOLUTION, INC., TONY HASCHKE, CESAR LEON, NINO VERA, RAYMUNDO ROJAS, JOSE ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR, JUAN A. LAZARO, MARCELO RAMOS, FRANKLIN D. MARQUEZ, EMILY S. VASQUEZ, ALEX CANJURRA, LUCY DELGADO, FLAVIO HUMBERTO LOPEZ, NORTHERN BLUE MASTERS, INC., GLOBAL

CREDIT MASTERS, INC., PRINICIPAL HOME SERVICES, INC., THE SECOND CHANCE CONSULTING, INC., WILBER ALEXANDER OLIVA, ARMANDO MEMBRENO, OCTAVIO PONCE, JUANA CHAVEZ BOLANOS, JUAN DEMECIO JIMENEZ, AVANTGARDE HORIZON, INC. and GUSTAVO VARGAS immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required, and in particular, soliciting borrowers and/or performing services for borrowers or lenders in connection with loans secured directly or collaterally by one or more liens on real property, unless and until you obtain a real estate broker license issued by the Department.

DATED: 12/21, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

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

cc: DAVID ZEPEDA/SUNSET BEACH TRUST/SB MANAGEMENT

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