

7286

1 Department of Real Estate  
320 West Fourth Street, Ste. 350  
2 Los Angeles, California 90013

**FILED**

3 Telephone: (213) 576-6982

SEP 30 2011

4 DEPARTMENT OF REAL ESTATE  
5 BY: [Signature]

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 To: ) No. H-37561 LA  
12 )  
13 DISCOVERY TIME FINANCE AND ) ORDER TO DESIST  
INVESTMENTS; FERNANDO ) AND REFRAIN  
14 GUERRERO; and DORA GUERRERO ) (B&P Code Section 10086)  
15 )  
16 )

17 The Commissioner ("Commissioner") of the California  
18 Department of Real Estate ("Department") caused an investigation  
19 to be made of the activities of DISCOVERY TIME FINANCE AND  
20 INVESTMENTS ("DISCOVERY"), FERNANDO GUERRERO, and DORA GUERRERO,  
21 also known as Dora Gonzalez, (sometimes collectively referred to  
22 as "Respondents"), and has determined that DISCOVERY, FERNANDO  
23 GUERRERO, and DORA GUERRERO have engaged in or are engaging in  
24 acts or practices constituting violations of the California  
25 Business and Professions Code ("Code") including engaging in the  
26 business of, acting in the capacity of, advertising, or assuming  
27

1 to act, as real estate broker in the State of California within  
2 the meaning of Section 10131(d) (soliciting borrowers or lenders  
3 or negotiating loans) and Section 10131.2 (claiming advance fees  
4 in connection with a loan). Based on the findings of that  
5 investigation, as set forth below, the Commissioner hereby issues  
6 the following Findings of Fact and Desist and Refrain Order  
7 pursuant to Section 10086 of the Code.

8 FINDINGS OF FACT

9 1. FERNANDO GUERRERO is presently licensed and/or  
10 has license rights under the Real Estate Law (Part 1 of Division  
11 4 of the Code) as a real estate salesperson.

12 2. At no time herein mentioned have DISCOVERY or  
13 DORA GUERRERO been licensed by the Department in any capacity.

14 3. Including but not limited to the times set forth  
15 below, DISCOVERY, FERNANDO GUERRERO, and DORA GUERRERO, engaged  
16 in the business of, acted in the capacity of, or advertised a  
17 loan modification service and advance fee brokerage offering to  
18 perform and performing loan modification, foreclosure rescue and  
19 short sale services with respect to loans which were secured by  
20 liens on real property for compensation or in expectation of  
21 compensation and for fees often collected in advance as well as  
22 at the conclusion of the transaction:

23  
24 a. On or about March 26, 2009, FERNANDO GUERRERO and  
25 DORA GUERRERO, on behalf of DISCOVERY as well as themselves,  
26 distributed written materials advertising a loan modification,  
27 foreclosure rescue and short sale service with respect to loans

1 which were secured by liens on real property for compensation,  
2 or in expectation of compensation, and for fees often collected  
3 in advance as well as at the conclusion of the transaction.

4           b. On or about March 26, 2009, Teresita de Jesus M.  
5 and Bertha M. paid an advance fee of \$8,200 to DORA GUERRERO on  
6 behalf of DISCOVERY, FERNANDO GUERRERO and DORA GUERRERO  
7 herself. On or about May 6, 2009, Teresita de Jesus M. and  
8 Bertha M. paid an additional advance fee of \$600 to FERNANDO  
9 GUERRERO on behalf of DISCOVERY, DORA GUERRERO and FERNANDO  
10 GUERRERO himself. The advance fees were collected by  
11 Respondents pursuant to the provisions of an agreement  
12 pertaining to loan modification, foreclosure rescue and/or short  
13 sale services to be provided by Respondents with respect to a  
14 loan secured by the real property located at 8169 San Gabriel  
15 Avenue, South Gate, California 90280.

16           c. Commencing on or about March 15, 2009, and  
17 continuing to on or about November 23, 2009, Felix L. paid a  
18 series of advance fees totaling \$21,260 to DORA GUERRERO and  
19 FERNANDO GUERRERO on behalf of DISCOVERY and on their own  
20 behalf. The advance fees were collected by Respondents pursuant  
21 to the provisions of an agreement pertaining to loan  
22 modification, foreclosure rescue and/or short sale services to  
23 be provided by Respondents with respect to a loan secured by the  
24 real property located at 8150 San Gabriel Avenue, South Gate,  
25 California 90280.

26  
27 ///

CONCLUSIONS OF LAW

1  
2 4. Based on the information contained in Paragraph  
3 3, above, FERNANDO GUERRERO advertised, performed and/or  
4 participated in loan modification, foreclosure rescue, short  
5 sale and advance fee activities which require a real estate  
6 broker license under the provisions of Code Sections 10131(d)  
7 and 10131.2 during a period of time when he was not licensed by  
8 the Department as a real estate broker nor employed as a real  
9 estate salesperson by the broker on whose behalf the activities  
10 were performed, all in violation of Section 10130 of the Code.

11 5. Based on the information contained in Paragraph  
12 3, above, DISCOVERY and DORA GUERRERO advertised, performed  
13 and/or participated in loan modification, foreclosure rescue,  
14 short sale and advance fee activities which require a broker  
15 license under the provision of Code Sections 10131(d) and  
16 10131.2 during a period of time when neither was licensed by the  
17 Department as a real estate broker or salesperson, in violation  
18 of Code Section 10130.  
19

DESIST AND REFRAIN ORDER

20  
21 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW  
22 stated herein, DISCOVERY TIME FINANCE AND INVESTMENTS, FERNANDO  
23 GUERRERO and DORA GUERRERO, whether doing business under the  
24 name Discovery Time Finance and Investments, their own names, or  
25 any other name(s), or any fictitious name, ARE HEREBY ORDERED to  
26 immediately desist and refrain from performing any acts within  
27 the State of California for which a real estate broker license

1 is required. In particular each of them is ORDERED TO DESIST  
2 AND REFRAIN from:

3 1. charging, demanding, claiming, collecting and/or  
4 receiving advance fees, as that term is defined in Section 10026  
5 of the Code, in any form, and under any conditions, with respect  
6 to the performance of loan modifications, or any other form of  
7 mortgage loan forbearance service, in connection with loans on  
8 residential property containing four or fewer dwelling units  
9 (Code Section 10085.6); and

10 2. charging, demanding, claiming, collecting and/or  
11 receiving advance fees, as that term is defined in Section 10026  
12 of the Code, for any other real estate related services offered  
13 by them to others.

14  
15 DATED: 9/20, 2011.

16  
17 BARBARA J. BIGBY  
18 Acting Real Estate Commissioner

19   
\_\_\_\_\_

20 **Notice:** Business and Professions Code Section 10139 provides  
21 that "Any person acting as a real estate broker or real estate  
22 salesperson without a license or who advertises using words  
23 indicating that he or she is a real estate broker without being  
24 so licensed shall be guilty of a public offense punishable by a  
25 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)."

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

cc: Discovery Time Finance and Investments  
12021 Woodruff Avenue  
Downey, California 92041

Fernando Guerrero  
2154 Titus Avenue  
Pomona, California 91766

Dora Guerrero  
2154 Titus Avenue  
Pomona, California 91766