

**FILED**

OCT 05 2011

DEPARTMENT OF REAL ESTATE  
BY: Guarino Valeris

JAMES DEMUS, Counsel (SBN 225005)  
Department of Real Estate  
320 West Fourth St., #350  
Los Angeles, CA 90013

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

No. H-37568 LA

A C C U S A T I O N

JMM FINANCIAL INC, dba Home  
Solutions Financial, JOSE F.  
CASARES, individually, and as  
former designated officer of JMM  
Financial Inc, and MARTIN MANUEL  
MARQUEZ,

Respondents.

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, for cause of  
Accusation against JMM FINANCIAL INC, dba Home Solutions  
Financial, JOSE F. CASARES, individually, and as former  
designated officer of JMM Financial Inc, and MARTIN MANUEL  
MARQUEZ is informed and alleges as follows:

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1. 1

2 The Complainant, Maria Suarez, a Deputy Real Estate  
3 Commissioner of the State of California, makes this Accusation  
4 in her official capacity.

2. 5

6 JMM FINANCIAL INC, (hereinafter "JMM") presently has  
7 license rights under the Real Estate Law (Part 1 of Division 4  
8 of the Business and Professions Code, hereinafter "Code"), as a  
9 corporate real estate broker. JMM was initially licensed by  
10 the California Department of Real Estate ("Department") on  
11 December 28, 2006. On December 27, 2010, JMM's license  
12 expired. Pursuant to Business and Professions Code Section  
13 10201, JMM retains renewal rights for two years. The  
14 Department of Real Estate holds jurisdiction over the lapsed  
15 license, pursuant to Business and Professions Code Section  
16 10103.

3. 17

18 On December 28, 2006, HOME SOLUTIONS FINANCIAL  
19 (hereinafter "HSF") was registered with the Department as a  
20 fictitious business name for JMM.

4. 21

22 JOSE F. CASARES (hereinafter "CASARES") is presently  
23 licensed and/or has license rights under the Real Estate Law,  
24 as a real estate broker. He was designated officer of JMM from  
25 December 28, 2006 to December 27, 2010.

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1 5.

2 Pursuant to Code Section 10159.2, Respondent CASARES  
3 was responsible for the supervision and control of the  
4 activities conducted on behalf of Respondent JMM and by its  
5 officers and employees as necessary to secure full compliance  
6 with the provisions of the Real Estate Law, including the  
7 supervision of salespersons licensed to the corporation in the  
8 performance of acts for which a real estate license is  
9 required.

10 6.

11 MARTIN MANUEL MARQUEZ (hereinafter "MARQUEZ") is  
12 presently licensed and/or has license rights under the Real  
13 Estate Law, as a real estate salesperson. From June 30, 2009  
14 until February 27, 2011, MARQUEZ was registered with the  
15 Department as under the employ of JMM.

16 7.

17 At all times material herein, Respondents JMM and  
18 CARDENAS were engaged in the business of, acted in the capacity  
19 of, advertised or assumed to act as real estate brokers in the  
20 State of California, within the meaning of Code Section  
21 10131(d) and 10131.2, including negotiating loans or performing  
22 services for borrowers and collecting or contracting for the  
23 collection of an advance fee, within the meaning of Code  
24 Section 10026.

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8.

Der Nersesian Transaction

On June 12, 2009, Aram Der Nersesian ("Der Nersesian") paid \$2,500 as an advance fee for HSF to perform services for Der Nersesian in connection with a loan secured by real property located at 23302 Beaumont Street, Valencia, CA. On October 2, 2009, Der Nersesian paid an additional advance fee of \$1,000 to HSF. HSF did not provide Der Nersesian with written copies of the loan modification agreement that Der Nersesian signed. MARQUEZ promised a refund to Der Nersesian if HSF failed to secure a modification on Der Nersesian's home loan. HSF did not obtain a loan modification and Der Nersesian did not receive a refund.

9.

Oxford Transaction

On or about April 1, 2009, Valerie Oxford ("Oxford") entered into an agreement with HSF in which HSF agreed to perform services for Oxford in connection with a loan secured by real property located at 1875 Cabrillo Avenue, Santa Clara, CA, in exchange for payment of advance fees. Among the terms of this agreement was a "money back guarantee" if HSF failed to obtain a loan modification. MARQUEZ also guaranteed a refund to Oxford if HSF could not obtain a loan modification. After payment of advance fees to HSF, Oxford received neither a loan modification, nor a refund.

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10.

Le Transaction

On or about March 10, 2009, Kenneth Le ("Le") entered into an agreement with HSF in which HSF agreed to perform services for Le in connection with a loan secured by real property in exchange for payment of advance fees. Lee submitted a \$2,000 advance fee to HSF on April 14, 2009.

11.

Cardenas Transaction

On or about April 15, 2009, Bertha Cardenas ("Cardenas") paid an advance fee of \$2,500 to HSF for the performance of services in connection with a loan secured by real property. On September 3, 2009, Cardenas cancelled the loan modification transaction and requested a refund. Cardenas has not received a refund to date.

12.

Pena Transaction

After being solicited by CASARES regarding loan modification services provided by HSF, Eloy Pena ("Pena") submitted seven (7) cashier's checks for \$2,500 each to HSF on April 13, 2009 as advance fees for the performance of services in connection with several loans secured by real property. Pena also signed a loan modification agreement with HSF on April 18, 2009. Despite repeated representations by CASARES that the loans would be modified, HSF did not obtain modifications on Pena's home loans and did not refund Pena's advance fees.

13.

Rodriguez Transaction

On May 29, 2009, Francisco and Teresa Rodriguez entered into an agreement with HSF in which HSF agreed to perform services for Francisco and Teresa Rodriguez in connection with several loans secured by real property in exchange for payment of advance fees. Between May 29, 2009 and July 12, 2009, HSF collected \$21,500 in advance fees from Francisco and Teresa Rodriguez.

14.

Pham Transaction

On or about August 6, 2009, Hieu Pham ("Pham") entered into an Advance Fee Agreement with HSF, in which Pham agreed to pay HSF an advance fee of \$5,000 for the performance of services in connection with a loan secured by real property located at 8541 Alissa Way, Elk Grove, CA. Among the terms of the agreement was a guarantee that "there will be a full refund on your payment if there is no case established." Between August 6, 2009 and August 27, 2009, Pham paid \$5,000 in advance fees to HSF. Pham received neither a modification of his loan, nor a refund of his advance fees from HSF.

15.

Doan Transaction

On or about September 14, 2009, Hanna Hanh Kieu Chau Doan ("Doan") entered into an Advance Fee Agreement with HSF, in which Doan agreed to pay HSF an advance fee of \$5,000 for the performance of services in connection with a loan secured

1 by real property located at 2408 Oliver Drive, Hayward, CA.  
2 Among the terms of the agreement was a guarantee that "there  
3 will be a full refund on your payment if there is no case  
4 established." Between September 14, 2009 and October 15, 2009,  
5 Doan paid \$5,000 in advance fees to HSF. Doan received neither  
6 a modification of his loan, nor a refund of his advance fees  
7 from HSF.

8 16.

9 The agreements described in Paragraphs 9 through 13  
10 above constitute advance fee agreements within the meaning of  
11 Code Section 10026. None of the advance fee agreements  
12 described in paragraphs 9 through 13 were submitted to the Real  
13 Estate Commissioner 10 days before their use, in violation of  
14 Code Sections 10085 and 10085.5, as well as Section 2970 of  
15 Title 10, California Code of Regulations ("Regulations"). The  
16 advance fee agreement described in paragraphs 9 through 13  
17 provide cause for suspension or revocation of the licenses and  
18 license rights of JMM and CASARES pursuant to Code Sections  
19 10177(d) and/or 10177(g).

20 17.

21 The conduct, acts and/or omissions described in  
22 paragraphs 8, 9, 12, 14 and 15 above constitute substantial  
23 misrepresentations and false promises of a character likely to  
24 influence, persuade, or induce, providing cause for the for  
25 suspension or revocation of the license and license rights of  
26 JMM pursuant to Code Sections 10176(a) and 10176(b).

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18.

The conduct, acts and/or omissions described in paragraph 12 above constitutes a substantial misrepresentation, providing cause for the suspension or revocation of the license and license rights of CASARES pursuant to Code Sections 10176(a) and/or 10177(g).

19.

The conduct, acts and/or omissions described in paragraphs 8 and 9 above constitute substantial misrepresentations and false promises of a character likely to influence, persuade, or induce, providing cause for the for suspension or revocation of the license and license rights of MARQUEZ pursuant to Code Sections 10176(a), 10176(b) and/or 10177(g).

20.

The overall conduct of Respondent CASARES constituted a failure on his part, as an officer designated by a corporate broker licensee, to exercise reasonable supervision and control over the licensed activities of JMM as required by Code Section 10159.2, and to keep JMM in compliance with the Real Estate Law, and is cause for the suspension or revocation of the real estate license and license rights of CASARES pursuant to the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondents JMM FINANCIAL INC, JOSE F. CASARES, and MARTIN  
6 MANUEL MARQUEZ under the Real Estate Law, and for such other  
7 and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California

10 this 26 day of September, 2011

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14 Maria Suarez  
15 Deputy Real Estate Commissioner  
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24 cc: JMM FINANCIAL INC  
25 JOSE F. CASARES  
26 MARTIN MANUEL MARQUEZ  
27 Maria Suarez  
Sacto.