

FILED

JUL 16 2012

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: CR

* * * *

In the Matter of the Accusation of)
) NO. H-37728 LA
JUAN DEMECIO JIMENEZ,)
ARMANDO MEMBRENO,)
GUSTAVO VARGAS,)
SALLY SAMARIS,)
NINO VERA,)
CARLOS TORRES ALMAGUER, and)
HECTOR MANUEL PENA,)
)
Respondents.)
_____)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 2, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On January 30, 2012, Maria Suarez made a First Amended Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The First Amended Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondents JUAN DEMECIO JIMENEZ, NINO VERA, and HECTOR MANUEL PENA's last known mailing addresses on file with the Department on January 31, 2012 and March 29, 2012.

On May 2, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents JUAN DEMECIO JIMENEZ, NINO VERA, and HECTOR MANUEL PENA's default were entered herein.

2.

From March 4, 2006, through March 3, 2010, Respondent JUAN DEMECIO JIMENEZ ("JIMENEZ") was licensed by the Department of Real Estate ("Department") as a real estate salesperson,

Department License No. 01734435. From October 30, 2008, through May 7, 2009, Respondent JIMENEZ was licensed under the employ of broker Housekey Financial Services, Inc. Respondent's license expired on March 3, 2010. The Department retains jurisdiction pursuant Business and Professions Code ("Code") Section 10103.

3.

From March 22, 2007, through the present, Respondent NINO VERA ("VERA") has been licensed by the Department as a real estate salesperson, Department License No. 01756427. From November 21, 2007, through February 18, 2009, Respondent VERA was licensed under the employ of broker Eric Burgos Properties, Inc. From February 19, 2009, through March 15, 2010, Respondent VERA was licensed under the employ of broker Mareli Realty, Inc.

4.

From June 2, 2006, through the present, Respondent HECTOR MANUEL PENA ("PENA") has been licensed by the Department as a real estate salesperson, Department License No. 01746314. From June 4, 2007, through the present, Respondent PENA was licensed under the employ of broker Franco Beltran.

5.

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, FlavioHumberto Lopez, Northern Blue Masters, Inc., Global Credit Masters, Inc., Principal Home Services, Inc., The Second Chance Consulting, Inc., Octavio Ponce, Juana Chavez Bolanos and Avantgarde Horizon, Inc. been licensed by the Department in any capacity.

6.

All further references to "Respondents" include the parties listed in Paragraphs 2 through 4, above. Respondents engaged in the activities set forth below while doing business under various fictitious business names including, but not limited to, those included in Paragraph 5, above.

7.

At all times herein mentioned, 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).

8.

For an unknown period of time beginning no later than December, 2008, and continuing through November, 2010, for compensation or in expectation of compensation and for fees often collected in advance, Respondents 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, within the meaning of Code Sections 10131 and 10131.1(a).

9.

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.

10.

Approximately 550 homeowners were victimized as a result of Respondents' plan and scheme described in Paragraph 9 above. Said homeowners include, but are not limited to, the following:

	DATE OF TRANSACTION	HOMEOWNER	AMOUNT PAID TO RESPONDENTS
2	January, 2009	Martha A.	\$6,400
3	March 18, 2010	Leticia and Manuel S.	\$12,000
18	April 29, 2010	Bernardino and Maria S.	\$11,500

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondents JIMENEZ, VERA, and PENA as set forth above, in collecting advance fees from prospective buyers or borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Sections 10085 and 10085.5 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the licenses and license rights of Respondents, pursuant to Code Section 10177(d).

2.

The conduct, acts and/or omissions of Respondents JIMENEZ, VERA, and PENA as set forth above, in collecting advance fees from prospective borrowers after October 11, 2009, was in violation of Code Sections 10085.5 and 10085.6, and constitutes grounds for the suspension or revocation of the licenses and license rights of Respondents JIMENEZ, VERA, and PENA pursuant to Code Section 10177(d).

3.

The conduct, acts and/or omissions of Respondents JIMENEZ, VERA, and PENA as set forth in Paragraphs 7 through 10, above, in making false and/or misleading representations in order to induce borrowers to enter into a loan modification, negotiation or forbearance agreement and in otherwise engaging in fraudulent and dishonest dealing, constitutes cause for the suspension or revocation of the licenses and license rights of Respondents JIMENEZ, VERA, and PENA pursuant to Code Sections 10176(a) and 10177(j).

4.

The activities described in Paragraphs 7 through 10, above, require a real estate broker license or salesperson license employed and compensated by a real estate broker under Code Sections 10131 and 10132. Respondents JIMENEZ, VERA, and PENA engaged in the activities described in Paragraphs 7 through 10, while using fictitious business names that were not licensed by the Department in any capacity. Respondents JIMENEZ, VERA, and PENA violated Code Section 10130 by engaging in activities requiring a real estate broker license without first obtaining a broker license from the Department. Said violation constitutes cause for the suspension or revocation of the licenses and license rights of Respondents JIMENEZ, VERA and PENA, pursuant to Code Section 10177(d).

5.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

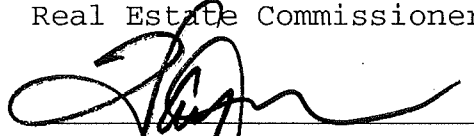
ORDER

The licenses and license rights of Respondents JUAN DEMECIO JIMENEZ, NINO VERA, and HECTOR MANUEL PENA under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon August 6, 2012.

DATED: June 6, 2012.

Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'Wayne S. Bell', written over a horizontal line.

By WAYNE S. BELL
Chief Counsel

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

FILED

MAY -2 2012

DEPARTMENT OF REAL ESTATE
BY: ca

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 JUAN DEMECIO JIMENEZ,) NO. H-37728 LA
13 ARMANDO MEMBRENO,) DEFAULT ORDER
14 GUSTAVO VARGAS,)
15 SALLY SAMARIS,)
16 NINO VERA,)
17 CARLOS TORRES ALMAGUER, and)
18 HECTOR MANUEL PENA,)
19 Respondents.)

20 Respondents, JUAN DEMECIO JIMENEZ, NINO VERA, and
21 HECTOR MANUEL PENA, having failed to file a Notice of Defense
22 within the time required by Section 11506 of the Government Code,
23 is now in default. It is, therefore, ordered that a default be
24 entered on the record in this matter.

25 IT IS SO ORDERED

May 2, 2012

26 Real Estate Commissioner

27 By: Dolores Weeks
Regional Manager