

SAC

FILED

MARCH 28, 2012

DEPARTMENT OF REAL ESTATE

BY: Ca

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

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.)

In the Matter of the Accusation of) NO. H-37822 LA
)
) COMPRE SU CASA REALTY, INC.,)
) FREDERICK DAVID WENZARA,)
) individually and as former)
) designated officer of Compre)
) Su Casa Realty, Inc.,)
) ARTURO MANUEL BACILIO, and)
) CARLOS TORRES ALMAGUER,)
)
) Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On January 31, 2012, a First Amended Accusation was
filed in Case No. H-37728 LA against Respondent CARLOS TORRES

1 ALMAGUER. On February 1, 2012, an Accusation was filed in Case
2 No. H-37822 LA against Respondent CARLOS TORRES ALMAGUER.

3 On February 23, 2012, Respondent petitioned the
4 Commissioner to voluntarily surrender his real estate salesperson
5 license pursuant to Section 10100.2 of the Business and
6 Professions Code.

7 IT IS HEREBY ORDERED that Respondent CARLOS TORRES
8 ALMAGUER's petition for voluntary surrender of his real estate
9 salesperson license is accepted as of the effective date of this
10 Order as set forth below, based upon the understanding and
11 agreement expressed in Respondent's Declaration dated
12 February 23, 2012 (attached as Exhibit "A" hereto). Respondent's
13 license certificate and pocket card shall be sent to the below
14 listed address so that they reach the Department on or before the
15 effective date of this Order:

16 Department of Real Estate
17 Attn: Licensing Flag Section
18 P.O. Box 187000
19 Sacramento, CA 95818-7000

20 This Order shall become effective at 12 o'clock noon
21 on April 17, 2012.

22 DATED: 3/14, 2012.

23 BARBARA J. BIGBY
24 Acting Real Estate Commissioner

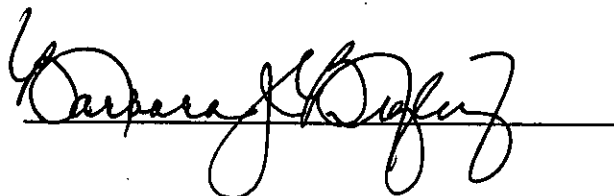
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26
27

EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

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.)

In the Matter of the Accusation of) NO. H-37822 LA
)
) COMPRE SU CASA REALTY, INC.,)
) FREDERICK DAVID WENZARA,)
) individually and as former)
) designated officer of Compre)
) Su Casa Realty, Inc.,)
) ARTURO MANUEL BACILIO, and)
) CARLOS TORRES ALMAGUER,)
) Respondents.)

DECLARATION

My name is CARLOS TORRES ALMAGUER, and I am currently
licensed as a real estate salesperson and/or have license rights

1 with respect to said license. I am representing myself in the
2 matters: H-37728 LA and H-37822 LA.

3 In lieu of proceeding in these matters in accordance
4 with the provisions of the Administrative Procedure Act (Sections
5 11400 et seq., of the Government Code), I wish to voluntarily
6 surrender my real estate license, issued by the Department of
7 Real Estate ("Department"), pursuant to Business and Professions
8 Code Section 10100.2.

9 I understand that by so voluntarily surrendering my
10 license, I may be relicensed as a broker or as a salesperson only
11 by petitioning for reinstatement pursuant to Section 11522 of the
12 Government Code. I also understand that by so voluntarily
13 surrendering my license, I agree to the following:

14 1. The filing of this Declaration shall be deemed as
15 my petition for voluntary surrender.

16 2. It shall also be deemed to be an understanding and
17 agreement by me that I waive all rights I have to require the
18 Commissioner to prove the allegations contained in the
19 Accusations filed in these matters at hearings held in accordance
20 with the provisions of the Administrative Procedure Act
21 (Government Code Sections 11400 et seq.), and that I also waive
22 other rights afforded to me in connection with the hearings such
23 as the right to discovery, the right to present evidence in
24 defense of the allegations in the Accusations and the right to
25 cross-examine witnesses.

26 3. I further agree that upon acceptance by the
27 Commissioner, as evidenced by an appropriate order, all

1 affidavits and all relevant evidence obtained by the Department
2 in this matter prior to the Commissioner's acceptance, and all
3 allegations contained in the Accusations filed in Department Case
4 No. H-37728 LA and Department Case No. H-37822 LA, may be
5 considered by the Department to be true and correct for the
6 purpose of deciding whether to grant relicensure or reinstatement
7 pursuant to Government Code Section 11522.

8 4. I freely and voluntarily surrender all my licenses
9 and license rights under the Real Estate Law.

10 5. A copy of the Commissioner's Criteria of
11 Rehabilitation is attached hereto. If and when a petition
12 application is made for reinstatement of a surrendered license or
13 endorsement, the Real Estate Commissioner will consider as one of
14 the criteria of rehabilitation, whether or not restitution has
15 been made to any person who has suffered monetary losses through
16 "substantially related" acts or omissions of Respondent, whether
17 or not such persons are named in the investigation file in this
18 case.

19 I declare under penalty of perjury under the laws of
20 the State of California that the above is true and correct and
21 that this declaration was executed on February 23, 2012,
22 at Van Nuys CA, California.

23 
24 CARLOS TORRES ALMAGUER
25
26
27

1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
JAN 31 2012
DEPARTMENT OF REAL ESTATE

By C.2

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

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

20 This First Amended Accusation amends the Accusation filed on December 14,
21 2011. The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of
22 California, for cause of Accusation against JUAN DEMECIO JIMENEZ, ARMANDO
23 MEMBRENO, GUSTAVO VARGAS, SALLY SAMARIS, NINO VERA, CARLOS TORRES
24 ALMAGUER, and HECTOR MANUEL PENA (collectively "Respondents"), is informed and
alleges as follows:

25 1.

26 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State
27 of California, makes this Accusation in her official capacity.
28

2.

Respondents are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, "Code").

LICENSES

3.

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 has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

4.

From January 27, 2007, through January 26, 2011, Respondent ARMANDO MEMBRENO ("MEMBRENO") was licensed by the Department as a real estate salesperson, Department License No. 01786106. From September 8, 2008, through September 25, 2009, Respondent MEMBRENO was licensed under the employ of broker Universal Executive Group, Inc. From September 26, 2009, through January 26, 2011, Respondent MEMBRENO was licensed under the employ of broker James Alfred Santana. Respondent has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

5.

From February 18, 1988, through the present, Respondent GUSTAVO VARGAS ("VARGAS") has been licensed by the Department as a real estate salesperson, Department License No. 00983190. From June 29, 2007, through November 6, 2008, Respondent VARGAS was licensed under the employ of broker Andes Financial Investments, Inc. From November 7, 2008, through May 5, 2009, Respondent VARGAS was licensed under the employ of broker VIP on 99 Enterprises, Inc. From May 19, 2009, through September 27, 2009, Respondent VARGAS was licensed under the employ of broker Sol Funding, Inc. From September 28, 2009, through

1 October 10, 2010, Respondent VARGAS was licensed under the employ of broker VIP on 99
2 Enterprises, Inc.

3 6.

4 From January 10, 2004, through the present, Respondent SALLY SAMARIS
5 ("SAMARIS") has been licensed by the Department as a real estate salesperson, Department
6 License No. 01412664. From April 19, 2005, through October 12, 2009, Respondent SAMARIS
7 was licensed under the employ of broker New Horizon R E, Inc.

8 7.

9 From March 22, 2007, through the present, Respondent NINO VERA ("VERA")
10 has been licensed by the Department as a real estate salesperson, Department License No.
11 01756427. From November 21, 2007, through February 18, 2009, Respondent VERA was
12 licensed under the employ of broker Eric Burgos Properties, Inc. From February 19, 2009,
13 through March 15, 2010, Respondent VERA was licensed under the employ of broker Mareli
14 Realty, Inc.

15 8.

16 From November 3, 2008, through the present, Respondent CARLOS TORRES
17 ALMAGUER ("ALMAGUER") has been licensed by the Department as a real estate
18 salesperson, Department License No. 01810076. From November 8, 2009, through July 8, 2010,
19 Respondent ALMAGUER was not licensed under the employ of any real estate broker.

20 9.

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

25 10.

26 At no time mentioned herein have DAVID ZEPEDA, SUNSET BEACH TRUST,
27 SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES,
28

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., PRINCIPAL 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.

STATEMENT OF FACTS

11.

All further references to "Respondents" include the parties listed in Paragraphs 3 through 9, above, as well as the officers, agents and employees of the parties listed in Paragraph 8, 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 10, above.

12.

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

1 property, and performs services for the holders thereof), and 10131.1(a) (make agreements with
2 the public for the collection of payments or for the performance of services in connection with
3 real property sales contracts or promissory notes secured directly or collaterally by liens on real
4 property).

5 13.

6 For an unknown period of time beginning no later than December, 2008, and
7 continuing through November, 2010, for compensation or in expectation of compensation and
8 for fees often collected in advance, Respondents solicited borrowers by offering to conduct loan
9 negotiations and modifications, foreclosure forbearance, mitigation, or foreclosure consultant
10 services in connection with loans secured by liens on real property, within the meaning of Code
11 Sections 10131 and 10131.1(a).
12

13 14.

14 For compensation or in expectation of compensation and for fees often collected
15 in advance, Respondents engaged in a plan and scheme wherein Respondents solicited and
16 induced homeowners into signing Powers of Attorney and Quitclaim Deeds to their real
17 properties for DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT,
18 FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, TWIN BUILDERS
19 FOUNDATION CORPORATION, or other unknown individuals, entities, or trusts.

20 Respondents further induced homeowners to stop paying their mortgages and instead pay rents
21 or "caretaker" fees for the real properties directly to Respondents on a monthly basis.

22 Respondents made misrepresentations to homeowners including, but not limited to, that

23 Respondents would stop the foreclosure on the homeowners' properties, that homeowners would
24 obtain more favorable terms, lowered principal or lower payments on their mortgages, that the
25 Respondents would pool the homeowners' monies in order to purchase the notes from the
26 homeowners' lenders and sell the real properties back to the homeowners at a lower cost.

27 Respondents offered to pay commissions for referring other homeowners to join the "caretaker"
28 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.

15.

Approximately 550 homeowners were victimized as a result of Respondents' plan and scheme described in Paragraph 14 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 18, 2010	Leticia and Manuel S.	\$12,000
14	March 23, 2010	Cruz G.	\$8,628

	DATE OF TRANSACTION	HOMEOWNER	AMOUNT PAID TO RESPONDENTS
15	April 1, 2010	Martha L.	\$5,053
16	April 21, 2010	Juan V.	\$7,500
17	April 21, 2010	Gustavo C.	\$5,600
18	April 29, 2010	Bernardino and Maria S.	\$11,500
19	May 25, 2010	Eutemio C.	\$6,000
20	June 8, 2010	Quetsy G.	\$8,500
21	July 28, 2010	Osiel and Adelaida Mora	\$7,792
22	Aug. 18, 2010	Juan S.	\$10,000

ADVANCE FEE VIOLATIONS

16.

The conduct, acts and/or omissions of Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, 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 Sections 10177(d) and/or 10177(g).

17.

For those transactions described in Paragraph 15, above, that occurred after October 11, 2009, Respondents charged and collected advance fees as compensation for offering to perform loan modification or other form of loan forbearance for said borrowers, in violation of Code Sections 10085.5 and 10085.6

18.

The conduct, acts and/or omissions of Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, 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, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, and PENA pursuant to Code Sections 10177(d) or 10177(g).

SUBSTANTIAL MISREPRESENTATIONS/FRAUD/DISHONEST DEALING

19.

The conduct, acts and/or omissions of Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, and PENA as set forth in Paragraphs 12 through 15, 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, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, and PENA pursuant to Code Sections 10176(a) and/or 10177(j).

UNLICENSED ACTIVITY

20.

The activities described in Paragraphs 12 through 15, 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, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, and PENA engaged in the activities described in Paragraphs 12 through 15, while using fictitious business names that were not licensed by the Department in any capacity. Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS, VERA, ALMAGUER, 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.

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of Respondents JUAN DEMECIO JIMENEZ,
4 ARMANDO MEMBRENO, GUSTAVO VARGAS, SALLY SAMARIS, NINO VERA,
5 CARLOS TORRES ALMAGUER, and HECTOR MANUEL PENA under the Real Estate Law
6 (Part 1 of Division 4 of the California Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable provisions of law.

8 this 30th day of January, 2012.

9
10
11 MARIA SUAREZ
12 Deputy Real Estate Commissioner
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19
20

21 cc: Juan Demecio Jimenez
22 Armando Membreno
23 Gustavo Vargas
24 Sally Samaris
25 Nino Vera
26 Carlos Torres Almaguer
27 Hector Manuel Pena
28 Franco Beltran
William Livingston, Esq.
Maria Suarez
Sacto.

SAC
1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

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DEC 14 2011
DEPARTMENT OF REAL ESTATE

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9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)

NO. H-37728 LA

12 JUAN DEMECIO JIMENEZ,)

13 ARMANDO MEMBRENO,)

A C C U S A T I O N

14 GUSTAVO VARGAS,)

15 SALLY SAMARIS, and)

16 NINO VERA,)

Respondents.)

17 The Complainant, Maria Suarez, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 Accusation against JUAN DEMECIO JIMENEZ, ARMANDO MEMBRENO,
20 GUSTAVO VARGAS, SALLY SAMARIS and NINO VERA (collectively
21 "Respondents"), is informed and alleges as follows:

22 1.

23 The Complainant, Maria Suarez, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation
25 in her official capacity.

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4.

From January 27, 2007, through January 26, 2011, Respondent ARMANDO MEMBRENO ("MEMBRENO") was licensed by the Department as a real estate salesperson, Department License No. 01786106. From September 8, 2008, through September 25, 2009, Respondent MEMBRENO was licensed under the employ of broker Universal Executive Group, Inc. From September 26, 2009, through January 26, 2011, Respondent MEMBRENO was licensed under the employ of broker James Alfred Santana. Respondent has renewal rights under Code Section 10201. The Department retains jurisdiction pursuant Code Section 10103.

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6.

From January 10, 2004, through the present, Respondent SALLY SAMARIS ("SAMARIS") has been licensed by the Department as a real estate salesperson, Department License No. 01412664. From April 19, 2005, through October 12, 2009, Respondent SAMARIS was licensed under the employ of broker New Horizon R E, Inc.

7.

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,

1 Inc. From February 19, 2009, through March 15, 2010, Respondent
2 VERA was licensed under the employ of broker Mareli Realty, Inc.
3

4 8.

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

19 STATEMENT OF FACTS

20 9.

21 All further references to "Respondents" include the
22 parties listed in Paragraphs 3 through 7, above, as well as the
23 officers, agents and employees of the parties listed in
24 Paragraph 8, above. Respondents engaged in the activities set
25 forth below while doing business under various fictitious
26 business names including, but not limited to, those included in
Paragraph 8, above.

10.

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).

11.

For an unknown period of time beginning no later than December, 2008, and continuing through August, 2010, for compensation or in expectation of compensation and for fees often collected in advance, Respondents solicited borrowers by

1 offering to conduct loan negotiations and modifications,
2 foreclosure forbearance, mitigation, or foreclosure consultant
3 services in connection with loans secured by liens on real
4 property, within the meaning of Code Sections 10131 and
5 10131.1(a).

6
7 12.

8 For compensation or in expectation of compensation and
9 for fees often collected in advance, Respondents engaged in a
10 plan and scheme wherein Respondents solicited and induced
11 homeowners into signing Powers of Attorney and Quitclaim Deeds
12 to their real properties for DAVID ZEPEDA, SUNSET BEACH TRUST,
13 SB MANAGEMENT, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES,
14 TWIN BUILDERS FOUNDATION CORPORATION, or other unknown
15 individuals, entities, or trusts. Respondents further induced
16 homeowners to stop paying their mortgages and instead pay rents
17 or "caretaker" fees for the real properties directly to
18 Respondents on a monthly basis. Respondents made
19 misrepresentations to homeowners including, but not limited to,
20 that Respondents would stop the foreclosure on the homeowners'
21 properties, that homeowners would obtain more favorable terms,
22 lowered principal or lower payments on their mortgages, that the
23 Respondents would pool the homeowners' monies in order to
24 purchase the notes from the homeowners' lenders and sell the
25 real properties back to the homeowners at a lower cost.
26 Respondents offered to pay commissions for referring other
homeowners to join the "caretaker" plan. Respondents failed to

1 complete the services promised to the homeowners. Several
2 homeowners subsequently lost their properties in foreclosure and
3 were evicted from their homes after joining Respondents'
4 "caretaker" plan.
5

6 13.

7 Approximately 550 homeowners were victimized as a
8 result of Respondents' plan and scheme described in Paragraph 12
9 above. Said homeowners include, but are not limited to, the
10 following:

	DATE OF TRANSACTION	HOMEOWNER	AMOUNT PAID TO RESPONDENTS
11 1	Dec., 2008	Elia C.	\$8,500
12 2	Jan. 7, 2009	Martha A.	\$6,400
13 3	June 19, 2009	Armando R.	\$4,654
14 4	Aug. 2, 2009	Efran H.	\$3,700
15 5	Aug. 27, 2009	Milagro P.	\$2,500
16 6	Dec. 3, 2009	Arisbe C.	\$3,778
17 7	Jan. 11, 2010	Maria R.	\$5,472
18 8	Jan. 25, 2010	Fidel G.	\$6,400
19 9	Feb. 23, 2010	Jose and Juana R.	\$8,595
20 10	Feb. 26, 2010	Raul T.	\$5,653
21 11	March 3, 2010	Maria C.	\$6,297
22 12	March 6, 2010	Manuel A.	\$10,176

	DATE OF TRANSACTION	HOMEOWNER	AMOUNT PAID TO RESPONDENTS
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

ADVANCE FEE VIOLATIONS

14.

The conduct, acts and/or omissions of Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS and VERA, 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 Sections 10177(d) and/or 10177(g).

15.

For those transactions described in Paragraph 13, above, that occurred after October 11, 2009, Respondents charged and collected advance fees as compensation for offering to perform loan modification or other form of loan forbearance for said borrowers, in violation of Code Sections 10085.5 and 10085.6

16.

The conduct, acts and/or omissions of Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS and VERA, 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, MEMBRENO, VARGAS, SAMARIS and VERA pursuant to Code Sections 10177(d) or 10177(g).

SUBSTANTIAL MISREPRESENTATIONS/FRAUD/DISHONEST DEALING

17.

The conduct, acts and/or omissions of Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS and VERA as set forth in Paragraphs 10 through 13, 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, MEMBRENO,

1 VARGAS, SAMARIS and VERA pursuant to Code Sections 10176(a)
2 and/or 10177(j).

3 UNLICENSED ACTIVITY

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5 18.

6 The activities described in Paragraphs 10 through 13,
7 above, require a real estate broker license or salesperson
8 license employed and compensated by a real estate broker under
9 Code Sections 10131 and 10132. Respondents JIMENEZ, MEMBRENO,
10 VARGAS, SAMARIS and VERA engaged in the activities described in
11 Paragraphs 8 through 13, while using fictitious business names
12 that were not licensed by the Department in any capacity.
13 Respondents JIMENEZ, MEMBRENO, VARGAS, SAMARIS and VERA violated
14 Code Section 10130 by engaging in activities requiring a real
15 estate broker license without first obtaining a broker license
16 from the Department.

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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 licenses and/or license rights of Respondents
5 JUAN DEMECIO JIMENEZ, ARMANDO MEMBRENO, GUSTAVO VARGAS, SALLY
6 SAMARIS and NINO VERA, under the Real Estate Law (Part 1 of
7 Division 4 of the California Business and Professions Code) and
8 for such other and further relief as may be proper under other
9 applicable provisions of law
10 this 12th day of December, 2011.

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13 MARIA SUAREZ

14 Deputy Real Estate Commissioner
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23 cc: Juan Demecio Jimenez
24 Armando Membreno
25 Gustavo Vargas
26 Sally Samaris
Nino Vera
Maria Suarez
Sacto.