Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982

FILED
JUL 13 2011
DEPARTMENT OF REAL ESTATE
By C.R.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To: MARCORR CORPORATION dba Vancouver Realty; JOSE DE JESUS CONTRERAS; and MARICELA CONTRERAS.	No. H-37388 LA ORDER TO DESIST AND REFRAIN (B&P Code Section 10086)

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS. Based on that investigation the Commissioner has determined that MARCORR CORPORATION doing business as Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS 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(d) (solicit borrowers for or negotiate loans or perform services for borrowers in connection with loans secured by liens on real property), and 10131.2 (engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the

collection of an advance fee in connection with offering to obtain a loan real property).

In addition, based on that investigation, the Commissioner has determined that MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS 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. From April 9, 2008 through the present, JOSE DE JESUS CONTRERAS has been licensed by the Department as a real estate broker and as the broker-officer of MARCORR CORPORATION.

2. From September 27, 2004 through the present, MARCORR CORPORATION has been licensed by the Department as a real estate corporation. MARCORR CORPORATION is licensed to do business as MBJ Mortgage and Vancouver Realty. From September 27, 2008 through the present, MARCORR CORPORATION has been acting by and through JOSE DE JESUS CONTRERAS as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law.

3. From January 4, 1996 through the present, MARICELA CONTRERAS has been licensed by the Department as a real estate salesperson. From August 23, 2007 through July 29, 2008, MARICELA CONTRERAS was acting in the employ of real estate broker Elite Home Loans, Inc. From July 30, 2008 through July 20, 2009, MARICELA CONTRERAS was acting in the employ of MARCORR CORPORATION.

4. MARCORR CORPORATION is a California corporation. JOSE DE JESUS CONTRERAS is the chief executive officer and a director of MARCORR CORPORATION.

MARICELA CONTRERAS is the chief financial officer and agent for service of process for MARCORR CORPORATION.

5. At all times mentioned herein, in the County of Los Angeles, MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS engaged in the business of a real estate broker conducting activities requiring a real estate license within the meaning of Code Sections 10131(a), 10131(d), and 10131.2. MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS engaged in operating a residential resale, short sale, mortgage loan, advance fee and loan modification service brokerage. For compensation or in expectation of compensation and for fees often collected in advance, MARCORR CORPORATION, VANCOUVER REALTY, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS solicited prospective purchasers and sellers for short sales of real property and solicited borrowers by offering to conduct negotiations and modifications in connection with loan secured by real property.

Laura R.

6. MARICELA CONTRERAS, while working for Vancouver Realty, approached Laura R. and offered to assist her by advising that Laura R. short sell her real property located in the city of Victorville, California. Laura R. followed MARICELA CONTRERAS' advice and signed an exclusive listing agreement with MARICELA CONTRERAS and Vancouver Realty for the short sale of the property. MARICELA CONTRERAS charged and collected advance fees of $3,000 from Laura R. for the short sale of the property. Shortly thereafter, MARICELA CONTRERAS informed Laura R. that she needed to pay $2,500 in property taxes and $450 for an appraisal of the property. Laura R. gave MARICELA CONTRERAS $2,950 to pay the alleged delinquent property taxes for the property. Laura R. did not receive a receipt for the $2,950 she paid to MARICELA CONTRERAS for the appraisal and payment of property taxes on the property. Laura R. later discovered that MARICELA CONTRERAS never paid the property taxes on the property. Despite MARICELA CONTRERAS' assurances to Laura R. that

she could short sell the property to Laura R.'s daughter, the property was foreclosed and sold by a trustee sale on February 6, 2009. MARICELA CONTRERAS refused to refund either the $3,000 advance fee or the $2,950 she collected from Laura R.

7. MARICELA CONTRERAS and MARCORR CORPORATION, while doing business as Vancouver Realty, charged and collected the advance fees described in Paragraph 7 above, for soliciting prospective sellers or purchasers of, obtaining listings of or negotiating the purchase, sale or exchange of real property, which constitutes an advance fee within the meaning of Code Section 10026.

8. MARCORR CORPORATION failed to submit a written agreement or any written solicitation for short sale services described in Paragraph 7 above, to the Commissioner ten days before using it, in violation of Code Section 10085 and Regulation 2970.

Elder R.

9. Elder R. was facing foreclosure of real property he owned. Elder R. responded to a radio announcement for loan modification and negotiation services from MARCORR CORPORATION, while doing business as Vancouver Realty. Elder R. spoke with MARICELA CONTRERAS who was acting on behalf of MARCORR CORPORATION. MARICELA CONTRERAS assured Elder R. that she could obtain a loan modification for Elder R. On October 29, 2008, MARICELA CONTRERAS collected $3,000 in advance fees from Elder R. for Vancouver Realty's loan negotiation and modification services. Elder R. did not obtain a loan modification through Vancouver Realty. Elder R. requested a refund of the advance fees which MARICELA CONTRERAS refused. Elder R. filed a complaint against MARICELA CONTRERAS and Vancouver Realty with the County of Los Angeles Department of Consumer Affairs. Thereafter, MARICELA CONTRERAS refunded $2,500 to Elder R.

10. MARICELA CONTRERAS and MARCORR CORPORATION, while doing business as Vancouver Realty, charged and collected the advance fees described in Paragraph 10 above, for soliciting to perform loan negotiation and modification services for borrowers in connection with loans secured by real property, which constitutes an advance fee within the

meaning of Code Section 10026.

11. MARCORR CORPORATION failed to submit a written agreement or any written solicitation for loan negotiation or modification services described in Paragraph 10 above, to the Commissioner ten days before using it, in violation of Code Section 10085 and Regulation 2970.

12. MARCORR CORPORATION failed to furnish a verified copy of accounting content which includes identification of the trust fund account into which the advance fee had been deposited, description of services rendered, the amount allocated or disbursed from the advance fee at the end of each calendar quarter and when the contract has been completely performed by the licensee, in violation of Code Section 10146 and Regulation 2972.

CONCLUSIONS OF LAW

13. Based on the information contained in Paragraphs 1 through 13, above, MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS violated Code Section 10085 of the Code and Regulation 2970 by failing to submit advance fee agreements and materials to the Department of Real Estate prior charging and collecting advance fees from any person.

14. Based on the information contained in Paragraphs 1 through 13, above, MARCORR CORPORATION dba Vancouver Realty and JOSE DE JESUS CONTRERAS violated Code Section 10146 and Regulation 2972 by failing to furnish a verified copy of accounting content which includes identification of the trust fund account into which the advance fee had been deposited, description of services rendered, the amount allocated or disbursed from the advance fee at the end of each calendar quarter and when the contract has been completely performed by the licensee.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT IS HEREBY ORDERED THAT MARCORR CORPORATION dba Vancouver

Realty, JOSE DE JESUS CONTRERAS, and MARICELA CONTRERAS, whether doing business under their own names or any other fictitious names, ARE HEREBY ORDERED TO:

1. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026, in any form, and under any conditions, with respect to the performance of loan modification or any other form of mortgage loan forbearance services in connection with loan on residential property containing four or fewer dwelling units (Code Section 10085.6).

2. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Code Section 10026, for any of the other real estate related services offered to others, unless and until MARCORR CORPORATION dba Vancouver Realty and JOSE DE JESUS CONTRERAS, and each of them, demonstrate and provide evidence satisfactory to the Commissioner that each:

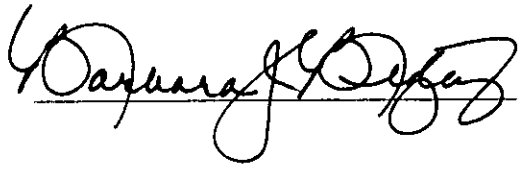
a. has an advance fee agreement which has been submitted to the Department and which is in compliance with Code Section 10085 and Regulation 2970;

b. has placed all previously collected advance fees into a trust account for that purpose and is in compliance with Code Section 10146; and

c. has provided an accounting to trust fund owner-beneficiaries from whom advance fees have previously been collected in compliance with Code Section 10146 and Regulation 2972.

DATED: 6/28, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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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: Marcorr Corporation, Vancouver Realty, Jose De Jesus Contreras and Maricela Contreras
9510 Telegraph Road
Downey, CA 90241