FILED

MAR 23 2012

DEPARTMENT OF REAL ESTATE

BY: [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of FERNANDO GUERRERO, Respondent.	)	No. H-37481 LA

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 February 15, 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.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondents.

FINDINGS OF FACT

I

On August 24, 2011, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified

mail, to Respondent's last known mailing address on file with the Department on August 26, 2011.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on February 15, 2012.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate salesperson.

III

The evidence established that on the dates set forth below, Respondent engaged in the business of negotiating, or offering to negotiate, loan modifications, foreclosure rescues and short sale services in connection with loans secured directly or collaterally by liens on real property for compensation or in expectation of compensation from someone other than a broker who then employed him.

a. On or about March 26, 2009, Respondent, Dora Guerrero, and Discovery Time Finance and Investments ("Discovery") distributed written materials advertising a loan modification, foreclosure rescue and short sale service with respect to loans which were secured by liens on real property for compensation, or in expectation of compensation, and for fees often collected in advance as well as at the conclusion of the transaction.

b. On or about March 26, 2009, Teresita de Jesus M. and Bertha M. paid an advance fee of $8,200 to Dora Guerrero on behalf of Respondent, Discovery and Dora Guerrero herself. Thereafter, on or about May 6, 2009, Teresita de Jesus M. and Bertha M. paid an additional advance fee of $600 to Respondent on behalf of Discovery, Dora Guerrero and Respondent himself. The advance fees were collected pursuant to the provisions of an agreement pertaining to loan modification, foreclosure rescue and/or short sale services to be provided by Respondent, Discovery and/or Dora Guerrero with respect to a loan secured by the real property located at 8169 San Gabriel Avenue, South Gate, California 90280.

c. Commencing on or about March 15, 2009, and continuing to on or about November 23, 2009, Felix L. paid a series of advance fees totaling $21,260 to Respondent and Dora Guerrero on behalf of Discovery and on their own behalf. The advance fees were collected pursuant to the provisions of an agreement pertaining to loan modification, foreclosure rescue and/or short sale services to be provided by Respondent, Dora Guerrero and/or Discovery with respect to a loan secured by the real property located at 8150 San Gabriel Avenue, South Gate, California 90280.

DETERMINATION OF ISSUES

I

Based on the information contained in Paragraph III, above, Respondent performed and/or participated in activities which require a real estate broker license under the provisions of Code Sections 10131(d) and 10131.2 during a period of time when Respondent was not licensed by the Department as a real estate broker, nor employed as a real estate salesperson by a broker on whose behalf the activities were performed, in violation of Code Section 10130 which is cause to suspend or revoke the license and license rights of Respondent pursuant to Code Sections 10177(d), 10177(g) and 10177(j).

II

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

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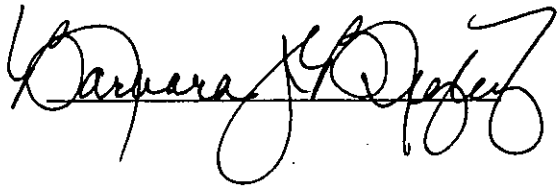
ORDER

The licenses and license rights of Respondent FERNANDO GUERRERO 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 APR 12 2012.

DATED: 3/12/12.

Barbara J. Bigby
Acting Real Estate Commissioner



Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105
(213) 576-6982

FILED
FEB 15 2012
DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of FERNANDO GUERRERO, Respondent.	NO. H-37481 LA DEFAULT ORDER

Respondent, FERNANDO GUERRERO, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED February 15, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: PHILLIP IHDE
Regional Manager

CHERYL D. KEILY SBN# 94008
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FILED
AUG 26 2011
DEPARTMENT OF REAL ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of FERNANDO GUERRERO, Respondent.	No. H- 37481 LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against FERNANDO GUERRERO ("Respondent") is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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2.

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

3.

At no time herein mentioned was Dora Guerrero, also known as Dora Gonzalez, or Discovery Time Finance and Investments ("Discovery") licensed by the Department in any capacity.

4.

On the dates set forth below, Respondent engaged in the business of negotiating, or offering to negotiate, loan modifications, foreclosure rescues and short sale services in connection with loans secured directly or collaterally by liens on real property for compensation or in expectation of compensation from someone other than a broker who then employed him.

a. On or about March 26, 2009, Respondent, Dora Guerrero, and Discovery distributed written materials advertising a loan modification, foreclosure rescue and short sale service with respect to loans which were secured by liens on real property for compensation, or in expectation of compensation, and for fees often collected in advance as well as at the conclusion of the transaction.

b. On or about March 26, 2009, Teresita de Jesus M. and Bertha M. paid an advance fee of $8,200 to Dora Guerrero on

behalf of Respondent, Discovery and Dora Guerrero herself. Thereafter, on or about May 6, 2009, Teresita de Jesus M. and Bertha M. paid an additional advance fee of $600 to Respondent on behalf of Discovery, Dora Guerrero and Respondent himself. The advance fees were collected pursuant to the provisions of an agreement pertaining to loan modification, foreclosure rescue and/or short sale services to be provided by Respondent, Discovery and/or Dora Guerrero with respect to a loan secured by the real property located at 8169 San Gabriel Avenue, South Gate, California 90280.

c. Commencing on or about March 15, 2009, and continuing to on or about November 23, 2009, Felix L. paid a series of advance fees totaling $21,260 to Respondent and Dora Guerrero on behalf of Discovery and on their own behalf. The advance fees were collected pursuant to the provisions of an agreement pertaining to loan modification, foreclosure rescue and/or short sale services to be provided by Respondent, Dora Guerrero and/or Discovery with respect to a loan secured by the real property located at 8150 San Gabriel Avenue, South Gate, California 90280.

5.

Based on the information contained in Paragraph 4, above, Respondent performed and/or participated in activities which require a real estate broker license under the provisions of Code Sections 10131(d) and 10131.2 during a period of time when Respondent was not licensed by the Department as a real

estate broker nor employed as a real estate salesperson by a broker on whose behalf the activities were performed.

6.

At the time Respondent engaged in the activities described in Paragraph 4, above, Respondent was employed under the corporate broker license of Real Estate Ebroker Inc., which did not authorize nor have knowledge of Respondent's conduct.

7.

The conduct, acts and/or omissions of Respondent, as set forth, above, violate Code Section 10130, and are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d), 10177(g) and/or 10177(j).

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent FERNANDO GUERRERO, under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 24 day of August, 2011.

Robin Trujillo
Deputy Real Estate Commissioner

cc: FERNANDO GUERRERO
Real Estate Ebroker Inc.
Robin Trujillo
Sacto.