Department of Real Estate
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FILED

SEP 30 2011

DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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To:	No. H-37561 LA
DISCOVERY TIME FINANCE AND INVESTMENTS; FERNANDO GUERRERO; and DORA GUERRERO	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 DISCOVERY TIME FINANCE AND INVESTMENTS ("DISCOVERY"), FERNANDO GUERRERO, and DORA GUERRERO, also known as Dora Gonzalez, (sometimes collectively referred to as "Respondents"), and has determined that DISCOVERY, FERNANDO GUERRERO, and DORA GUERRERO have engaged in or are engaging in acts or practices constituting violations of the California Business and Professions Code ("Code") including engaging in the business of, acting in the capacity of, advertising, or assuming

to act, as real estate broker in the State of California within the meaning of Section 10131(d) (soliciting borrowers or lenders or negotiating loans) and Section 10131.2 (claiming advance fees in connection with a loan). Based on the findings of that investigation, as set forth below, the Commissioner hereby issues the following Findings of Fact and Desist and Refrain Order pursuant to Section 10086 of the Code.

FINDINGS OF FACT

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

2. At no time herein mentioned have DISCOVERY or DORA GUERRERO been licensed by the Department in any capacity.

3. Including but not limited to the times set forth below, DISCOVERY, FERNANDO GUERRERO, and DORA GUERRERO, engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage offering to perform and performing loan modification, foreclosure rescue and short sale services 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:

a. On or about March 26, 2009, FERNANDO GUERRERO and DORA GUERRERO, on behalf of DISCOVERY as well as themselves, 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 DISCOVERY, FERNANDO GUERRERO and DORA GUERRERO herself. On or about May 6, 2009, Teresita de Jesus M. and Bertha M. paid an additional advance fee of $600 to FERNANDO GUERRERO on behalf of DISCOVERY, DORA GUERRERO and FERNANDO GUERRERO himself. The advance fees were collected by Respondents pursuant to the provisions of an agreement pertaining to loan modification, foreclosure rescue and/or short sale services to be provided by Respondents 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 DORA GUERRERO and FERNANDO GUERRERO on behalf of DISCOVERY and on their own behalf. The advance fees were collected by Respondents pursuant to the provisions of an agreement pertaining to loan modification, foreclosure rescue and/or short sale services to be provided by Respondents with respect to a loan secured by the real property located at 8150 San Gabriel Avenue, South Gate, California 90280.

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CONCLUSIONS OF LAW

4. Based on the information contained in Paragraph 3, above, FERNANDO GUERRERO advertised, performed and/or participated in loan modification, foreclosure rescue, short sale and advance fee 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 he was not licensed by the Department as a real estate broker nor employed as a real estate salesperson by the broker on whose behalf the activities were performed, all in violation of Section 10130 of the Code.

5. Based on the information contained in Paragraph 3, above, DISCOVERY and DORA GUERRERO advertised, performed and/or participated in loan modification, foreclosure rescue, short sale and advance fee activities which require a broker license under the provision of Code Sections 10131(d) and 10131.2 during a period of time when neither was licensed by the Department as a real estate broker or salesperson, in violation of Code Section 10130.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, DISCOVERY TIME FINANCE AND INVESTMENTS, FERNANDO GUERRERO and DORA GUERRERO, whether doing business under the name Discovery Time Finance and Investments, their own names, or any other name(s), or any fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license

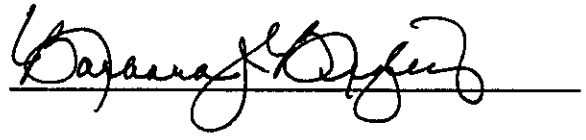
is required. In particular each of them is ORDERED TO DESIST AND REFRAIN from:

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

2. charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, for any other real estate related services offered by them to others.

DATED: 9/20, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



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)."

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cc: Discovery Time Finance and Investments
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