

known mailing addresses on file with the Department of Real Estate ("Department") for Respondents GUSTAVO VARGAS ("VARGAS") and SALLY SAMARIS ("SAMARIS"). Respondents VARGAS and SAMARIS filed Notices of Defense to the Accusation. A First Amended Accusation and a Second Amended Accusation were subsequently filed in this matter and served to Respondents VARGAS and SAMARIS, and to Respondent SAMARIS' attorney, at the addresses on the Respondents' Notices of Defense.

On August 23, 2012, a Notice of Hearing was mailed to the addresses listed on the Notices of Defense for Respondents VARGAS and SAMARIS, and to Respondent SAMARIS' attorney, William Livingston, Esq. The hearing was scheduled to commence on February 27, 2013, through March 1, 2013.

Respondents VARGAS and SAMARIS, and Respondent SAMARIS' attorney failed to appear at the hearing on February 27, 2013.

2.

From February 18, 1988, through the present, Respondent GUSTAVO VARGAS ("VARGAS") has been licensed by the Department as a real estate salesperson, Department ID 00983190. From June 29, 2007, through November 6, 2008, Respondent VARGAS was licensed under broker Andes Financial Investments, Inc. From November 7, 2008, through May 5, 2009, Respondent VARGAS was licensed under broker VIP on 99 Enterprises, Inc. From May 19, 2009, through September 27, 2009, Respondent VARGAS was licensed under broker Sol Funding, Inc. From September 28, 2009, through October 10, 2010, Respondent VARGAS was licensed under broker VIP on 99 Enterprises, Inc.

3.

From January 10, 2004, through January 9, 2012, Respondent SALLY SAMARIS ("SAMARIS") was licensed by the Department as a real estate salesperson, Department ID 01412664. From April 19, 2005, through October 12, 2009, Respondent SAMARIS was licensed under broker New Horizon R E, Inc. Respondent SAMARIS' real estate salesperson license expired on January 9, 2012. Respondent SAMARIS has renewal rights under Business and Professions

Code ("Code") Section 10201. The Department retains jurisdiction pursuant to Code Section 10103.

4.

At no time mentioned herein have David Zepeda, Sunset Beach Trust, SB Management, Oracle Vision, 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, 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.

5.

At all times herein mentioned, in the State of California, Respondents VARGAS and SAMARIS, 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).

6.

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 VARGAS and SAMARIS 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).

7.

For compensation or in expectation of compensation and for fees often collected in advance, Respondents VARGAS and SAMARIS engaged in a plan and scheme wherein Respondents VARGAS and SAMARIS solicited and induced homeowners into signing Powers of Attorney and Quitclaim Deeds to their real properties for David Zepeda, Sunset Beach Trust, SB Management, Oracle Vision, Financial Wellness for Homeowners of Los Angeles, Twin Builders Foundation Corporation, or other unknown individuals, entities, or trusts. Respondents VARGAS and SAMARIS 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.

8.

Respondents VARGAS and SAMARIS made misrepresentations to homeowners including, but not limited to, that the foreclosure on the homeowners' properties would be stopped, that homeowners would obtain more favorable terms, lowered principal or lower payments on their mortgages, that the homeowners' monies would be pooled in order to purchase the notes from the homeowners' lenders and sell the real properties back to the homeowners at a lower cost. Respondents VARGAS and SAMARIS offered to pay commissions for referring other homeowners to join the "caretaker" plan. Respondents VARGAS and SAMARIS 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.

9.

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

| | DATE OF TRANSACTION | HOMEOWNER | AGENT (S) INVOLVED | AMOUNT PAID |
|---|---------------------|----------------------|--------------------|-------------|
| 1 | Feb. 2009 | Milagro and Luis P. | SAMARIS | \$5,100 |
| 2 | Sept. 2009 | Armando S. | SAMARIS | \$9,477.20 |
| 3 | Nov. 2009 | Lourdes B. | VARGAS | \$12,596.72 |
| 4 | Dec. 2009 | Raul Z. and Maria C. | VARGAS | \$9,942.48 |
| 5 | April 2010 | Carol R. | SAMARIS & VARGAS | \$10,000 |

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondents VARGAS and SAMARIS, as set forth in Paragraphs 7 through 9, 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 2970, and constitutes grounds for the suspension or revocation of the licenses and license rights of Respondents VARGAS and SAMARIS pursuant to Code Section 10177(d).

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2.

For those transactions described in Paragraph 9, above, that occurred after October 11, 2009, Respondents VARGAS and SAMARIS 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, and constitutes grounds for the suspension or revocation of the licenses and license rights of Respondents VARGAS and SAMARIS pursuant to Code Section 10177(d).

3.

The conduct, acts and/or omissions of Respondents VARGAS and SAMARIS, as set forth in Paragraphs 7 through 9, 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 VARGAS and SAMARIS pursuant to Code Section 10177(j).

4.

The activities described in Paragraphs 5 through 9, 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 VARGAS and SAMARIS, engaged in the activities described in Paragraphs 7 through 9, above, while using fictitious business names that were not licensed by the Department in any capacity. Respondents VARGAS and SAMARIS violated Code Sections 10130 and 10137 by engaging in activities requiring a real estate broker license without first obtaining a broker license from the Department or conducting said activities under the employment or supervision of their licensed broker.

5.

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

6

ORDER

The licenses and license rights of Respondents GUSTAVO VARGAS and SALLY SAMARIS 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 on April 18, 2013.

DATED: March 25, 2013.

REAL ESTATE COMMISSIONER

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

WAYNE S. BELL

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FILED

APR 17 2013

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY: _____

| | | |
|------------------------------------|---|--------------------|
| In the Matter of the Accusation of |) | DRE No. H-37728 LA |
| |) | |
| JUAN DEMECIO JIMENEZ, |) | OAH No. 2012070708 |
| <u>ARMANDO MEMBRENO,</u> |) | |
| GUSTAVO VARGAS, |) | |
| SALLY SAMARIS, |) | |
| NINO VERA, |) | |
| CARLOS TORRES ALMAGUER, and |) | |
| HECTOR MANUEL PENA, |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

DECISION

The Proposed Decision dated February 27, 2013, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following correction is made to the Proposed Decision:

Page 1, footnote, No. 1, shall be corrected to read "Prior to the date of this hearing, the real estate licenses of Respondents Juan Demecio Jimenez, Hector Manuel Pena, and Nino Vera were revoked by the Commissioner's Decision effective on August 6, 2012. Respondent Carlos Torres Almaguer voluntarily surrendered his real estate license by an Order effective April 17, 2012. As to Respondents Gustavo Vargas and Sally Samaris, who did not appear, the matter was remanded for agency default."

This Decision shall become effective at 12 o'clock noon on
April 10, 2013.

IT IS SO ORDERED April 10, 2013.

REAL ESTATE COMMISSIONER


Wayne S. Bell

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

JUAN DEMECIO JIMENEZ; ARMANDO
MEMBRENO; GUSTAVO VARGAS;
SALLY SAMARIS; NINO VERA; CARLOS
TORRES ALMAGUER; and HECTOR
MANUEL PENA,

Respondents.

Case No. H-37728 LA

OAH No. 2012070708

PROPOSED DECISION

Howard W. Cohen, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on February 27, 2013, in Los Angeles, California.

Lisette Garcia, Counsel for the Department of Real Estate (Department), appeared on behalf of complainant Maria Suarez, Deputy Real Estate Commissioner of the State of California.

Respondent Armando Membreno (respondent) appeared on his own behalf.¹

Oral and documentary evidence was received, the record was closed, and the matter was submitted on February 27, 2013.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Complainant filed the Accusation in her official capacity. Respondent timely filed a notice of defense.

¹ Prior to the date of this hearing, all other respondents except Gustavo Vargas and Sally Samaris were dismissed from this action. As to Vargas and Samaris, who did not appear, the matter was remanded for agency default.

2. The Department originally issued real estate salesperson license no. 01786106 to respondent on January 27, 2007. The Department revoked all of respondent's licenses and licensing rights under the Real Estate Law in a Decision dated October 8, 2012, effective November 19, 2012, in Case Number H-37359 LA (OAH No. 2011120953).

3. Respondent received notice of the decision revoking his licensing rights. As of the date of this hearing, 100 days after the effective date of his license revocation, respondent has not petitioned for reconsideration of the decision, petitioned for a writ of mandate, moved to vacate the decision, or taken any other action to challenge or appeal the revocation of his license.

LEGAL CONCLUSIONS

1. The Department's decision revoking respondent's licensing rights is final, as the time for any challenge to the decision has elapsed. To challenge a Department decision, a licensee must petition for reconsideration or file a petition for a writ of mandate within 30 days of the effective date of the decision. (Gov. Code, §§ 11521, 11523.) Where the Department issues a decision against a licensee after a default by the licensee, the licensee may move to vacate the decision within seven days after service on the respondent of the decision. (Gov. Code, § 11520, subd. (c).) Respondent did not timely challenge the decision. (Factual Findings 2, 3.)

2. The Department lacks jurisdiction to discipline the license it originally issued to respondent and then revoked. Business and Professions Code section 10103, which confers continuing jurisdiction on the Department, applies only to the lapsing or suspension of or the voluntary surrender of a license, none of which occurred here.

3. The purpose of filing an Accusation is to initiate a hearing to determine whether a license should be revoked, suspended, limited, or conditioned. (Gov. Code, § 11503.) Respondent having no licensing rights that the Department may discipline, there is no substantive issue for the Administrative Law Judge to determine. (Factual Findings 2, 3.)

ORDER

The Accusation is dismissed as to respondent Armando Membreno.

DATED: February 27, 2013



HOWARD W. COHEN
Administrative Law Judge
Office of Administrative Hearings

1 2.

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

4 LICENSES

5 3.

6 From January 27, 2007, through January 26, 2011, Respondent ARMANDO
7 MEMBRENO ("MEMBRENO") was licensed by the Department as a real estate salesperson,
8 Department ID 01786106. From September 8, 2008, through September 25, 2009, Respondent
9 MEMBRENO was licensed under broker Universal Executive Group, Inc. From September 26,
10 2009, through January 26, 2011, Respondent MEMBRENO was licensed under broker James
11 Alfred Santana. The Department retains jurisdiction pursuant Code Section 10103.

12 4.

13 From February 18, 1988, through the present, Respondent GUSTAVO VARGAS
14 ("VARGAS") has been licensed by the Department as a real estate salesperson, Department
15 ID 00983190. From June 29, 2007, through November 6, 2008, Respondent VARGAS was
16 licensed under broker Andes Financial Investments, Inc. From November 7, 2008, through May
17 5, 2009, Respondent VARGAS was licensed under broker VIP on 99 Enterprises, Inc. From
18 May 19, 2009, through September 27, 2009, Respondent VARGAS was licensed under broker
19 Sol Funding, Inc. From September 28, 2009, through October 10, 2010, Respondent VARGAS
20 was licensed under broker VIP on 99 Enterprises, Inc.

21 5.

22 From January 10, 2004, through the present, Respondent SALLY SAMARIS
23 ("SAMARIS") has been licensed by the Department as a real estate salesperson, Department
24 ID 01412664. From April 19, 2005, through October 12, 2009, Respondent SAMARIS was
25 licensed under broker New Horizon R E, Inc.

26 6.

27 At no time mentioned herein have DAVID ZEPEDA, SUNSET BEACH TRUST,
28 SB MANAGEMENT, ORACLE VISION, FINANCIAL WELLNESS FOR HOMEOWNERS

1 OF LOS ANGELES, FWHLA, FWHLA.ORG., HOME PROTECTION GROUP, JESUS
2 EMANUEL JUAN LIM aka Jesus Lim and Jess Lim, RENE WILFREDO SOLIS aka Rene
3 Solis, TONY HASCHKE, CESAR LEON aka Cesar De Leon, TWIN BUILDERS
4 FOUNDATION CORPORATION, SOLIS REALTY, INC., SERVICE SOLUTION, INC.,
5 RAYMUNDO ROJAS, JOSE ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR,
6 JUAN A. LAZARO, MARCELO RAMOS, FRANKLIN D. MARQUEZ, EMILY S.
7 VASQUEZ, ALEX CANJURRA, LUCY DELGADO, FLAVIO HUMBERTO LOPEZ,
8 NORTHERN BLUE MASTERS, INC., GLOBAL CREDIT MASTERS, INC., PRINCIPAL
9 HOME SERVICES, INC., THE SECOND CHANCE CONSULTING, INC., OCTAVIO
10 PONCE, JUANA CHAVEZ BOLANOS and AVANTGARDE HORIZON, INC. ever been
11 licensed by the Department in any capacity.

12 STATEMENT OF FACTS

13 7.

14 All further references to "Respondents" include the parties listed in Paragraphs 3
15 through 5, above, as well as the officers, agents and employees of the parties listed in
16 Paragraph 6, above. Respondents engaged in the activities set forth below while doing business
17 under various fictitious business names including, but not limited to, those included in
18 Paragraph 6, above.

19 8.

20 At all times herein mentioned, in the State of California, Respondents, while
21 using their own names or other fictitious business names, engaged in the business of a real estate
22 broker conducting activities requiring a real estate license within the meaning of Code Sections
23 10131(a) (solicit prospective sellers or purchasers of, or negotiate the purchase, sale or exchange
24 of real property), 10131(b) (rent or solicit for prospective tenants, negotiate the sale, purchase or
25 exchanges of leases on real property, or collect rent from real property), 10131(d) (solicit
26 borrowers for or negotiate loans or perform services for borrowers in connection with loans
27 secured by liens on real property), 10131(e) (sell, buy, exchange or offer to exchange a real
28 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 9.

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 10.

13 For compensation or in expectation of compensation and for fees often collected
14 in advance, Respondents engaged in a plan and scheme wherein Respondents solicited and
15 induced homeowners into signing Powers of Attorney and Quitclaim Deeds to their real
16 properties for DAVID ZEPEDA, SUNSET BEACH TRUST, SB MANAGEMENT, ORACLE
17 VISION, FINANCIAL WELLNESS FOR HOMEOWNERS OF LOS ANGELES, TWIN
18 BUILDERS FOUNDATION CORPORATION, or other unknown individuals, entities, or trusts.
19 Respondents further induced homeowners to stop paying their mortgages and instead pay rents
20 or "caretaker" fees for the real properties directly to Respondents on a monthly basis.

21 Respondents made misrepresentations to homeowners including, but not limited
22 to, that Respondents would stop the foreclosure on the homeowners' properties, that
23 homeowners would obtain more favorable terms, lowered principal or lower payments on their
24 mortgages, that the Respondents would pool the homeowners' monies in order to purchase the
25 notes from the homeowners' lenders and sell the real properties back to the homeowners at a
26 lower cost. Respondents offered to pay commissions for referring other homeowners to join the
27 "caretaker" plan. Respondents failed to complete the services promised to the homeowners.

28

1 Several homeowners subsequently lost their properties in foreclosure and were evicted from their
2 homes after joining Respondents' "caretaker" plan.

3 11.

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

7

| | DATE OF TRANSACTION | HOMEOWNER | AGENT(S) INVOLVED | AMOUNT PAID | |
|----|---------------------|--------------|----------------------|---|-------------|
| 8 | | | | | |
| 9 | 1 | Jan. 7, 2009 | Martha A. | Juan Demecio Jimenez | \$6,400 |
| 10 | 2 | Feb. 2009 | Milagro and Luis P. | SAMARIS | \$5,100 |
| 11 | 3 | Sept. 2009 | Armando S. | SAMARIS and MEMBRENO | \$9,477.20 |
| 12 | 4 | Nov. 2009 | Lourdes B. | VARGAS | \$12,596.72 |
| 13 | 5 | Dec. 2009 | Raul Z. and Maria C. | VARGAS | \$9,942.48 |
| 14 | 6 | April 2010 | Carol R. | SAMARIS, VARGAS, MEMBRENO, and Juan Demecio Jimenez | \$10,000 |

15
16
17

18 ADVANCE FEE VIOLATIONS

19 12.

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

26 13.

27 For those transactions described in Paragraph 11, above, that occurred after
28 October 11, 2009, Respondents charged and collected advance fees as compensation for offering

1 to perform loan modification or other form of loan forbearance for said borrowers, in violation of
2 Code Sections 10085.5 and 10085.6

3 14.

4 The conduct, acts and/or omissions of Respondents MEMBRENO, VARGAS,
5 and SAMARIS, as set forth above, in collecting advance fees from prospective borrowers after
6 October 11, 2009, was in violation of Code Sections 10085.5 and 10085.6, and constitutes
7 grounds for the suspension or revocation of the licenses and license rights of Respondents
8 MEMBRENO, VARGAS, and SAMARIS pursuant to Code Sections 10177(d) or 10177(g).

9 SUBSTANTIAL MISREPRESENTATIONS/FRAUD/DISHONEST DEALING

10 15.

11 The conduct, acts and/or omissions of Respondents MEMBRENO, VARGAS,
12 and SAMARIS, as set forth in Paragraphs 8 through 11, above, in making false and/or
13 misleading representations in order to induce borrowers to enter into a loan modification,
14 negotiation or forbearance agreement and in otherwise engaging in fraudulent and dishonest
15 dealing, constitutes cause for the suspension or revocation of the licenses and license rights of
16 Respondents MEMBRENO, VARGAS, and SAMARIS pursuant to Code Sections 10176(a)
17 and/or 10177(j).

18 UNLICENSED ACTIVITY/UNLAWFUL EMPLOYMENT OR COMPENSATION

19 16.

20 The activities described in Paragraphs 8 through 11, above, require a real estate
21 broker license or salesperson license employed and compensated by a real estate broker under
22 Code Sections 10131 and 10132. Respondents MEMBRENO, VARGAS, and SAMARIS,
23 engaged in the activities described in Paragraphs 8 through 11, while using fictitious business
24 names that were not licensed by the Department in any capacity. Respondents MEMBRENO,
25 VARGAS, and SAMARIS violated Code Sections 10130 and 10137 by engaging in activities
26 requiring a real estate broker license without first obtaining a broker license from the Department
27 or conducting said activities under the employment or supervision of their licensed broker.
28

17.

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Second Amended Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondents ARMANDO MEMBRENO, GUSTAVO VARGAS, and SALLY SAMARIS under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

this 16th day of August, 2012.


MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Armando Membreno
Gustavo Vargas
Berdjouhi Sarlou Harabedian
Sally Samaris
William Livingston, Esq.
Maria Suarez
Sacto.
OAH

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 ("PENNA") has been licensed by the Department as a real estate salesperson, Department License No. 01746314. From June 4, 2007, through the present, Respondent PENNA 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.

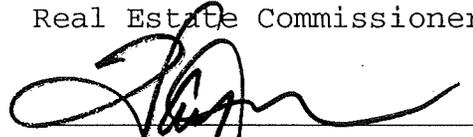
ORDER

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

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7
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

Dolores Weeks

27 By: DOLORES WEEKS
Regional Manager

SAC

FILED

MARCH 28, 2012

DEPARTMENT OF REAL ESTATE

BY: Ca

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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.

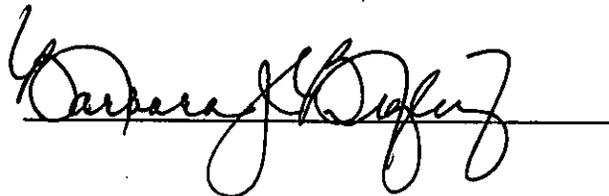
7 IT IS HEREBY ORDERED that Respondent CARLOS TORRES
8 ALMAGUER's petition for voluntary surrender of his real estate
9 salesperson license is accepted as of the effective date of this
10 Order as set forth below, based upon the understanding and
11 agreement expressed in Respondent's Declaration dated
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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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, |) | |
| <u>CARLOS TORRES ALMAGUER</u> , and |) | |
| <u>HECTOR MANUEL PENA</u> , |) | |
| Respondents. |) | |

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

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

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

FILED
JAN 31 2012
DEPARTMENT OF REAL ESTATE

By C. 2

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,) FIRST AMENDED
13 ARMANDO MEMBRENO,) ACCUSATION
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
25 alleges as follows:

26 1.

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

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
4 6.

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

9 7.

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

16 8.

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

21 9.

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

26 10.

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

1 FWHLA, FWHLA.ORG., HOME PROTECTION GROUP, JESUS EMANUEL JUAN LIM aka
2 Jesus Lim and Jess Lim, RENE WILFREDO SOLIS aka Rene Solis, TONY HASCHKE,
3 CESAR LEON aka Cesar De Leon, TWIN BUILDERS FOUNDATION CORPORATION,
4 SOLIS REALTY, INC., SERVICE SOLUTION, INC., RAYMUNDO ROJAS, JOSE
5 ALBERTO BANCES GONZALEZ, JOSE LUIS AGUILAR, JUAN A. LAZARO, MARCELO
6 RAMOS, FRANKLIN D. MARQUEZ, EMILY S. VASQUEZ, ALEX CANJURRA, LUCY
7 DELGADO, FLAVIO HUMBERTO LOPEZ, NORTHERN BLUE MASTERS, INC., GLOBAL
8 CREDIT MASTERS, INC., PRINCIPAL HOME SERVICES, INC., THE SECOND CHANCE
9 CONSULTING, INC., OCTAVIO PONCE, JUANA CHAVEZ BOLANOS and
10 AVANTGARDE HORIZON, INC. ever been licensed by the Department in any capacity.

11 STATEMENT OF FACTS

12
13 11.

14 All further references to "Respondents" include the parties listed in Paragraphs 3
15 through 9, above, as well as the officers, agents and employees of the parties listed in Paragraph
16 8, above. Respondents engaged in the activities set forth below while doing business under
17 various fictitious business names including, but not limited to, those included in Paragraph 10,
18 above.

19 12.

20 At all times herein mentioned, in the State of California, Respondents, while
21 using their own names or other fictitious business names, engaged in the business of a real estate
22 broker conducting activities requiring a real estate license within the meaning of Code Sections
23 10131(a) (solicit prospective sellers or purchasers of, or negotiate the purchase, sale or exchange
24 of real property), 10131(b) (rent or solicit for prospective tenants, negotiate the sale, purchase or
25 exchanges of leases on real property, or collect rent from real property), 10131(d) (solicit
26 borrowers for or negotiate loans or perform services for borrowers in connection with loans
27 secured by liens on real property), 10131(e) (sell, buy, exchange or offer to exchange a real
28 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
6 13.

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

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

1 homeowners subsequently lost their properties in foreclosure and were evicted from their homes
2 after joining Respondents' "caretaker" plan.

3 15.

4 Approximately 550 homeowners were victimized as a result of Respondents' plan
5 and scheme described in Paragraph 14 above. Said homeowners include, but are not limited to,
6 the following:
7

| | DATE OF TRANSACTION | HOMEOWNER | AMOUNT PAID TO RESPONDENTS | |
|----|----------------------------|------------------|-----------------------------------|----------|
| 8 | | | | |
| 9 | | | | |
| 10 | 1 | Dec. 2008 | Elia C. | \$8,500 |
| 11 | 2 | Jan. 7, 2009 | Martha A. | \$6,400 |
| 12 | 3 | June 19, 2009 | Armando R. | \$4,654 |
| 13 | 4 | Aug. 2, 2009 | Efran H. | \$3,700 |
| 14 | 5 | Aug. 27, 2009 | Milagro P. | \$2,500 |
| 15 | 6 | Dec. 3, 2009 | Arisbe C. | \$3,778 |
| 16 | 7 | Jan. 11, 2010 | Maria R. | \$5,472 |
| 17 | 8 | Jan. 25, 2010 | Fidel G. | \$6,400 |
| 18 | 9 | Feb. 23, 2010 | Jose and Juana R. | \$8,595 |
| 19 | 10 | Feb. 26, 2010 | Raul T. | \$5,653 |
| 20 | 11 | March 3, 2010 | Maria C. | \$6,297 |
| 21 | 12 | March 6, 2010 | Manuel A. | \$10,176 |
| 22 | 13 | March 18, 2010 | Leticia and Manuel S. | \$12,000 |
| 23 | 14 | March 23, 2010 | Cruz G. | \$8,628 |
| 24 | | | | |
| 25 | | | | |
| 26 | | | | |
| 27 | | | | |
| 28 | | | | |

| | 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).

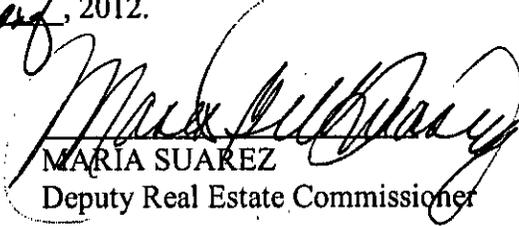
UNLICENSED ACTIVITY

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.

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11 
12 MARIA SUAREZ
13 Deputy Real Estate Commissioner
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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.

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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.

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

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.

18 STATEMENT OF FACTS

19 9.

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

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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 |
| 23 | | | | |
| 24 | | | | |
| 25 | | | | |
| 26 | | | | |

| | 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).

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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

4 UNLICENSED ACTIVITY

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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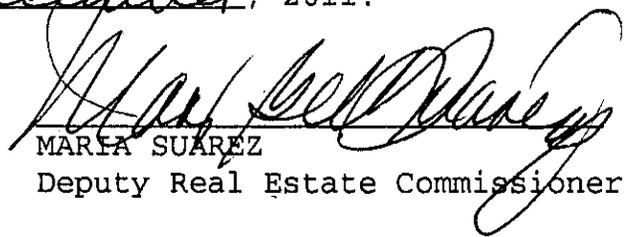
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondents
5 JUAN 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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12 
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.