

**FILED**

JUN 21 2012

DEPARTMENT OF REAL ESTATE

BY: C. B.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

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

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 May 15, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On January 31, 2012, Maria Suarez 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, return receipt requested, to Respondents COMPRESU CASA REALTY, INC. and FREDERICK DAVID WENZARA on February 1, 2012, and by regular mail on March 5, 2012.

On May 15, 2012, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2.

From April 8, 2009, through the present, Respondent COMPRE SU CASA REALTY, INC. ("CSCRI") has been licensed by the Department of Real Estate ("Department") as a corporate real estate broker, License No. 01861916.

3.

From September 8, 2005, through the present, Respondent FREDERICK DAVID WENZARA ("WENZARA") has been licensed by the Department as a real estate broker, License No. 01260143.

4.

From April 8, 2009, through September 13, 2011, Respondent CSCRI was acting by and through Respondent WENZARA as its officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law.

5.

On December 1, 2010, the California Franchise Tax Board suspended the corporate powers, rights and privileges of Respondent CSCRI pursuant to the provisions of the California Revenue and Taxation Code. CSCRI's corporate status remains suspended.

6.

At no time mentioned herein have Salve Su Casa, Inc., David Burkenroad, A C & Associates A Professional Law Firm Corporation, Maricela Duarte, or Christian Terranova ever been licensed by the Department in any capacity.

7.

Respondents conducted the activities set forth below while using the mailing address of Respondent CSCRI, 14500 Roscoe Blvd., 4<sup>th</sup> Floor, Panorama City, California 91402.

8.

During a period of time spanning the last three years, Respondents, while using the unlicensed fictitious business names Salve Su Casa, Inc, Salve Su Casa, and A C & Associates, severally or jointly engaged in the business of soliciting to modify or negotiate loans secured by real property, and claimed, demanded, charged, received, collected or contracted for the

collection of advance fees, within the meaning of Business and Professions Code ("Code") Section 10026, for the following borrowers, among others:

(a) Jose Espinoza

On or about February 9, 2009, Alberto Garcia solicited and offered to assist borrower Jose Espinoza with foreclosure forbearance, loan modification or negotiation services on behalf of Salve Su Casa. Jose Espinoza entered into a written advance fee agreement with Salve Su Casa for foreclosure forbearance, loan negotiation or modification services in connection with a loan secured by a lien on real property. Jose Espinoza paid an initial advance fee of \$2,000. Jose Espinoza was instructed to make the payment to A C & Associates. A C & Associates collected additional payments of \$1,750 from Jose Espinoza. Alberto Garcia made numerous substantial misrepresentations to Jose Espinoza in order to induce Jose Espinoza to enter into the advance fee agreement. The misrepresentations included, among others, that attorney David Burkenroad would negotiate a loan modification on Jose Espinoza's behalf. Jose Espinoza never obtained foreclosure forbearance, loan modification or negotiation services that had been promised to him by Respondents.

(b) Jose Camargo

On or about February 17, 2009, Maricela Duarte, an unlicensed person, solicited and offered to assist borrower Jose Camargo with foreclosure forbearance, loan modification or negotiation services on behalf of Salve Su Casa. Jose Camargo entered into a written advance fee agreement with Salve Su Casa for foreclosure forbearance, loan negotiation or modification services in connection with a loan secured by a lien on real property. Jose Camargo paid an initial advance fee of \$2,000. Jose Camargo was instructed to make the payment to A C & Associates. On March 19, 2009, Respondents collected an additional payment of \$500 from Jose Camargo. Respondents made numerous substantial misrepresentations through their unlicensed agent Maricela Duarte to Jose Camargo in order to induce Jose Camargo to enter into the advance fee agreement. Respondents failed to perform the foreclosure forbearance, loan modification or negotiation services that had been promised to Jose Camargo. Respondents refused Jose Camargo's request for a refund of his advance fee.

(c) Alberto Sagala

On or about June 10, 2009, Christian Terranova, an unlicensed person, solicited and offered to assist borrower Alberto Sagala. with foreclosure forbearance, loan modification or negotiation services on behalf of Salve Su Casa. Alberto Sagala entered into a written advance fee agreement with Salve Su Casa for foreclosure forbearance, loan negotiation or modification services in connection with a loan secured by a lien on real property. Alberto Sagala paid an initial advance fee of \$1,500. Alberto Sagala was instructed to make the payment to A C & Associates. Respondents made numerous substantial misrepresentations through their unlicensed agent Christian Terranova to Alberto Sagala in order to induce Alberto Sagala to enter into the advance fee agreement. Respondents failed to perform the foreclosure forbearance, loan modification or negotiation services that had been promised to Alberto Sagala. Alberto Sagala was informed by his lender that Respondents had not taken any efforts on Alberto Sagala's behalf to negotiate or modify Alberto Sagala's loan with his lender. Respondents refused Alberto Sagala's request for a refund of his advance fee.

(d) Flavia Virginia Macario

On or about July 7, 2009, Hector Lopez solicited and offered to assist borrower Flavia Virginia Macario with foreclosure forbearance, loan modification or negotiation services on behalf of Salve Su Casa. Flavia Virginia Macario entered into a written advance fee agreement with Salve Su Casa for foreclosure forbearance, loan negotiation or modification services in connection with a loan secured by real property. Flavia Virginia Macario paid an initial advance fee of \$2,000. Flavia Virginia Macario was instructed to make the payment to A C & Associates. Respondents made numerous substantial misrepresentations through their agent Hector Lopez to Flavia Virginia Macario in order to induce Flavia Virginia Macario to enter into the advance fee agreement. Respondents failed to perform the foreclosure forbearance, loan modification or negotiation services that had been promised to Flavia Virginia Macario.

(e) In aggravation, Respondents charged and collected advance fees for loan modification or foreclosure forbearance services from the following borrowers:

Date	Name	Amount Paid
09/19/2008	Rafaela F.	\$2,000
10/23/2008	Waldo & Maria L.	\$2,750
11/11/2008	Tulio & Gladys C.	\$13,300
11/22/2008	Antonio A.	\$4,000
12/3/2008	Eva C.	\$3,750
12/3/2008	Maria E. R.	\$3,500
2/14/2009	Marta U.	\$2,500

9.

Non-exempt from license requirements

Code Section 10133(a) states that the acts described in Code Section 10131 are not acts for which a real estate license is required if performed by: "(3) An attorney at law in rendering legal services to a client."

10.

During all times relevant herein, David Burkenroad was licensed to practice law in the State of California. However, David Burkenroad, while doing business as Salve Su Casa and A C & Associates solicited and represented borrowers in services specifically limited to loan modifications or foreclosure forbearance. Respondents used a "client retainer agreement" for loan modification services in an attempt to circumvent existing laws that restricted the charging and collection of advance fees from homeowners prior to the completion of loan modification services. David Burkenroad never personally met, nor contracted to represent, any of the homeowners mentioned in Paragraph 8 above, for any services other than the foreclosure forbearance or loan modification of their residential mortgage loan for and in expectation of compensation which are activities that fall within the meaning of Code Sections 10131(d) and 10131.2 and would require a real estate broker license. David Burkenroad provided no legal services to the homeowners that would exempt him from said requirement.

11.

Respondents CSCRI and WENZARA failed to submit a written agreement or any written solicitation for the loan modification services described in Paragraph 8, above, to the Commissioner ten days prior to using them, in violation of Code Section 10085 and Regulation 2970.

DETERMINATION OF ISSUES

1.

The suspension of Respondent CSCRI's corporate powers is in violation of Regulation 2742, subdivision (c) and constitutes grounds to suspend or revoke Respondent CSCRI's corporate real estate broker license pursuant to Code Section 10177(d).

2.

The conduct, acts and/or omissions of Respondents CSCRI and WENZARA as set forth above, in collecting advance fees from prospective 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 Section 10085 and Regulation 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents CSCRI and WENZARA pursuant to Code Section 10177(d).

3.

The conduct, acts and/or omissions of Respondent WENZARA, in allowing Respondent CSCRI to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent WENZARA, as the officer designated by the corporate broker licensee, to exercise the supervision and control over the activities conducted on behalf of Respondent CSCRI by its officers and employees, as required by Code Section 10159.2, and is cause to suspend or revoke the real estate license and license rights of Respondent WENZARA under Code Section 10177(h).

4.

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

ORDER

The licenses and license rights of Respondents, COMPRESU CASA REALTY, INC. and FREDERICK DAVID WENZARA, individually and as former designated officer of Compre Su Casa Realty, Inc., 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 July 11, 2012.

DATED: May 29, 2012.

Real Estate Commissioner

  
By WAYNE S. BELL  
Chief Counsel



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**FILED**

APR 10 2012

DEPARTMENT OF REAL ESTATE

BY: CR

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

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.,	)	
<u>ARTURO MANUEL BACILIO,</u>	)	
and CARLOS TORRES ALMAGUER,	)	
	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 1, 2012, an Accusation was filed in this matter against Respondents COMPRESU 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.

On March 9, 2012, Respondent ARTURO MANUEL BACILIO petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

1 IT IS HEREBY ORDERED that Respondent ARTURO MANUEL  
2 BACILIO's petition for voluntary surrender of his real estate  
3 salesperson license is accepted as of the effective date of this  
4 Order as set forth below, based upon the understanding and  
5 agreement expressed in Respondent's Declaration dated March 9,  
6 2012 (attached as Exhibit "A" hereto). Respondent's license  
7 certificate, pocket card and any branch office license  
8 certificates shall be sent to the below listed address so that  
9 they reach the Department on or before the effective date of  
10 this Order:

11 Department of Real Estate  
12 Attn: Licensing Flag Section  
13 P.O. Box 187000  
14 Sacramento, CA 95818-7000

14 This Order shall become effective at 12 o'clock noon  
15 on April 30, 2012.

16 DATED: April 2, 2012.

18 Real Estate Commissioner

19 William E. Moran

20 By WILLIAM E. MORAN  
21 Assistant Commissioner, Enforcement

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EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

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.,	)	
<u>ARTURO MANUEL BACILIO</u> , and	)	
<u>CARLOS TORRES ALMAGUER</u> ,	)	
	)	
Respondents.	)	

DECLARATION

My name is ARTURO MANUEL BACILIO, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license, issued by the Department of

1 Real Estate ("Department"), pursuant to Business and Professions  
2 Code Section 10100.2.

3 I understand that by so voluntarily surrendering my  
4 license, I may be relicensed as a broker or as a salesperson only  
5 by petitioning for reinstatement pursuant to Section 11522 of the  
6 Government Code. I also understand that by so voluntarily  
7 surrendering my license, I agree to the following:

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

10 2. It shall also be deemed to be an understanding and  
11 agreement by me that I waive all rights I have to require the  
12 Commissioner to prove the allegations contained in the Accusation  
13 filed in this matter at a hearing held in accordance with the  
14 provisions of the Administrative Procedure Act (Government Code  
15 Sections 11400 et seq.), and that I also waive other rights  
16 afforded to me in connection with the hearing such as the right  
17 to discovery, the right to present evidence in defense of the  
18 allegations in the Accusation and the right to cross-examine  
19 witnesses.

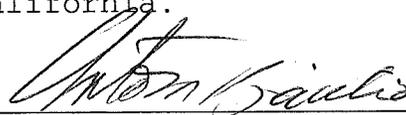
20 3. I further agree that upon acceptance by the  
21 Commissioner, as evidenced by an appropriate order, all  
22 affidavits and all relevant evidence obtained by the Department  
23 in this matter prior to the Commissioner's acceptance, and all  
24 allegations contained in the Accusation filed in Department Case  
25 No. H-37822 LA, may be considered by the Department to be true  
26 and correct for the purpose of deciding whether to grant  
27

1 relicensure or reinstatement pursuant to Government Code Section  
2 11522.

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

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

14 I declare under penalty of perjury under the laws of  
15 the State of California that the above is true and correct and  
16 that this declaration was executed on MARCH 9, 2012,  
17 at No Hollywood, California.

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20 ARTURO MANUEL BACILIO  
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**FILED**

MARCH 28, 2012

DEPARTMENT OF REAL ESTATE

BY: C.A.

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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	)	
HECTOR MANUEL PENA,	)	
	)	
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.	)	

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

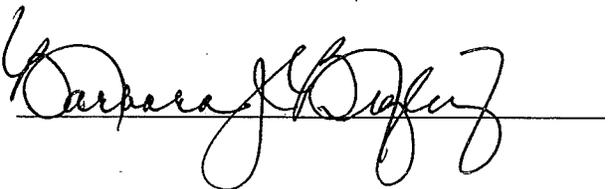
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EXHIBIT "A"

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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. )

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.

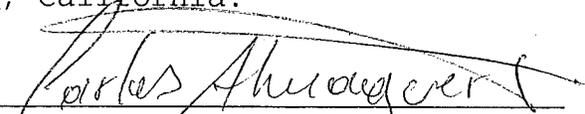
26 3. I further agree that upon acceptance by the  
27 Commissioner, as evidenced by an appropriate order, all

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

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6914  
7 (Fax) (213) 576-6917

**FILED**  
FEB - 1 2012  
DEPARTMENT OF REAL ESTATE

By C. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-37822 LA  
12 )  
13 COMPRE SU CASA REALTY, INC., ) A C C U S A T I O N  
14 FREDERICK DAVID WENZARA, )  
15 individually and as former )  
16 designated officer of Compre )  
17 Su Casa Realty, Inc., )  
18 ARTURO MANUEL BACILIO, and )  
19 CARLOS TORRES ALMAGUER, )  
20 Respondents. )

21 The Complainant, Maria Suarez, a Deputy Real Estate  
22 Commissioner of the State of California, for cause of Accusation  
23 against COMPRE SU CASA REALTY, INC., FREDERICK DAVID WENZARA,  
24 individually and as former designated officer of Compre Su Casa  
25 Realty, Inc., ARTURO MANUEL BACILIO, and CARLOS TORRES ALMAGUER  
26 (collectively "Respondents"), is informed and alleges as  
27 follows:

28 1.

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, makes this Accusation

1 in her official capacity.

2 2.

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

6 3.

7 From April 8, 2009, through the present, Respondent  
8 COMPRE SU CASA REALTY ("CSCR") has been licensed by the  
9 Department of Real Estate ("Department") as a corporate real  
10 estate broker, license no. 01861916.

11 4.

12 From September 8, 2005, through the present,  
13 Respondent FREDERICK DAVID WENZARA ("WENZARA") has been licensed  
14 by the Department as a real estate broker, license no. 01260143.

15 5.

16 From April 8, 2009, through September 13, 2011,  
17 Respondent CSCR was acting by and through Respondent WENZARA as  
18 its officer pursuant to Code Section 10159.2 to be responsible  
19 for ensuring compliance with the Real Estate Law.  
20

21 6.

22 From June 14, 1996, through the present, Respondent  
23 ARTURO MANUEL BACILIO ("BACILIO") has been licensed by the  
24 Department as a real estate salesperson, license no. 01209545.  
25 Respondent BACILIO was licensed under the employment of  
26 Respondent CSCR from May 1, 2009, through September 2, 2009.  
27  
28

1 7.

2 From November 3, 2008, through the present, Respondent  
3 CARLOS TORRES ALMAGUER ("ALMAGUER") has been licensed by the  
4 Department as a real estate salesperson, license no. 01810076.  
5 Respondent ALMAGUER was licensed under the employment of  
6 Respondent CSCR from May 1, 2009, through November 8, 2009.  
7

8 FIRST CAUSE OF ACCUSATION  
9 (Suspended Corporate Status)  
10 (CSCR/WENZARA)

11 8.

12 On December 1, 2010, the California Franchise Tax  
13 Board suspended the corporate powers, rights and privileges of  
14 Respondent CSCR pursuant to the provisions of the California  
15 Revenue and Taxation Code. CSCR's corporate status remains  
16 suspended.  
17

18 9.

19 The suspension of Respondent CSCR's corporate powers  
20 is in violation of Regulation 2742, subdivision (c) and  
21 constitutes grounds to suspend or revoke Respondent CSCR's  
22 corporate real estate broker license pursuant to Code Section  
23 10177(d).  
24

25 10.

26 The conduct, acts and/or omissions of Respondent  
27 WENZARA as set forth in Paragraph 8 and 9, above, in failing to  
28 adequately supervise the activities of Respondent CSCR is in  
violation of Code Section 10159.2 and constitutes grounds to  
discipline the license and/or license rights of Respondent

1 WENZARA pursuant to Code Sections 10177(h), 10177(d) and/or  
2 10177(g).

3  
4 SECOND CAUSE OF ACCUSATION  
5 (Advance Fee Violations)  
6 (All Respondents)

7 11.

8 There is hereby incorporated in this Second, separate  
9 Cause of Accusation, all of the allegations contained in  
10 Paragraphs 1 through 10, above, with the same force and effect  
11 as if herein fully set forth.

12 12.

13 Code Section 10132 defines a real estate salesperson  
14 as a person who, for compensation or in expectation of  
15 compensation, is employed by a licensed real estate broker to do  
16 one or more of the acts set forth in Sections 10131, 10131.1,  
17 10131.2, 10131.3, 10131.4, and 10131.6. Code Section 10131  
18 defines a real estate broker as a person who: (a) sells or  
19 offers to sell, buys or offers to buy, solicits prospective  
20 sellers or purchasers of, solicits or obtains listing of, or  
21 negotiates the purchase, sale or exchange of real property or a  
22 business opportunity; or (d) solicit borrowers, negotiate loans,  
23 collect payments or perform services for borrowers in connection  
24 with loans secured directly or collaterally by liens on real  
25 property.

26 13.

27 Code Section 10131.2 defines a real estate broker as a  
28 person who engages in the business of claiming, demanding,

1 charging, receiving, collecting or contracting for the  
2 collection of an advance fee in connection with any employment  
3 undertaken to promote the sale or lease of real property or of a  
4 business opportunity by advance fee listing, advertisement or  
5 other offering to sell, lease, exchange or rent property or a  
6 business opportunity, or to obtain a loan or loans thereon.

7  
8 14.

9 At no time mentioned herein have Salve Su Casa, Inc.,  
10 David Burkenroad, A C & Associates A Professional Law Firm  
11 Corporation, Maricela Duarte, or Christian Terranova ever been  
12 licensed by the Department in any capacity.

13 15.

14 On or about September 3, 2008, Respondents BACILIO and  
15 ALMAGUER formed Salve Su Casa, Inc., a California corporation.  
16 Respondent BACILIO is the president and chief executive officer  
17 of Salve Su Casa, Inc. Respondent ALMAGUER is an officer and  
18 director of Salve Su Casa, Inc. Salve Su Casa, Inc. conducted  
19 the activities set forth below while also using the fictitious  
20 business name Salve Su Casa.

21 16.

22 On or about October 14, 2008, Respondents BACILIO and  
23 ALMAGUER formed A C & Associates A Professional Law Firm  
24 Corporation, a California corporation. Respondent BACILIO is  
25 the president and chief executive officer of A C & Associates.  
26 Respondent ALMAGUER is an officer and director of A C &  
27 Associates. A C & Associates A Professional Law Firm  
28

1 Corporation conducted the activities set forth below while also  
2 using the fictitious business name A C & Associates.

3 17.

4 Respondents conducted the activities set forth below  
5 while using the mailing address of Respondent CSCR, 14500 Roscoe  
6 Blvd., 4<sup>th</sup> Floor, Panorama City, California 91402.

7 18.

8 During a period of time spanning the last three years,  
9 Respondents, while using the unlicensed fictitious business  
10 names Salve Su Casa, Inc, Salve Su Casa, and A C & Associates,  
11 severally or jointly engaged in the business of soliciting to  
12 modify or negotiate loans secured by real property, and claimed,  
13 demanded, charged, received, collected or contracted for the  
14 collection of advance fees, within the meaning of Code Section  
15 10026, for the following borrowers, among others:  
16

17 (a) Jose Espinoza

18 On or about February 9, 2009, Alberto Garcia solicited  
19 and offered to assist borrower Jose Espinoza with foreclosure  
20 forbearance, loan modification or negotiation services on behalf  
21 of Salve Su Casa. Jose Espinoza entered into a written advance  
22 fee agreement with Salve Su Casa for foreclosure forbearance,  
23 loan negotiation or modification services in connection with a  
24 loan secured by a lien on real property. Jose Espinoza paid an  
25 initial advance fee of \$2,000. Jose Espinoza was instructed to  
26 make the payment to A C & Associates. A C & Associates  
27 collected additional payments of \$1,750 from Jose Espinoza.  
28

1 Alberto Garcia made numerous substantial misrepresentations to  
2 Jose Espinoza in order to induce Jose Espinoza to enter into the  
3 advance fee agreement. The misrepresentations included, among  
4 others, that attorney David Burkenroad would negotiate a loan  
5 modification on Jose Espinoza's behalf. Jose Espinoza never  
6 obtained foreclosure forbearance, loan modification or  
7 negotiation services that had been promised to him by  
8 Respondents.  
9

10 (b) Jose Camargo

11 On or about February 17, 2009, Maricela Duarte, an  
12 unlicensed person, solicited and offered to assist borrower Jose  
13 Camargo. with foreclosure forbearance, loan modification or  
14 negotiation services on behalf of Salve Su Casa. Jose Camargo  
15 entered into a written advance fee agreement with Salve Su Casa  
16 for foreclosure forbearance, loan negotiation or modification  
17 services in connection with a loan secured by a lien on real  
18 property. Jose Camargo paid an initial advance fee of \$2,000.  
19 Jose Camargo was instructed to make the payment to A C &  
20 Associates. On March 19, 2009, Respondents collected an  
21 additional payment of \$500 from Jose Camargo. Respondents made  
22 numerous substantial misrepresentations through their unlicensed  
23 agent Maricela Duarte to Jose Camargo in order to induce Jose  
24 Camargo to enter into the advance fee agreement. Respondents  
25 failed to perform the foreclosure forbearance, loan modification  
26 or negotiation services that had been promised to Jose Camargo.  
27  
28

1 Respondents refused Jose Camargo's request for a refund of his  
2 advance fee.

3  
4 (c) Alberto Sagala

5 On or about June 10, 2009, Christian Terranova, an  
6 unlicensed person, solicited and offered to assist borrower  
7 Alberto Sagala. with foreclosure forbearance, loan modification  
8 or negotiation services on behalf of Salve Su Casa. Alberto  
9 Sagala entered into a written advance fee agreement with Salve  
10 Su Casa for foreclosure forbearance, loan negotiation or  
11 modification services in connection with a loan secured by a  
12 lien on real property. Alberto Sagala paid an initial advance  
13 fee of \$1,500. Alberto Sagala was instructed to make the  
14 payment to A C & Associates. Respondents made numerous  
15 substantial misrepresentations through their unlicensed agent  
16 Christian Terranova to Alberto Sagala in order to induce Alberto  
17 Sagala to enter into the advance fee agreement. Respondents  
18 failed to perform the foreclosure forbearance, loan modification  
19 or negotiation services that had been promised to Alberto  
20 Sagala. Alberto Sagala was informed by his lender that  
21 Respondents had not taken any efforts on Alberto Sagala's behalf  
22 to negotiate or modify Alberto Sagala's loan with his lender.  
23 Respondents refused Alberto Sagala's request for a refund of his  
24 advance fee.  
25

26 (d) Flavia Virginia Macario

27 On or about July 7, 2009, Hector Lopez solicited and  
28 offered to assist borrower Flavia Virginia Macario with

1 foreclosure forbearance, loan modification or negotiation  
2 services on behalf of Salve Su Casa. Flavia Virginia Macario  
3 entered into a written advance fee agreement with Salve Su Casa  
4 for foreclosure forbearance, loan negotiation or modification  
5 services in connection with a loan secured by real property.  
6 Flavia Virginia Macario paid an initial advance fee of \$2,000.  
7 Flavia Virginia Macario was instructed to make the payment to  
8 A C & Associates. Respondents made numerous substantial  
9 misrepresentations through their agent Hector Lopez to Flavia  
10 Virginia Macario in order to induce Flavia Virginia Macario to  
11 enter into the advance fee agreement. Respondents failed to  
12 perform the foreclosure forbearance, loan modification or  
13 negotiation services that had been promised to Flavia Virginia  
14 Macario.  
15

16 (e) In aggravation, Respondents charged and collected  
17 advance fees for loan modification or foreclosure forbearance  
18 services from the following borrowers:

19	Date	Name	Amount Paid
20	09/19/2008	Rafaela F.	\$2,000
21	10/23/2008	Waldo & Maria L.	\$2,750
22	11/11/2008	Tulio & Gladys C.	\$13,300
23	11/22/2008	Antonio A.	\$4,000
24	12/3/2008	Eva C.	\$3,750
25	12/3/2008	Maria E. R.	\$3,500
26	2/14/2009	Marta U.	\$2,500

1 19.

2 Non-exempt from license requirements

3 Code Section 10133(a) states that the acts described  
4 in Code Section 10131 are not acts for which a real estate  
5 license is required if performed by: "(3) An attorney at law in  
6 rendering legal services to a client."

7 20.

8 During all times relevant herein, David Burkenroad was  
9 licensed to practice law in the State of California. However,  
10 David Burkenroad, while doing business as Salve Su Casa and A C  
11 & Associates solicited and represented borrowers in services  
12 specifically limited to loan modifications or foreclosure  
13 forbearance. Respondents used a "client retainer agreement" for  
14 loan modification services in an attempt to circumvent existing  
15 laws that restricted the charging and collection of advance fees  
16 from homeowners prior to the completion of loan modification  
17 services. David Burkenroad never personally met, nor contracted  
18 to represent, any of the homeowners mentioned in Paragraph 10  
19 above, for any services other than the foreclosure forbearance  
20 or loan modification of their residential mortgage loan for and  
21 in expectation of compensation which are activities that fall  
22 within the meaning of Code Sections 10131(d) and 10131.2 and  
23 would require a real estate broker license. David Burkenroad  
24 provided no legal services to the homeowners that would exempt  
25 him from said requirement.

26 21.

27 Respondents CSCR and WENZARA failed to submit a  
28 written agreement or any written solicitation for the loan

1 modification services described in Paragraph 18 above, to the  
2 Commissioner ten days prior to using them, in violation of Code  
3 Section 10085 and Regulation 2970.

4 22.

5 The conduct, acts and/or omissions of Respondents  
6 BACILIO and ALMAGUER as set forth above, in using unlicensed  
7 fictitious business names and employing or compensating  
8 unlicensed persons to collect advance fees from prospective  
9 borrowers for activities that require a real estate broker  
10 license under Code Sections 10131(a), (d) and 10131.2, are in  
11 violation of Code Sections 10130 and 10139 and constitute  
12 grounds for the suspension or revocation of the license and  
13 license rights of Respondents BACILIO and ALMAGUER, pursuant to  
14 Code Sections 10177(d) and/or 10177(g).

16 23.

17 The conduct, acts and/or omissions of Respondents  
18 BACILIO and ALMAGUER as set forth above constitute grounds for  
19 the suspension or revocation of the license and license rights  
20 of Respondents BACILIO and ALMAGUER, pursuant to Code Sections  
21 10176(a) (making any substantial misrepresentation), 10176(b)  
22 (making any false promises of a character likely to influence,  
23 persuade or induce), and/or 10176(i) (conduct... which constitutes  
24 fraud or dishonest dealing).

25 24.

26 The conduct, acts and/or omissions of Respondents CSCR  
27 and WENZARA as set forth above, in collecting advance fees from  
28 prospective borrowers pursuant to a written fee agreement, which

1 agreement was not submitted to the Department for review prior  
2 to use, was in violation of Code Section 10085 and Regulation  
3 2970, and constitutes grounds for the suspension or revocation  
4 of the license and license rights of Respondents CSCR and  
5 WENZARA pursuant to Code Sections 10177(d) and/or 10177(g).

6 25.

7 The conduct, acts and/or omissions of Respondent  
8 WENZARA, in allowing Respondents CSCR, BACILIO, and ALMAGUER to  
9 violate the Real Estate Law, as set forth above, constitutes a  
10 failure by Respondent WENZARA, as the officer designated by the  
11 corporate broker licensee, to exercise the supervision and  
12 control over the activities conducted on behalf of Respondent  
13 CSCR by its officers and employees, as required by Code Section  
14 10159.2, and is cause to suspend or revoke the real estate  
15 license and license rights of Respondent WENZARA under Code  
16 Sections 10177(h), 10177(d) and/or 10177(g).

17 26.

18 Code Section 10106 provides, in pertinent part, that  
19 in any order issued in resolution of a disciplinary proceeding  
20 before the Department, the Commissioner may request the  
21 administrative law judge to direct a licensee found to have  
22 committed a violation of this part to pay a sum not to exceed  
23 the reasonable costs of the investigation and enforcement of the  
24 case.  
25

26 ///

27 ///

28 ///

