

FILED
MAY 23 2011
DEPARTMENT OF REAL ESTATE

By _____

* * *

NO. H-37287 LA

ACCUSATION

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2.

Respondents MARCORR CORPORATION, JOSE DE JESUS CONTRERAS, MARIA EUGENIA ROSAS and MARICELA CONTRERAS 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").

3.

From April 9, 2008 through the present, Respondent JOSE DE JESUS CONTRERAS has been licensed as a real estate broker and as the broker-officer of Respondent MARCORR CORPORATION.

4.

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

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5.

From December 19, 1992 through the present, Respondent MARIA EUGENIA ROSAS has been licensed as a real estate broker. From September 27, 2004 through September 26, 2008, MARCORR CORPORATION was acting by and through Respondent MARIA EUGENIA ROSAS as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law.

6.

From January 4, 1996 through the present, Respondent MARICELA CONTRERAS has been licensed as a real estate salesperson. From August 23, 2007 through July 29, 2008, Respondent MARICELA CONTRERAS was acting in the employ of real estate

1 broker Elite Home Loans, Inc. From July 30, 2008 through July 20, 2009, Respondent
2 MARICELA CONTRERAS was acting in the employ of Respondent MARCORR
3 CORPORATION.

4 7.

5 Respondent MARCORR CORPORATION is a California corporation.
6 Respondent JOSE DE JESUS CONTRERAS is the chief executive officer and a director of
7 MARCORR CORPORATION. Respondent MARICELA CONTRERAS is the chief financial
8 officer and agent for service of process for Respondent MARCORR CORPORATION.
9

10 8.

11 At all times mentioned herein, in the County of Los Angeles, Respondents
12 engaged in the business of a real estate broker conducting activities requiring a real estate license
13 within the meaning of Code Sections 10131(a), 10131(d), and 10131.2. Respondents engaged in
14 operating a residential resale, short sale, mortgage loan, advance fee and loan modification
15 service brokerage. For compensation or in expectation of compensation and for fees often
16 collected in advance, Respondents solicited prospective purchasers and sellers for short sales of
17 real property and solicited borrowers by offering to conduct negotiations and modifications in
18 connection with loan secured by real property.

19 FIRST CAUSE OF ACCUSATION
20 (Adolfo Lane property)

21 9.

22 In early 2008, Laura Rizzo ("Rizzo") was experiencing financial difficulties.
23 Rizzo was having difficulty making the mortgage payments on her home located at 12711
24 Adolfo Lane, Victorville, California 92392 ("Adolfo Lane property"). Respondent MARICELA
25 CONTRERAS, while working for Vancouver Realty, approached RIZZO and offered to assist
26 her by advising that Rizzo short sell the Adolfo Lane property. Rizzo followed MARICELA
27 CONTRERAS' advice and signed an exclusive listing agreement with MARICELA
28 CONTRERAS and Vancouver Realty for the short sale of the Adolfo Lane property.
Respondent MARICELA CONTRERAS charged and collected advance fees of \$3,000 from

1 Rizzo for the short sale of the Adolfo Lane property. Shortly thereafter, Respondent
2 MARICELA CONTRERAS informed Rizzo that she needed to pay \$2,500 in property taxes and
3 \$450 for an appraisal of the Adolfo Lane property. Rizzo gave Respondent MARICELA
4 CONTRERAS \$2,950 to pay the alleged delinquent property taxes for the Adolfo Lane property.
5 Rizzo did not receive a receipt for the \$2,950 she paid to Respondent MARICELA
6 CONTRERAS for the appraisal and payment of property taxes on the Adolfo Lane property.
7 Rizzo later discovered that Respondent MARICELA CONTRERAS never paid the property
8 taxes on the Adolfo Lane property. Despite Respondent MARICELA CONTRERAS'
9 assurances to Rizzo that she could short sell the Adolfo Lane property to Rizzo's daughter, the
10 Adolfo Lane property was foreclosed and sold by a trustee sale on February 6, 2009.
11 Respondent MARICELA CONTRERAS refused to refund either the \$3,000 advance fee or the
12 \$2,950 she collected from Rizzo.

13
14 10.

15 Respondent MARICELA CONTRERAS and Respondent MARCORR
16 CORPORATION, while doing business as Vancouver Realty, charged and collected the advance
17 fees described in Paragraph 9 above, for soliciting prospective sellers or purchasers of, obtaining
18 listings of or negotiating the purchase, sale or exchange of real property, which constitutes an
19 advance fee within the meaning of Code Section 10026.

20 11.

21 Respondent MARCORR CORPORATION failed to submit a written agreement
22 or any written solicitation for short sale services described in Paragraph 9 above, to the
23 Commissioner ten days before using it, in violation of Code Section 10085 and Regulation 2970.

24 12.

25 The conduct, acts and/or omissions of Respondent MARCORR CORPORATION,
26 as set forth above, are cause for the suspension or revocation of the licenses and license rights of
27 Respondent MARCORR CORPORATION pursuant to Code Sections 10085, 10177(d) and/or
28 10177(g).

13.

The conduct, acts and/or omissions of Respondents MARICELA CONTRERAS and MARCORR CORPORATION as set forth in Paragraph 9 above, of making substantial misrepresentations and false promises in order to induce Rizzo to enter into an exclusive listing agreement with MARCORR CORPORATION and charge and collect \$5,950 in advance fees and payments from Rizzo, constitutes cause for the suspension or revocation of the licenses and license rights of Respondents MARICELA CONTRERAS and MARCORR CORPORATION pursuant to Code Sections 10176(a), 10176(b), 10176(i) and/or 10177(g).

SECOND CAUSE OF ACCUSATION

(Elder Reyes)

14.

There is hereby incorporated in this Second, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 13, above, with the same force and effect as if herein fully set forth.

15.

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

16.

Respondent MARICELA CONTRERAS and Respondent MARCORR CORPORATION, while doing business as Vancouver Realty, charged and collected the advance fees described in Paragraph 15 above, for soliciting to perform loan negotiation and modification services for borrowers in connection with loans secured by real property, which constitutes an advance fee within the meaning of Code Section 10026.

17.

Respondent MARCORR CORPORATION failed to submit a written agreement or any written solicitation for loan negotiation or modification services described in Paragraph 14 above, to the Commissioner ten days before using it, in violation of Code Section 10085 and Regulation 2970.

18.

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

19.

The conduct, acts and/or omissions of Respondents MARCORR CORPORATION and MARICELA CONTRERAS, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondents MARCORR CORPORATION and MARICELA CONTRERAS pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

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THIRD CAUSE OF ACCUSATION
(Failure to Supervise)

20.

There is hereby incorporated in this Third, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 19, above, with the same force and effect as if herein fully set forth.

21.

The conduct, acts and/or omissions of Respondents MARIA EUGENIA ROSAS and JOSE DE JESUS CONTRERAS, in allowing Respondent MARCORR CORPORATION to violate the Real Estate Law, as set forth above, constitutes a failure by Respondents MARIA EUGENIA ROSAS and JOSE DE JESUS CONTRERAS, as the officers designated by the corporate broker licensee, to exercise the supervision and control over the activities of Respondent MARCORR CORPORATION, as required by Code Section 10159.2, and is cause to suspend or revoke the real estate licenses and license rights of Respondents MARIA EUGENIA ROSAS and JOSE DE JESUS CONTRERAS under Code Sections 10177(d), 10177(g) and/or 10177(h).

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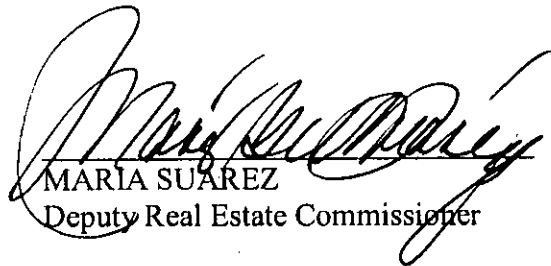
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights under the Real Estate Law (Part 1 of Division 4 of
4 the California Business and Professions Code) of Respondents MARCORR CORPORATION,
5 JOSE DE JESUS CONTRERAS, individually and as designated officer of Marcorr Corporation,
6 MARIA EUGENIA ROSAS, individually and as former designated officer of Marcorr
7 Corporation, and MARICELA CONTRERAS and for such other and further relief as may be
8 proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 19 day of May, 2011.

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MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Marcorr Corporation
Jose De Jesus Contreras
Maria Eugenia Rosas
Maricela Contreras
Sacto
Maria Suarez