

**FILED**

JUN 21 2012

DEPARTMENT OF REAL ESTATE  
BY: C. 3

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

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. )  
\_\_\_\_\_ )

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 COMPRE SU 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.

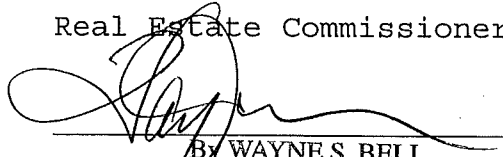
ORDER

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

**FILED**

MAY 15 2012

Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE  
BY: CR

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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

Respondents, COMPRESU CASA REALTY, INC. and  
FREDERICK DAVID WENZARA, individually and as former designated  
officer of Compre Su Casa Realty, Inc., having failed to file  
a Notice of Defense within the time required by Section 11506  
of the Government Code, are now in default. It is, therefore,  
ordered that a default be entered on the record in this matter  
as to COMPRESU CASA REALTY, INC. and FREDERICK DAVID WENZARA.

IT IS SO ORDERED

May 15, 2012

Real Estate Commissioner

Dolores Weeks  
By: DOLORES WEEKS  
Regional Manager