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DEPARTMENT OF REAL ESTATE
BY:

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-38082 LA
12)
13 ARTURO MANUEL BACILIO,) ORDER TO DESIST
14 CARLOS TORRES ALMAGUER,) AND REFRAIN
15 SALVE SU CASA, INC.,)
16 A C & ASSOCIATES A PROFESSIONAL) (B&P Code Section 10086)
17 LAW FIRM CORPORATION,)
18 DAVID BURKENROAD,)
19 MARICELA DUARTE,)
20 CHRISTIAN TERRANOVA,)
21 COMPRE SU CASA REALTY, INC., and)
22 FREDERICK DAVID WENZARA.)
23)
24)
25)
26)
27)

19 The Commissioner ("Commissioner") of the California Department of Real Estate
20 ("Department") caused an investigation to be made of the activities of ARTURO MANUEL
21 BACILIO, CARLOS TORRES ALMAGUER, SALVE SU CASA, INC., A C & ASSOCIATES A
22 PROFESSIONAL LAW FIRM CORPORATION, DAVID BURKENROAD, MARICELA
23 DUARTE, CHRISTIAN TERRANOVA, COMPRE SU CASA REALTY, INC., and FREDERICK
24 DAVID WENZARA (collectively "Respondents"). Based on that investigation the Commissioner
25 has determined that ARTURO MANUEL BACILIO, CARLOS TORRES ALMAGUER, SALVE
26 SU CASA, INC., A C & ASSOCIATES A PROFESSIONAL LAW FIRM CORPORATION,
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1 DAVID BURKENROAD, MARICELA DUARTE, CHRISTIAN TERRANOVA, COMPRE SU
2 CASA REALTY, INC., and FREDERICK DAVID WENZARA have engaged in or are engaging
3 in acts or attempting to engage in the business of, acting in the capacity of, and/or advertising or
4 assuming to act as real estate brokers in the State of California within the meaning of Business and
5 Professions Code ("Code") Sections 10131(a) (solicit prospective sellers or purchasers of or
6 negotiate the purchase, sale or exchange of real property) 10131(d) (solicit borrowers for or
7 negotiate loans or perform services for borrowers in connection with loans secured by liens on real
8 property), and 10131.2 (engage in the business of claiming, demanding, charging, receiving,
9 collecting or contracting for the collection of an advance fee in connection with offering to obtain a
10 loan on real property).

11 In addition, based on that investigation, the Commissioner has determined that
12 ARTURO MANUEL BACILIO, CARLOS TORRES ALMAGUER, SALVE SU CASA, INC.,
13 A C & ASSOCIATES A PROFESSIONAL LAW FIRM CORPORATION, DAVID
14 BURKENROAD, MARICELA DUARTE, CHRISTIAN TERRANOVA, COMPRE SU CASA
15 REALTY, INC., and FREDERICK DAVID WENZARA have engaged in or are engaging in acts
16 or are attempting to engage practices constituting violations of the Code and/or Title 10, California
17 Code of Regulations ("Regulations"). Based on the findings of that investigation, set forth below,
18 the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist
19 and Refrain Order under the authority of Section 10086 of the Code.

20 All further references to SALVE SU CASA, INC. and A C & ASSOCIATES A
21 PROFESSIONAL LAW FIRM CORPORATION, include ARTURO MANUEL BACILIO and
22 CARLOS TORRES ALMAGUER, as well as the officers, agents and employees of SALVE SU
23 CASA, INC., A C & ASSOCIATES A PROFESSIONAL LAW FIRM CORPORATION, and
24 COMPRE SU CASA REALTY, INC. ARTURO MANUEL BACILIO, CARLOS TORRES
25 ALMAGUER, DAVID BURKENROAD, MARICELA DUARTE, CHRISTIAN TERRANOVA,
26 and FREDERICK DAVID WENZARA engaged in the activities set forth below while doing
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1 business as SALVE SU CASA, INC., A C & ASSOCIATES, COMPRE SU CASA REALTY,
2 INC., and any other fictitious business names not known at this time.

3 FINDINGS OF FACT

4 1. From April 8, 2009, through the present, COMPRE SU CASA REALTY, INC.
5 ("CSCR") has been licensed by the Department as a corporate real estate broker, license no.
6 01861916.

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

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

13 4. From June 14, 1996, through the present, ARTURO MANUEL BACILIO
14 ("BACILIO") has been licensed by the Department as a real estate salesperson, license no.
15 01209545. BACILIO was licensed under the employment of CSCR from May 1, 2009, through
16 September 2, 2009.

17 5. From November 3, 2008, through the present, CARLOS TORRES ALMAGUER
18 ("ALMAGUER") has been licensed by the Department as a real estate salesperson, license no.
19 01810076. ALMAGUER was licensed under the employment of CSCR from May 1, 2009,
20 through November 8, 2009.

21 6. At no time mentioned herein have SALVE SU CASA, INC., DAVID
22 BURKENROAD, A C & ASSOCIATES A PROFESSIONAL LAW FIRM CORPORATION,
23 MARICELA DUARTE, or CHRISTIAN TERRANOVA ever been licensed by the Department in
24 any capacity.

25 7. On or about September 3, 2008, BACILIO and ALMAGUER formed SALVE
26 SU CASA, INC., a California corporation. BACILIO is the president and chief executive officer
27 of Salve Su Casa, Inc. ALMAGUER is an officer and director of SALVE SU CASA, INC.

1 SALVE SU CASA, INC. conducted the activities set forth below while also using the fictitious
2 business name Salve Su Casa.

3 8. On or about October 14, 2008, BACILIO and ALMAGUER formed A C &
4 ASSOCIATES A PROFESSIONAL LAW FIRM CORPORATION ("A C & ASSOC."), a
5 California corporation. BACILIO is the president and chief executive officer of A C & ASSOC.
6 ALMAGUER is an officer and director of A C & ASSOC. A C & ASSOC. conducted the
7 activities set forth below while also using the fictitious business name A C & Associates.

8 9. The activities set forth below were conducted from the mailing address of CSCR,
9 14500 Roscoe Blvd., 4th Floor, Panorama City, California 91402.

10 10. During a period of time spanning the last three years, ARTURO MANUEL
11 BACILIO, CARLOS TORRES ALMAGUER, DAVID BURKENROAD, MARICELA DUARTE,
12 CHRISTIAN TERRANOVA, and FREDERICK DAVID WENZARA, while using the unlicensed
13 fictitious business names Salve Su Casa, Inc, Salve Su Casa, and A C & Associates, severally or
14 jointly engaged in the business of soliciting to modify or negotiate loans secured by real property,
15 and claimed, demanded, charged, received, collected or contracted for the collection of advance
16 fees, within the meaning of Code Section 10026, for and including, but not limited to, the following
17 borrowers:

18 (a) Jose E.

19 On or about February 9, 2009, Alberto Garcia solicited and offered to assist
20 borrower Jose E. with foreclosure forbearance, loan modification or negotiation services on behalf
21 of Salve Su Casa. Jose E. entered into a written advance fee agreement with Salve Su Casa for
22 foreclosure forbearance, loan negotiation or modification services in connection with a loan
23 secured by a lien on real property. Jose E. paid an initial advance fee of \$2,000. Jose E. was
24 instructed to make the payment to A C & Associates. A C & Associates collected additional
25 payments of \$1,750 from Jose E. Alberto Garcia made numerous substantial misrepresentations to
26 Jose E. in order to induce Jose E. to enter into the advance fee agreement. The misrepresentations
27 included, among others, that attorney DAVID BURKENROAD would negotiate a loan

1 modification on Jose E.'s behalf. Jose E. never obtained foreclosure forbearance, loan
2 modification or negotiation services that had been promised to him by Respondents.

3 (b) Jose C.

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

16 (c) Alberto S.

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

S.'s loan with his lender. Respondents refused Alberto S.'s request for a refund of his advance fee.

(d) Flavia M.

On or about July 7, 2009, Hector Lopez solicited and offered to assist borrower Flavia M. with foreclosure forbearance, loan modification or negotiation services on behalf of Salve Su Casa. Flavia M. 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 M. paid an initial advance fee of \$2,000. Flavia M. was instructed to make the payment to A C & Associates. Respondents made numerous substantial misrepresentations through their agent Hector Lopez to Flavia M. in order to induce Flavia M. 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 M.

(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

11. 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."

12. 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 10 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.

13. Respondents CSCR and WENZARA failed to submit a written agreement or any written solicitation for the loan modification services described in Paragraph 10 above, to the Commissioner ten days prior to using them, in violation of Code Section 10085 and Regulation 2970.

CONCLUSIONS OF LAW

14. Based on the information contained in Paragraphs 1 through 13, above, ARTURO MANUEL BACILIO, CARLOS TORRES ALMAGUER, SALVE SU CASA, INC., A C & ASSOCIATES A PROFESSIONAL LAW FIRM CORPORATION, DAVID BURKENROAD, MARICELA DUARTE, and CHRISTIAN TERRANOVA violated Code Section 10130 by engaging in activities requiring a real estate license without first obtaining a broker license from the Department.

15. Based on the information contained in Paragraphs 1 through 13, above, COMPRESU CASA REALTY, and FREDERICK DAVID WENZARA violated Code Section 10085 and Regulation 2970 by failing to submit any written solicitation or written agreement

1 calling for payment of an advance fee as defined in Section 10026 of the Code, to the
2 Commissioner ten days prior to using them.

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4 DESIST AND REFRAIN ORDER

5 1. Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
6 herein, IT IS HEREBY ORDERED THAT ARTURO MANUEL BACILIO, CARLOS TORRES
7 ALMAGUER, SALVE SU CASA, INC., A C & ASSOCIATES A PROFESSIONAL LAW FIRM
8 CORPORATION, DAVID BURKENROAD, MARICELA DUARTE, and CHRISTIAN
9 TERRANOVA whether doing business in their own name or any other fictitious business name,
10 immediately desist and refrain from: performing any acts within the State of California for which a
11 real estate broker license is required, unless you are so licensed.

12 2. Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
13 herein, IT IS HEREBY ORDERED THAT COMPRE SU CASA REALTY, INC. and
14 FREDERICK DAVID WENZARA ARE ORDERED TO DESIST AND REFRAIN from
15 collecting advance fees within the meaning of Code Section 10026 unless and until they are in
16 compliance with Code Section 10185 and Regulation 2970.

17 AND FURTHERMORE, THAT COMPRE SU CASA REALTY, INC. and
18 FREDERICK DAVID WENZARA ARE ORDERED TO DESIST AND REFRAIN from
19 collecting (trust funds or advance fees) as that term is defined in Code Section 10085, in any form
20 particularly with respect to loan refinance, principal reduction, foreclosure abatement or short sale
21 services, unless and until you provide evidence satisfactory to the Real Estate Commissioner and
22 demonstrate that you have:

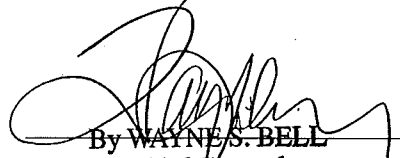
23 (1) a pre-approved advance fee agreement from the Department of Real Estate
24 pursuant to Regulation 2970;

25 (2) placed all previously collected advance fees into a trust account for that purpose
26 and are in compliance with Code Section 10146; and
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1 (3) provided an accounting to trust fund owner-beneficiaries pursuant to Regulation
2 2972.

3 DATED: 3/29, 2012.

4
5 Real Estate Commissioner

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By WAYNE S. BELL
Chief Counsel

9 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a real
10 estate broker or real estate salesperson without a license or who advertises using words indicating
11 that he or she is a real estate broker without being so licensed shall be guilty of a public offense
12 punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the
13 county jail for a term not to exceed six months, or by both fine and imprisonment; or if a
14 corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."

15 cc: Arturo Manuel Bacilio/ Salve Su Casa, Inc./ A C & Associates A Professional Law Firm
16 Corporation
7628 Lankershim Blvd., #118
North Hollywood, CA 91605

17 Carlos Torres Almaguer/ Salve Su Casa, Inc./ A C & Associates A Professional Law Firm
18 Corporation
7866 Chastain Ave.
19 Reseda, CA 91335

20 Frederick David Wenzara
21 1058 Avenida Loma Vista
San Dimas, CA 91773-4057

22 Compre Su Casa Realty, Inc./ Maricela Duarte/ Christian Terranova// Salve Su Casa, Inc./ A C
23 & Associates A Professional Law Firm Corporation
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25 David Burkenroad
26 3322 Mentone Ave. Apt. 12
27 Los Angeles, CA 90034