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DEPT. OF REAL ESTATE

By *E. Manning*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation against

DRE No. H-42477 LA

12 BONIFACIO JASTILLANA MARINAS and
13 VINTAGE REALTY AND FINANCE, INC.

ACCUSATION

14 Respondent.

15 The Complainant, Ray Dagnino, a Supervising Special Investigator for the Department
16 of Real Estate¹ (“Department”) of the State of California, makes this Accusation in his official
17 capacity, for cause of Accusation against BONIFACIO JASTILLANA MARINAS, aka
18 Bonifacio Jastilana Marinas, and VINTAGE REALTY AND FINANCE, INC. (collectively
19 “Respondents”), is informed and alleges as follows:

20 1. Unless otherwise noted, all references to the “Code” are to the California
21 Business and Professions Code, all references to the “Real Estate Law” are to Part 1 of Division
22 4 of the Code, and all references to “Regulations” are to the Regulations of the Real Estate

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24 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 Commissioner, Title 10, Chapter 6, California Code of Regulations.

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

4 3. From April 19, 2006 through the present, Respondent BONIFACIO
5 JASTILLANA MARINAS (“MARINAS”) has been licensed by the Department as a real estate
6 broker, License ID 01467633. Unless renewed, Respondent’s license expires on April 18, 2026.
7 Respondent has renewal rights pursuant to Code section 10201. The Department retains
8 jurisdiction pursuant to Code section 10103.

9 4. Respondent MARINAS was licensed as a real estate salesperson from December
10 9, 2004 through April 18, 2006.

11 5. Respondent MARINAS has a Mortgage Loan Originator (“MLO”) license
12 endorsement, National Mortgage Licensing System and Registry (“NMLS”) No. 300914.

13 6. From July 6, 2006 through the present, Respondent VINTAGE REALTY AND
14 FINANCE, INC. (“VINTAGE REALTY”) has been licensed by the Department as a real estate
15 corporation, License ID 01760622. Unless renewed, Respondent’s license expires on July 5,
16 2026. Respondent has renewal rights pursuant to Code section 10201. The Department retains
17 jurisdiction pursuant to Code section 10103.

18 7. Respondent VINTAGE REALTY has a Mortgage Loan Originator (“MLO”) license
19 endorsement, National Mortgage Licensing System and Registry (“NMLS”) No. 323648.

20 8. From July 6, 2006 through the present, Respondent MARINAS has been the
21 designated officer for Respondent VINTAGE REALTY, pursuant to section 10211 of the Code,
22 and is responsible for the supervision and control of the activities conducted on behalf of
23 Respondent VINTAGE REALTY by its officers, agents, and employees as necessary to secure
24 full compliance with Real Estate Law as set forth in section 10159.2 of the Code.

1 9. At all times relevant herein, Respondent MARINAS was an officer, director, or
2 person owning or controlling ten percent or more of VINTAGE REALTY’s stock.

3 FIRST CAUSE OF ACCUSATION

4 2022 Felony Conviction

5 10. On November 20, 2020, a felony information against Respondent MARINAS
6 was filed before the United States District Court for the Central District of California, in Case
7 No. 2:20-cr-00587-FMO. The felony information charged Respondent MARINAS with
8 violation of 18 U.S.C. § 1341 (mail fraud) and alleged that Respondent MARINAS executed a
9 scheme to defraud California’s Employment Development Department (“EDD”) and the United
10 States Treasury by submitting several false applications for pandemic unemployment assistance
11 benefits. Respondent made false statements and material misstatements on the applications
12 including using names of foreign nationals claiming to be licensed California real estate
13 licensees who purportedly worked for VINTAGE REALTY. On or about November 6, 2020,
14 Respondent MARINAS entered into a plea agreement to plead guilty to one count of the
15 information which charged mail fraud in violation of 18 U.S.C. § 1341.

16 11. On or about August 4, 2022, before the United States District Court for the
17 Central District of California, in Case No. CR-20-00587-FMO, Respondent pled guilty to, and
18 was convicted of, violating one count of 18 U.S.C. § 1341 (mail fraud), a felony.

19 12. The conviction, alleged above in Paragraph 11, and the underlying circumstances
20 surrounding said conviction, bear a substantial relationship to the qualifications, functions or
21 duties of a real estate licensee under Regulation 2910.

22 13. Respondent MARINAS’s felony conviction, alleged above in Paragraph 11,
23 constitutes cause for the suspension or revocation of all licenses, MLO license endorsements,
24 and license rights of Respondent MARINAS pursuant to Code sections 490, 10177, subdivision

1 (b), 10166.05, subdivision (b)(1), and 10166.051, subdivision (b).

2 14. Respondent MARINAS's felony conviction, alleged above in Paragraph 11,
3 constitutes cause for the suspension or revocation of all licenses and license rights of Respondent
4 VINTAGE REALTY pursuant to Code section 10177, subdivision (b).

5 SECOND CAUSE OF ACCUSATION

6 Failure to Disclose

7 15. There is hereby incorporated in this Second, separate and distinct Cause of
8 Accusation, all of the allegations contained in Paragraphs 1 through 14, above, with the same
9 force and effect as if herein fully set forth.

10 16. On or about January 18, 2022, Respondent MARINAS submitted a Broker
11 Renewal Application to the Department. In response to Question 17 of Respondent's real estate
12 broker license renewal application, to wit, "ARE THERE CRIMINAL CHARGES PENDING
13 AGAINST YOU AT THIS TIME, OR ARE YOU CURRENTLY AWAITING JUDGEMENT
14 AND SENTENCING FOLLOWING ENTRY OF A PLEA OR JURY VERDICT?" Respondent
15 answered "No" and failed to disclose the pending criminal charges alleged above in Paragraph
16 10.

17 17. Respondent MARINAS's failure to disclose the pending criminal charges
18 described above in Paragraph 10, on Respondent's 2022 real estate Broker Renewal Application
19 constitutes the procurement of a real estate license by fraud, deceit, making a material
20 misstatement, or omission of a material fact, in said application which constitutes cause for the
21 suspension or revocation of all licenses, MLO license endorsements, and license rights of
22 Respondent MARINAS pursuant to Code sections 498, 10177, subdivision (a), 10166.05,
23 subdivisions (b) and (c), and 10166.051, subdivision (b).

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1 18. On or about April 6, 2022, Respondent MARINAS submitted an Officer Renewal
2 Application on behalf of Respondent VINTAGE REALTY to the Department. In response to
3 Question 17 of the Officer Renewal Application, to wit, "ARE THERE CRIMINAL CHARGES
4 PENDING AGAINST YOU AT THIS TIME, OR ARE YOU CURRENTLY AWAITING
5 JUDGEMENT AND SENTENCING FOLLOWING ENTRY OF A PLEA OR JURY
6 VERDICT?" Respondents answered "No" and failed to disclose the pending criminal charges
7 alleged above in Paragraph 10.

8 19. Respondents' failure to disclose the pending criminal charges against Respondent
9 MARINAS described above in Paragraph 10, on Respondent VINTAGE REALTY's 2022
10 Officer Renewal Application constitutes the procurement of a real estate license by fraud, deceit,
11 making a material misstatement, or omission of a material fact, in said application which
12 constitutes cause for the suspension or revocation of all licenses, MLO license endorsements,
13 and license rights of Respondents MARINAS and VINTAGE REALTY pursuant to Code
14 sections 498, 499, 10177, subdivision (a), 10166.05, subdivisions (b) and (c), and 10166.051,
15 subdivision (b).

16 THIRD CAUSE OF ACCUSATION

17 Failure to Report Conviction

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

21 21. Code section 10186.2, subdivision (a)(1)(B), requires that licensees report the
22 bringing of a felony criminal complaint, information, indictment, and felony or misdemeanor
23 convictions. Code section 10186.2, subdivision (a)(2), requires that licensees make a report in
24 writing to the Department within 30 days of the bringing of the indictment, the charging of a

1 felony, a felony or misdemeanor conviction, or a disciplinary action. Failure to make a report
2 constitutes cause for discipline under Code section 10186.2, subdivision (b).

3 22. A diligent search was made of the Department's records for Respondent
4 MARINAS and no record or written notice was found to have been received from Respondent
5 MARINAS notifying the Department within 30 days of the 2020 felony information or
6 Respondent's 2022 felony conviction, as described above in Paragraphs 10 and 11.

7 23. Respondent MARINAS's failure to provide timely written notice to the
8 Department pursuant to Code section 10186.2 constitutes cause for the suspension or revocation
9 of Respondent MARINAS's real estate license and license rights pursuant to Code section
10 10186.2, subdivision (b), and Code section 10177, subdivisions (d) and/or (g).

11 COST RECOVERY

12 24. Code Section 10106 provides, in pertinent part, that in any order issued in
13 resolution of a disciplinary proceeding before the Department, the Commissioner may request
14 the Administrative Law Judge to direct a licensee found to have committed a violation of this
15 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
16 case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
2 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
3 against all licenses, MLO license endorsements, and license rights of Respondents under the
4 Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of
5 investigation and enforcement as permitted by law, and for such other and further relief as may
6 be proper under other provisions of law.

7 Dated Apr 11, 2023 at Los Angeles, California.

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RAY DAGNINO
Supervising Special Investigator

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cc: Bonifacio Jastillana Marinas
Vintage Realty and Finance, Inc.
Ray Dagnino
Sacto.

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