

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

4 Telephone: (213) 576-6982

FILED
JUL 13 2011
DEPARTMENT OF REAL ESTATE

By C.R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:) No. H-37388 LA
12)
13 MARCORR CORPORATION) ORDER TO DESIST
14 dba Vancouver Realty;) AND REFRAIN
15 JOSE DE JESUS CONTRERAS; and)
MARICELA CONTRERAS.) (B&P Code Section 10086)
_____)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department") caused an investigation to be made of the activities of MARCORR
18 CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA
19 CONTRERAS. Based on that investigation the Commissioner has determined that MARCORR
20 CORPORATION doing business as Vancouver Realty, JOSE DE JESUS CONTRERAS and
21 MARICELA CONTRERAS have engaged in or are engaging in acts or attempting to engage in
22 the business of, acting in the capacity of, and/or advertising or assuming to act as real estate
23 brokers in the State of California within the meaning of Business and Professions Code Sections
24 10131(a) (solicit prospective sellers or purchasers of or negotiate the purchase, sale or exchange
25 of real property) 10131(d) (solicit borrowers for or negotiate loans or perform services for
26 borrowers in connection with loans secured by liens on real property), and 10131.2 (engage in
27 the business of claiming, demanding, charging, receiving, collecting or contracting for the

1 collection of an advance fee in connection with offering to obtain a loan real property).

2 In addition, based on that investigation, the Commissioner has determined that
3 MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and
4 MARICELA CONTRERAS have engaged in or are engaging in acts or are attempting to engage
5 practices constituting violations of the California Business and Professions Code (“Code”)
6 and/or Title 10, California Code of Regulations (“Regulations”). Based on the findings of that
7 investigation, set forth below, the Commissioner hereby issues the following Findings of Fact,
8 Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the
9 Code.

10 FINDINGS OF FACT

11 1. From April 9, 2008 through the present, JOSE DE JESUS CONTRERAS has
12 been licensed by the Department as a real estate broker and as the broker-officer of MARCORR
13 CORPORATION.

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

20 3. From January 4, 1996 through the present, MARICELA CONTRERAS has
21 been licensed by the Department as a real estate salesperson. From August 23, 2007 through
22 July 29, 2008, MARICELA CONTRERAS was acting in the employ of real estate broker Elite
23 Home Loans, Inc. From July 30, 2008 through July 20, 2009, MARICELA CONTRERAS was
24 acting in the employ of MARCORR CORPORATION.

25 4. MARCORR CORPORATION is a California corporation. JOSE DE JESUS
26 CONTRERAS is the chief executive officer and a director of MARCORR CORPORATION.

1 MARICELA CONTRERAS is the chief financial officer and agent for service of process for
2 MARCORR CORPORATION.

3 5. At all times mentioned herein, in the County of Los Angeles, MARCORR
4 CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and MARICELA
5 CONTRERAS engaged in the business of a real estate broker conducting activities requiring a
6 real estate license within the meaning of Code Sections 10131(a), 10131(d), and 10131.2.
7 MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and
8 MARICELA CONTRERAS engaged in operating a residential resale, short sale, mortgage loan,
9 advance fee and loan modification service brokerage. For compensation or in expectation of
10 compensation and for fees often collected in advance, MARCORR CORPORATION,
11 VANCOUVER REALTY, JOSE DE JESUS CONTRERAS and MARICELA CONTRERAS
12 solicited prospective purchasers and sellers for short sales of real property and solicited
13 borrowers by offering to conduct negotiations and modifications in connection with loan secured
14 by real property.

15 Laura R.

16 6. MARICELA CONTRERAS, while working for Vancouver Realty, approached
17 Laura R. and offered to assist her by advising that Laura R. short sell her real property located in
18 the city of Victorville, California. Laura R. followed MARICELA CONTRERAS' advice and
19 signed an exclusive listing agreement with MARICELA CONTRERAS and Vancouver Realty
20 for the short sale of the property. MARICELA CONTRERAS charged and collected advance
21 fees of \$3,000 from Laura R. for the short sale of the property. Shortly thereafter, MARICELA
22 CONTRERAS informed Laura R. that she needed to pay \$2,500 in property taxes and \$450 for
23 an appraisal of the property. Laura R. gave MARICELA CONTRERAS \$2,950 to pay the
24 alleged delinquent property taxes for the property. Laura R. did not receive a receipt for the
25 \$2,950 she paid to MARICELA CONTRERAS for the appraisal and payment of property taxes
26 on the property. Laura R. later discovered that MARICELA CONTRERAS never paid the
27 property taxes on the property. Despite MARICELA CONTRERAS' assurances to Laura R. that

1 she could short sell the property to Laura R.'s daughter, the property was foreclosed and sold by
2 a trustee sale on February 6, 2009. MARICELA CONTRERAS refused to refund either the
3 \$3,000 advance fee or the \$2,950 she collected from Laura R.

4 7. MARICELA CONTRERAS and MARCORR CORPORATION, while doing
5 business as Vancouver Realty, charged and collected the advance fees described in Paragraph 7
6 above, for soliciting prospective sellers or purchasers of, obtaining listings of or negotiating the
7 purchase, sale or exchange of real property, which constitutes an advance fee within the meaning
8 of Code Section 10026.

9 8. MARCORR CORPORATION failed to submit a written agreement or any
10 written solicitation for short sale services described in Paragraph 7 above, to the Commissioner
11 ten days before using it, in violation of Code Section 10085 and Regulation 2970.

12 Elder R.

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

24 10. MARICELA CONTRERAS and MARCORR CORPORATION, while doing
25 business as Vancouver Realty, charged and collected the advance fees described in Paragraph 10
26 above, for soliciting to perform loan negotiation and modification services for borrowers in
27 connection with loans secured by real property, which constitutes an advance fee within the

1 meaning of Code Section 10026.

2 11. MARCORR CORPORATION failed to submit a written agreement or any
3 written solicitation for loan negotiation or modification services described in Paragraph 10
4 above, to the Commissioner ten days before using it, in violation of Code Section 10085 and
5 Regulation 2970.

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

11 CONCLUSIONS OF LAW

12 13. Based on the information contained in Paragraphs 1 through 13, above,
13 MARCORR CORPORATION dba Vancouver Realty, JOSE DE JESUS CONTRERAS and
14 MARICELA CONTRERAS violated Code Section 10085 of the Code and Regulation 2970 by
15 failing to submit advance fee agreements and materials to the Department of Real Estate prior
16 charging and collecting advance fees from any person.

17 14. Based on the information contained in Paragraphs 1 through 13, above,
18 MARCORR CORPORATION dba Vancouver Realty and JOSE DE JESUS CONTRERAS
19 violated Code Section 10146 and Regulation 2972 by failing to furnish a verified copy of
20 accounting content which includes identification of the trust fund account into which the advance
21 fee had been deposited, description of services rendered, the amount allocated or disbursed from
22 the advance fee at the end of each calendar quarter and when the contract has been completely
23 performed by the licensee.

24 DESIST AND REFRAIN ORDER

25 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
26 herein, IT IS HEREBY ORDERED THAT MARCORR CORPORATION dba Vancouver
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1 Realty, JOSE DE JESUS CONTRERAS, and MARICELA CONTRERAS, whether doing
2 business under their own names or any other fictitious names, ARE HEREBY ORDERED TO:

3 1. Immediately desist and refrain from charging, demanding, claiming, collecting
4 and/or receiving advance fees, as that term is defined in Code Section 10026, in any form, and
5 under any conditions, with respect to the performance of loan modification or any other form of
6 mortgage loan forbearance services in connection with loan on residential property containing
7 four or fewer dwelling units (Code Section 10085.6).

8 2. Immediately desist and refrain from charging, demanding, claiming, collecting
9 and/or receiving advance fees, as that term is defined in Code Section 10026, for any of the other
10 real estate related services offered to others, unless and until MARCORR CORPORATION dba
11 Vancouver Realty and JOSE DE JESUS CONTRERAS, and each of them, demonstrate and
12 provide evidence satisfactory to the Commissioner that each:

13 a. has an advance fee agreement which has been submitted to the Department and
14 which is in compliance with Code Section 10085 and Regulation 2970;

15 b. has placed all previously collected advance fees into a trust account for that
16 purpose and is in compliance with Code Section 10146; and

17 c. has provided an accounting to trust fund owner-beneficiaries from whom
18 advance fees have previously been collected in compliance with Code Section 10146 and
19 Regulation 2972.

20 DATED: 6/28, 2011.

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22 BARBARA J. BIGBY
Acting Real Estate Commissioner

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1 **Notice:** Business and Professions Code Section 10139 provides that “Any person acting as a
2 real estate broker or real estate salesperson without a license or who advertises using words
3 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
4 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
5 imprisonment in the county jail for a term not to exceed six months, or by both fine and
6 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
7 (\$60,000).”
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23 cc: Marcorr Corporation, Vancouver Realty, Jose De Jesus Contreras and Maricela Contreras
24 9510 Telegraph Road
25 Downey, CA 90241
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