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FILED

OCT 31 2012

DEPARTMENT OF REAL ESTATE
BY: C.R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 To:)	No. H-38506 LA
)	
12 SECURE DOC PREP CORP;)	<u>ORDER TO DESIST</u>
13 SIMPLICITY REALTY 1;)	<u>AND REFRAIN</u>
14 DAIN TURNER;)	
15 BRIAN JASON MORALES;)	(B&P Code Section 10086)
16 REINHARD SCHOENHOEFER;)	
17 CARLO LONGO;)	
18 RUBEN CORONA; and)	
ROBERT (NMN) MARQUEZ.)	

19 The Commissioner ("Commissioner") of the California Department of Real Estate
20 ("Department") caused an investigation to be made of the activities of SECURE DOC PREP
21 CORP; SIMPLICITY REALTY 1; DAIN TURNER; BRIAN JASON MORALES; REINHARD
22 SCHOENHOEFER; CARLO LONGO; RUBEN CORONA, and ROBERT (NMN) MARQUEZ
23 (collectively "Respondents").

24 Based on that investigation the Commissioner has determined that Respondents
25 have engaged in or are engaging in acts or attempting to engage in the business of, acting in the
26 capacity of, and/or advertising or assuming to act as real estate brokers in the State of California
27 within the meaning of Business and Professions Code Section 10131(d) (solicit borrowers for or

1 negotiate loans or perform services for borrowers in connection with loans secured by liens on
2 real property).

3 In addition, based on that investigation, the Commissioner has determined that
4 Respondents have engaged in or are engaging in acts or are attempting to engage practices
5 constituting violations of the California Business and Professions Code ("Code") and/or Title 10,
6 Chapter 6, 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. At no time mentioned herein have SECURE DOC PREP CORP, DAIN
12 TURNER ("TURNER"), CARLO LONGO ("LONGO"), RUBEN CORONA ("CORONA"),
13 and ROBERT (NMN) MARQUEZ ("MARQUEZ") ever been licensed by the Department in any
14 capacity.

15 2. From March 10, 2010 through the present, SIMPLICITY REALTY 1 has been
16 licensed as a corporate real estate broker, License ID 01876367.

17 3. From September 12, 2006 through the present, BRIAN JASON MORALES
18 ("MORALES") has been licensed as a real estate broker, License ID 01441520.

19 4. From March 10, 2010 through March 15, 2011, SIMPLICITY REALTY 1 was
20 acting by and through MORALES as its designated officer pursuant to Code Section 10159.2 to
21 be responsible for ensuring compliance with the Real Estate Law.

22 5. From March 23, 2005 through the present, REINHARD SCHOENHOEFER
23 ("SCHOENHOEFER") has been licensed as a real estate salesperson, License ID 01473232.
24 From January 22, 2010 through December 29, 2010, SCHOENHOEFER was licensed under the
25 employment of MORALES.

26 6. SECURE DOC PREP CORP is a California corporation formed on or about
27 March 14, 2009. SCHOENHOEFER, LONGO, and TURNER were former officers and

1 directors of SECURE DOC PREP CORP. CORONA is currently an officer and director of
2 SECURE DOC PREP CORP.

3 7. SIMPLICITY REALTY 1 is a California corporation formed on or about
4 September 11, 2009. TURNER and MORALES were former officers and directors of
5 SIMPLICITY REALTY 1. MORALES cancelled his designation as officer for SIMPLICITY
6 REALTY 1 on or about March 15, 2011. CORONA is currently an officer and director of
7 SIMPLICITY REALTY 1.

8 8. At times relevant herein, SECURE DOC PREP CORP and SIMPLICITY
9 REALTY 1 shared the same office address of 2450 White Road, Suite 250, Irvine, California
10 92614.

11 9. Within the three year period from the filing of this Order to Desist and Refrain,
12 in the State of California, Respondents, while using their own names or other fictitious business
13 names including SECURE DOC PREP CORP and SIMPLICITY REALTY 1, engaged in the
14 business of a real estate broker conducting activities requiring a real estate license within the
15 meaning of Code Section 10131(d) (solicit borrowers for or negotiate loans or perform services
16 for borrowers in connection with loans secured by liens on real property).

17 10. For compensation or in expectation of compensation and for fees collected in
18 advance, Respondents, through their agents, employees, or independent contractors, solicited
19 borrowers by offering to conduct loan negotiations and modifications, foreclosure forbearance,
20 mitigation, or foreclosure consultant services in connection with loans secured by liens on real
21 property.

22 11. On or about September 22, 2009, Respondents, through their agents,
23 employees, or independent contractors, charged and collected advance fees totaling \$3,990 from
24 borrowers Scott and Barbara L. for mortgage loan negotiation, modification or forbearance
25 services.

26 12. On or about October 14, 2010, Respondents, through MARQUEZ and other
27 agents, employees, or independent contractors, charged advance fees of \$2,295 from borrower

1 Eugene S. for mortgage loan negotiation, modification or forbearance services. Respondents
2 collected \$1,721.22 from Eugene S. for said services.

3 13. Code Sections 10085.5 and 10085.6 prohibit claiming, demanding, charging
4 or collecting advance fees for attempts to negotiate or perform mortgage loan modification or
5 forbearance services. Prior to October 11, 2009, licensed real estate brokers could charge or
6 collect advance fees *if* they complied with the statutory requirements of Code Sections 10085,
7 10146 and Regulation 2970.

8 CONCLUSIONS OF LAW

9 14. Based on the information contained in Paragraphs 1 through 12, above,
10 SECURE DOC PREP CORP, DAIN TURNER, REINHARD SCHOENHOEFER, CARLO
11 LONGO, RUBEN CORONA, and ROBERT (NMN) MARQUEZ violated Code Section 10130
12 by engaging in activities requiring a real estate license without first obtaining a broker license
13 from the Department.

14 15. Based on the information contained in Paragraphs 1 through 12, above,
15 SIMPLICITY REALTY 1 and BRIAN JASON MORALES violated Code Sections 10085.5 and
16 10085.6 by claiming, demanding, charging or collecting advance fees for attempts to negotiate or
17 perform mortgage loan modification or forbearance services.

18 DESIST AND REFRAIN ORDER

19 1. Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
20 herein, IT IS HEREBY ORDERED THAT SECURE DOC PREP CORP, DAIN TURNER,
21 REINHARD SCHOENHOEFER, CARLO LONGO, RUBEN CORONA, and ROBERT (NMN)
22 MARQUEZ whether doing business in their own name or any other fictitious business name,
23 immediately desist and refrain from performing any acts within the State of California for which
24 a real estate broker license is required, and in particular, soliciting borrowers and/or performing
25 services for borrowers or lenders in connection with loans secured directly or collaterally by one
26 or more liens on real property, unless and until you obtain a real estate broker license issued by
27 the Department.

1 2. Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated
2 herein, IT IS HEREBY ORDERED THAT SIMPLICITY REALTY 1 and BRIAN JASON
3 MORALES ARE ORDERED TO DESIST AND REFRAIN from collecting advance fees within
4 the meaning of Code Sections 10085.5 and 10085.6.

5 AND FURTHERMORE, THAT SIMPLICITY REALTY 1 and BRIAN JASON
6 MORALES ARE ORDERED TO DESIST AND REFRAIN from collecting trust funds or
7 advance fees as that term is defined in Code Section 10026, unless and until you provide
8 evidence satisfactory to the Real Estate Commissioner and demonstrate that you have:

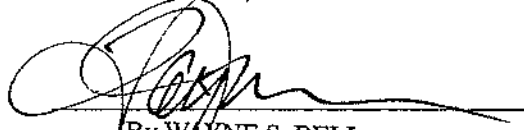
9 (1) a pre-approved advance fee agreement from the Department of Real Estate
10 pursuant to Regulation 2970;

11 (2) placed all previously collected advance fees into a trust account for that
12 purpose and are in compliance with Code Section 10146; and

13 (3) provided an accounting to trust fund owner-beneficiaries pursuant to
14 Regulation 2972.

15 DATED: October 11, 2012.

16
17 Real Estate Commissioner

18 
19 By WAYNE S. BELL
20 Chief Counsel

21 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a
22 real estate broker or real estate salesperson without a license or who advertises using words
23 indicating that he or she is a real estate broker without being so licensed shall be guilty of a
24 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
25 imprisonment in the county jail for a term not to exceed six months, or by both fine and
26 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
27 (\$60,000)."

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