

FILED

JUL 26 2023

DEPT. OF REAL ESTATE

By. [Redacted]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation against)	DRE No. H-42477 LA
)	
BONIFACIO JASTILLANA MARINAS and)	
VINTAGE REALTY AND FINANCE, INC.)	
)	
Respondent.)	
_____)	

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 June 15, 2023, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, BONIFACIO JASTILLANA MARINAS, aka Bonifacio Jastilana Marinas, and VINTAGE REALTY AND FINANCE, INC. (collectively "Respondents") ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes a Mortgage Loan Originator License Endorsement ("License Endorsement") and a real estate broker license on the grounds of a violation of the Real Estate Law.

Pursuant to Government Code section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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FINDINGS OF FACT

1.

On April 11, 2023, RAY DAGNINO made the Accusation in his official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondents' last known mailing addresses on file with the Department on April 14, 2023, and on May 9, 2023.

2.

On June 15, 2023, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

LICENSE HISTORY

3.

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

From April 19, 2006, through the present, Respondent BONIFACIO JASTILLANA MARINAS ("MARINAS") has been licensed by the Department as a real estate broker, License ID 01467633. Unless renewed, Respondent's license expires on April 18, 2026. Respondent has renewal rights pursuant to Code section 10201. The Department retains jurisdiction pursuant to Code section 10103. Respondent MARINAS has a Mortgage Loan Originator ("MLO") license endorsement, National Mortgage Licensing System and Registry ("NMLS") No. 300914.

From July 6, 2006, through the present, Respondent VINTAGE REALTY AND FINANCE, INC. ("VINTAGE REALTY") has been licensed by the Department as a real estate corporation, License ID 01760622. Unless renewed, Respondent's license expires on July 5, 2026. Respondent has renewal rights pursuant to Code section 10201. The Department retains jurisdiction pursuant to Code section 10103. Respondent VINTAGE REALTY has a MLO endorsement, NMLS No. 323648.

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

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

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on April 14, 2023, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

Respondent MARINAS's felony conviction, as alleged in the Accusation, Paragraph 11, constitutes cause for the suspension or revocation of all licenses, MLO license endorsements, and license rights of Respondent MARINAS pursuant to Code sections 490, 10177, subdivision (b), 10166.05, subdivision (b)(1), and 10166.051, subdivision (b).

2.

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

3.

Respondent MARINAS's failure to disclose the pending criminal charges against Respondent MARINAS, as described in the Accusation, Paragraph 16, on Respondent MARINAS's 2022 real estate Broker Renewal Application, constitutes the procurement of a real estate license by fraud, deceit, making a material misstatement, or omission of a material fact, in said application which constitutes cause for the suspension or revocation of all licenses, MLO license endorsements, and license rights of Respondent MARINAS pursuant to Code sections 498, 10177, subdivision (a), 10166.05, subdivisions (b) and (c), and 10166.051, subdivision (b).

4.

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

5.

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

6.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

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ORDER

The Department of Real Estate having met its burden of proof, it is hereby ordered that all real estate licenses, Mortgage Loan Originator License Endorsements, and license rights issued to Respondents BONIFACIO JASTILLANA MARINAS and VINTAGE REALTY AND FINANCE, 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 8/25/2023.

DATED: 7/10/23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



By: MARCUS L. McCARTHER
Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

FILED

JUN 15 2023

DEPT. OF REAL ESTATE

By—



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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)
13 BONIFACIO JASTILLANA MARINAS and)
14 VINTAGE REALTY AND FINANCE INC ,) DEFAULT ORDER
15 Respondent.)

16 Respondents BONIFACIO JASTILLANA MARINAS, aka Bonifacio
17 Jastilana Marinas, and VINTAGE REALTY AND FINANCE, INC. (collectively
18 “Respondents”), having failed to file a Notice of Defense within the time required by
19 Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a
20 default be entered on the record in this matter.

21 IT IS SO ORDERED JUNE 15, 2023.

22 DOUGLAS R. McCAULEY
23 REAL ESTATE COMMISSIONER

24 By:



25 CHIKA SUNQUIST
26 Assistant Commissioner, Enforcement
27

EX. "A"

FILED

APR 14 2023

DEPT. OF REAL ESTATE

By [Redacted]

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 Department of Real Estate
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 3 Telephone: (213) 576-6982
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Staff Counsel for Department of Real Estate

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6
7

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	<u>ACCUSATION</u>
13 VINTAGE REALTY AND FINANCE, INC.	
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
 23

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")
19 license 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 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

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