



County of Fresno
Office of the District Attorney
Lisa A. Smittcamp, District Attorney

**REAL ESTATE FRAUD UNIT
REFERRAL COVER SHEET
KEEP PAGES 1-4 FOR YOUR RECORDS**

Guidelines for completing the Real Estate Fraud Referral Form

Before filling out the attached referral form, please take the time to read these guidelines. They will help you to understand our function, and we will be better able to understand and act on your referral.

What we can do:

The Fresno County District Attorney's Office Real Estate Fraud Unit investigates and prosecutes real estate fraud related cases occurring in Fresno County. Some of the types of cases considered for investigation by this office are fraudulent transfers of title to real property, recording of false documents with the County Recorder's Office, forgeries, foreclosure assistance scams, elder abuse, embezzlement, theft and other types of mortgage fraud.

When we receive a consumer referral, we review all the information and the supporting documentation that is included. If the referral does not meet the above-described criteria to open a case, we will do our best to refer you to an agency that will appropriately handle the type of matter involved. Many real estate consumer disputes are not appropriate for government action, but are altogether proper for private legal action.

If you are a victim, we cannot represent you personally as your attorneys or give you legal advice. For advice on any civil claim, you should consult immediately with a licensed California attorney. If you do not have an attorney, you can contact the Fresno County Bar Association for a referral at (559) 264-0137.

BE AWARE! You should take action immediately. Your rights may be affected by a statute of limitations which could limit the time in which you can bring a civil action. You could lose your right to sue if you do not act promptly.

Do not assume that by submitting a referral to our office that we will take action. For various reasons, we are not able to prosecute every case. If we determine it is necessary to obtain more information, we will contact you. If you have questions, you may call us at (559) 600-2140.

What we cannot do:

This office is not legally permitted to offer legal advice, represent individuals in civil matters, take action in order to obtain money owed to a consumer, help cancel any debt due on a contract that was signed, resolve or mediate individual consumer referrals, or obtain any other personal relief. Those functions may be performed by a number of other governmental and/or private agencies established for that purpose. See the list below.

OTHER AGENCIES THAT MAY BE ABLE TO HELP

Dispute Resolution Services

The **Central California Better Business Bureau (BBB)** may be able to help you resolve your referral. The BBB offers a variety of free and local dispute resolution services including conciliation, mediation and arbitration. They also have national programs related to specific market place problems arising in the following areas: auto warranty, lemon law, telecommunications, moving and storage and manufactured housing. They are located in Fresno and Bakersfield and serve the Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono and Tulare counties. You may make a complaint directly with the BBB. You can visit their website at <http://cencal.bbb.org/> or contact them using the information below.

Central California Better Business Bureau	
Fresno Office	Bakersfield Office
2600 W Shaw Lane Fresno, CA 93711 Phone: (559) 222-8111 Fax: (559) 228-6518 Email: info@cencal.bbb.org	1601 H Street, Suite 101 Bakersfield, CA 93301 Phone: (661) 322-2074 Fax: (661) 322-8318 Email: info@cencal.bbb.org

Small Claims

You may wish to pursue your case in a small claims court. A small claims action can be used to recover up to \$7,500 in damages. You do not need an attorney to file a case in small claims court. If you need assistance in preparing a case for small claims court, you may contact the **Small Claims Legal Advisor**. There is no charge for their services. They also provide free clinics for the public about small claims every month. NOTE: They do have Spanish speaking representatives available to assist you. The Small Claims Legal Advisor is located at Fresno County Superior Court, 1130 "O" Street, Room 104, Fresno, California 93721. The phone number is (559) 457-2174. You may also visit the Fresno Superior Court's website at http://www.fresno.courts.ca.gov/small_claims.

Contact a Licensed California Attorney

You may also want to contact an attorney licensed to practice in California. The **Fresno County Bar Association** maintains an **Attorney Referral Service** which can arrange for a consultation with a licensed local attorney for a small administrative fee. You may contact the referral service at (559) 264-0137 or visit their website at <http://fresnocountybar.org>.

Low Cost Legal Services

If you believe you may qualify for low cost legal assistance you should contact the **Central California Legal Services (CCLS)** at (559) 570-1200. CCLS employs licensed California attorneys that have experience assisting persons with legal issues in the following areas: housing, health, consumer, family, education, immigration and public benefits. You can also visit their website at <http://www.centralcallegal.org> for additional information. CCLS maintains offices in Fresno, Merced and Visalia. Their main office is located in Fresno at 2115 Kern Street, Suite 1, Fresno, CA 93721.

Administrative Enforcement by a Government Entity

There are many federal, state and local government agencies that exist to protect consumers from possible fraud in the marketplace and to ensure industry standards. Many times it is necessary that you directly file a complaint with the agency that oversees businesses like the one involved in your referral. For example, if you are complaining about work done on your home by an unlicensed contractor, you should make a complaint to the State of California Contractors State License Board.

Many (but not all) of the consumer protection agencies operating in the State of California are part of the **Department of Consumer Affairs**. The Department of Consumer Affairs website is an excellent resource for learning about your rights and identifying the correct agency to contact regarding your complaint. You can visit their website at <http://www.dca.ca.gov/consumer> or contact them by telephone at (800) 952-5210.

If you believe you have been a victim of real estate fraud, or you have suffered a loss involving your home or purchase of a home due to fraud, please complete this referral form.

How to complete the referral form:

1. Write or type a one to two-page summary of your referral and attach the summary to the referral form. Please include the following information:
 - a. Tell us **what** happened in chronological detail and be specific.
 - b. Tell us **who** you think the person(s) or company that is responsible for the loss, fraud, forgery, etc.
 - c. Tell us **where** (address, city, state) the incident or act(s) took place. Please include property address(es) involved in the transaction.
 - d. Tell us **when** and **how** you first became aware that you may have been defrauded. If individual(s) or a company is named in your referral, please list exact dates of contact. If someone else made you aware of the potential crime, please include that person's name(s), address(es) and telephone number(s).
 - e. Tell **how** you know the representations were false or how you know money was misused.
 - f. Tell us what your actual financial loss is, if known. Do not include lost interest, unrealized profits or missed opportunities.
2. Documentary evidence is especially important; therefore, please include only photocopies of all documents and materials. Such materials include contracts, agreements, certificates, notes, deeds, correspondence, legible copies of involved checks (front and back), escrow and/or loan documents, brochures, business cards, etc. **Please retain the originals for your records.**
3. Type or print clearly in ink.
4. After completing all sections of the referral form, please mail the form along with an attached narrative and copies of your supporting documentation to:

Office of the Fresno County District Attorney
Real Estate Fraud Unit
2100 Tulare St
Fresno, CA 93721
5. All referrals must have the attached referral form completely filled out, signed and dated by the complaining party (not by their attorney) before a case can be opened.
6. Be as truthful and accurate as possible. Be aware that making a false crime report with the police or with the District Attorney's Office is a crime punishable as a misdemeanor. Penal Code §148.5.

FRESNO COUNTY DISTRICT ATTORNEY

Real Estate Fraud Unit

2100 Tulare St

Fresno, California 93721

(559) 600-3141

CONSUMER REFERRAL FORM

A. You should know that the District Attorney has limited resources to review and catalog these referrals. All referrals will be reviewed by a Deputy District Attorney. **Not all referrals are investigated.**

B. The legal staff of the Fresno County District Attorney’s Office is not permitted to engage in the private practice of law or to furnish legal advice in private civil matters and does not have legal authority to assert your individual private rights.

C. The Real Estate Fraud Unit does not conduct personal intake interviews or make appointments to accept complaints.

1. YOUR INFORMATION

Full Name: _____

Date of Birth: _____ Age: _____

Home & Mailing Addresses: _____
(if different)

Home Telephone: _____ Work Telephone: _____

Cell Phone: _____ Best Time to Call: _____

General nature of your referral (check all that apply):

___ Real Estate Transaction

___ Identity Theft

___ Mortgage/Loan Fraud

___ Forgery

___ Foreclosure Scam

___ Theft of Money or Property

___ Recording of false/forged documents

___ Other (brief description): _____

2. BUSINESS/SUSPECT INFORMATION

Individual Name: _____

Business Name: _____

Telephone: _____

Business Address: _____

3. TRANSACTION INFORMATION

Date of Occurrence: _____ Location: _____

Date of Purchase (if different from above): _____

Purchase price or amount paid: _____ Method of payment: _____

Was a contract signed? Yes No

How did you hear about this business? _____

Do you, or did you, have a prior business, family, social or personal relationship with the person(s) responsible? If yes, please explain the nature and length of the relationship.

Have you contacted the suspect(s) or business regarding your referral? If yes, who did you speak to and what was the result?

Identify any and all witnesses who can verify or substantiate your claims. Provide addresses, work and home telephone numbers.

How and when did you first discover the fraud, or that you had suffered any harm or losses (list approximate month/year if date is unknown)?

Have you made a report or complaint to any other governmental agency or entity, including but not limited to, any local police department or sheriff's office, Department of Real Estate, Better Business Bureau, Department of Consumer Affairs, etc.? If so, please identify ALL agencies where you have made complaints (verbal or written) and the dates of each complaint(s).

Have you consulted or spoken with any private attorneys concerning your claims? If so, what are the names and addresses of those attorneys, and when did you last speak with them?

Have you filed a civil lawsuit a small claims action, or any administrative complaint related to the same issues? If so, please tell us when you first filed the lawsuit or claim and what is the status of the proceeding. Also, please provide the case number assigned by the court or agency.

Have you given anyone a power of attorney or other authorization to act on your behalf, or handle your affairs? If so, please identify that person and attach a copy of the power of attorney.

4. **BEFORE MAILING THE REFERRAL FORM**, attach the following:

A. **Statement of facts. Attach your summary of what Happened. REQUIRED!** Without the statement of facts, your referral cannot be evaluated. **Please sign and date your statement in addition to this page.**

See "How to complete referral form" on page 4.

B. **Attach COPIES ONLY of documents pertaining to the referral. Please note, failure to provide the necessary documents could result in immediate closure of your referral.** Items to send include:

Advertising materials (brochures, advertisements, business cards, etc.)

Contract or Agreement

Canceled check(s) (front and back)

Promissory Notes, Deeds, Deed of Trust

Cash receipt(s)

Escrow instructions, loan documents, amendments and closing statements

Correspondence between you and the business or individual (letters, emails, fax)

Copies of any documents which relate to your referral, but which are not listed above

Copies of any civil complaints filed on behalf of you or others

5. **DECLARATION**

Date and sign below – anonymous referrals are not accepted.

NOTE: California Penal Code Section 148.5(a) states:

"Every person who reports to any peace officer listed in section 830.1 or 830.2, district attorney, or deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor."

I declare under penalty of perjury under the laws of the State of California that the foregoing statements and photocopies of attached documents are true and correct.

Date

Signature