



1400 West Lacey Blvd.
Hanford, CA 93230

Office of the District Attorney
County of Kings

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District Attorney



(559) 582-0326
FAX (559) 583-9650

Guidelines For Completing The Real Estate Fraud Complaint Form
KEEP THESE PAGES FOR YOUR RECORDS

Before filling out the attached complaint 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 complaint.

What we can do:

The Kings County District Attorney's Office Real Estate Fraud Unit investigates and prosecutes real estate fraud related cases occurring in **Kings** 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 complaint, we review all the information and the supporting documentation that is included. If the complaint 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.

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 complaint to our office that we will take action. For various reasons, we are not able to prosecute every case. The complaint will be reviewed and if we determine it is necessary to obtain more information, we will contact you. If you have questions, you may call us at (559) 582-0326.

What we cannot do:

This office is not legally permitted to 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 complaints, or obtain any other personal relief. Those functions may be performed by a number of other government agencies established for that purpose. Enclosed is a list of other agencies that may also be of assistance to you. **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 complaint form.**

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How you can help us:

1. Write or type a one to two page summary of your complaint and attach the summary to the complaint 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 complaint, 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 complaint form, please mail the form along with an attached narrative and copies of your supporting documentation to:**
Office of the Kings County District Attorney
Real Estate Fraud Unit
1400 W. Lacey Boulevard
Hanford, CA 93230
5. **All complaints must have the attached complaint 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).

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OTHER AGENCIES

Dispute Resolution Services

The **Central California Better Business Bureau (BBB)** may be able to help you resolve your complaint. 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 4201 W. Shaw Avenue, Suite 107, Fresno, CA 93722 Phone: (559) 222-8111 Fax: (559) 228-6518 Email: info@cencal.bbb.org	Bakersfield Office 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 inside the offices of the Central California Better Business Bureau at 4201 W. Shaw, Suite 107, Fresno, CA 93722. The phone number is (559) 256-6303.

Contact a Licensed California Attorney

You may also want to contact an attorney licensed to practice in California. The **Kings 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) 584-3337.

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 complaint. 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> or contact them by telephone at (800) 952-5210.

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CONSUMER COMPLAINT FORM

- A. You should know that the District Attorney has limited resources to review and catalog these complaints. All complaints will be reviewed by a District Attorney Investigator and Deputy District Attorney.
- B. The legal staff of the Kings 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 may conduct personal intake interviews or make appointments to accept complaints.

1. YOUR INFORMATION

Full Name: _____ Date of Birth: ___ / ___ / ____ Age: ____

Home Address: _____

Home Telephone: (___) ___ - ____ Work Telephone: (___) ___ - ____ Cell Phone: (___) ___ - ____

Best Time to Call: _____ a.m. / p.m.

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

<input type="checkbox"/>	Real Estate Transaction	<input type="checkbox"/>	Identity Theft
<input type="checkbox"/>	Mortgage/Loan Fraud	<input type="checkbox"/>	Forgery
<input type="checkbox"/>	Foreclosure Scam	<input type="checkbox"/>	Theft of Money or Property
<input type="checkbox"/>	Recording of false/forged documents	<input type="checkbox"/>	Other (describe):

2. BUSINESS/SUSPECT INFORMATION

Individual Name: _____

Business Name: _____

Business Address: _____

Work Telephone: (___) ___ - ____ Cell phone: (___) ___ - ____

3. TRANSACTION

Date of Occurrence: ___ / ___ / ____ Location: _____

Date of Purchase (if different from above): ___ / ___ / ____

Purchase Price or Amount Paid: \$ _____ Method of Payment: _____

Was a Contract Signed (Circle One)? 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 complaint? If yes, who did you speak to and what was the result? _____

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

When did you first discover the fraud, or that you had suffered any harm or losses?

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 COMPLAINT FORM, attach the following:

A. Statement of facts. Attach your summary of what Happened. REQUIRED!

Without the statement of facts, your complaint cannot be properly evaluated.

See "How you can help us" above.

B. Attach COPIES ONLY of documents pertaining to the complaint. Please note, failure to provide the necessary documents could result in immediate closure of your complaint. 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 complaint 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 complaints 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, know 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