FILED

JUN 2 5 2010

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

BY: [signature]

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	No. H-36314 LA
	)	
	)	L-2009120004
MARLON ALEXANDER ALFARO,	)	
	)	
	)	
Respondent.	)	
	)	

DECISION

The Proposed Decision dated May 18, 2010, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on JUL 1 5 2010.

IT IS SO ORDERED 6/24/10.

JEFF DAVI
Real Estate Commissioner

[signature]

BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against: MARLON ALEXANDER ALFARO, Respondents.	Department No. H-36314 LA OAH No. 2009120004

PROPOSED DECISION

This matter was heard on May 11, 2010, in Los Angeles, California, by Chris. Ruiz, Administrative Law Judge, Office of Administrative Hearings, State of California.

Marlon Alexander Alfaro (Respondent), was present and represented himself.

Complainant, Robin Trujillo, Deputy Real Estate Commissioner, was represented by Cheryl D. Keily, Counsel for Department of Real Estate (Department).

Oral and documentary evidence was presented. The matter was submitted for decision on May 11, 2010.

FACTUAL FINDINGS

1. Complainant brought the Accusation in her official capacity.

2. Respondent is presently licensed as a real estate salesperson and was initially licensed as such in August 2004. Since December 2008, Respondent has not been working under the supervision of an employing broker. As a real estate salesperson, Respondent was and is required to be working under the supervision of a real estate broker. (See Business and Professions Code sections 10132 and 10137.)

3. In approximately January 2009, Respondent advertised for and engaged in performing loan modifications, and collected a fee, without the required involvement of a real estate broker. Respondent contended that he performed said acts because the real estate business was slow, and because he wanted to help his clients. Respondent stopped performing loan modifications when he learned he needed supervision by a broker to perform said acts.

4. Respondent is married with two young children. His wife recently obtained her real estate broker's license and Respondent contended that he is now working with his wife as his broker. However, Respondent has not notified the Department of said arrangement.

5. As a real estate salesperson, Respondent knew, or should have known, that his license required him to work under a real estate broker. However, at hearing Respondent appeared to believe that "helping" his clients justified his actions. Further, Respondent has shown his willingness to utilize his license without a supervising broker, in clear violation of the law. Thus, a restricted license would not adequately protect the public.

LEGAL CONCLUSIONS AND DISCUSSION

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license pursuant to Business and Professions Code sections 10131, subdivision (d), 10131.2, 10130, and 10177, subdivisions (d), (g), and (j) for advertising to perform loan modifications and for performing loan modifications for a fee without a broker's supervision. (Factual Findings 1-6.) The following order is required to adequately protect the public.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Marlon Alexander Alfaro under the Real Estate Law are revoked.

DATED: May 18, 2010.

CHRIS RUIZ
Administrative Law Judge
Office of Administrative Hearings

CHERYL D. KEILY SBN# 94008
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED
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DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of MARLON ALEXANDER ALFARO, Respondent.	No. H- 36314 LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARLON ALEXANDER ALFARO ("Respondent") is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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2.

Respondent is presently licensed and/or has license rights under the Real Estate Law as a real estate salesperson.

3.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, or advertised a loan modification service and advance fee brokerage offering to perform and performing loan modification and negotiation services with respect to loans which were secured by liens on real property for compensation or in expectation of compensation and for fees often collected in advance as well as at the conclusion of the transaction.

4.

In or around January, 2009, Respondent published or caused to be published an advertisement offering to perform loan modification services with respect to loans secured by liens on real property for compensation. The advertisement was mailed to recipients by use of the United States Postal Service.

5.

On or about January 30, 2009, Noe Armando Cristerna paid an advance fee of $200 to Respondent, doing business as Dandi, Inc. The advance fee was collected pursuant to the provisions of a written agreement pertaining to loan modification services to be provided with respect to a loan secured by the real property located at 563 N. Maple Avenue,

Fontana, California 92336.

6.

On or about March 30, 2009, Cecilia Corrales paid an advance fee of $750 to Respondent doing business as Dandi, Inc. The advance fee was collected pursuant to the provisions of a written agreement pertaining to loan modification services to be provided with respect to a loan secured by the real property located at 7932 Summerlin Place, Rancho Cucamonga, California 91730.

7.

The activities described in Paragraphs 3, 4, 5 and 6, above, require a real estate broker license under Sections 10131(d) and 10131.2 of the Code.

8.

Respondent performed and/or participated in loan modification, solicitation, and negotiation activities which require a real estate broker license under the provisions of Code Sections 10131(d) and 10131.2 when Respondent was not licensed by the Department as a real estate broker nor employed as a real estate salesperson by the broker on whose behalf the activities were performed in violation of Section 10130 of the Code.

9.

The conduct, acts and/or omissions of Respondent, as set forth, above, violate Code Section 10130, and are cause for the suspension or revocation of the licenses and license rights

of Respondent pursuant to Code Sections 10177(d), 10177(g) and/or 10177(j).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent MARLON ALEXANDER ALFARO, under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 20 day of October, 2009.

Robin Trujillo
Deputy Real Estate Commissioner

cc: Marlon Alexander Alfaro
Lyon Crest Group Inc.
Robin Trujillo
Sacto.