Department of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

(213) 576-6982

FILED

MAR 20 2013

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of RONALDO ROMERO BAUTISTA, Respondent.	DRE No. H-38230 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between RONALDO ROMERO BAUTISTA ("Respondent") and the Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on June 29, 2012, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this

Stipulation and Agreement ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate ("Department") in this proceeding.

3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understands that, as a result thereof, these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and Respondent's decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department, or another licensing agency of this state, another state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondent shall retain the right to a hearing on the Accusation under all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department with respect to any conduct which was not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct, acts and/or omissions of Respondent RONALDO ROMERO BAUTISTA, as set forth in the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent RONALDO ROMERO BAUTISTA under the provisions of Section 10177(d) of the Business and Professions Code ("Code") for violation of Code Section 10130.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent RONALDO ROMERO BAUTISTA under the Real Estate Law are hereby revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until at least four (4) years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within six (6) months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

6. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the

most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedures Act to present such evidence.

II.

Respondent shall, prior to the issuance of the restricted license and as a condition of the issuance of said restricted license, submit proof satisfactory to the Commissioner of payment of restitution in the amount of $2,490 to Arlene F. or that Respondent has made a diligent effort to locate and repay $2,490 to borrower Arlene F. (1) Respondent shall mail the payments by certified mail, return receipt requested, to the borrower's last address on file with or known to Respondent. (2) If the payment is returned by the Post Office marked "unable to deliver," Respondent shall employ a locator service (that may be limited to or include or be limited to the Internet or other database retrieval search) to try and locate the aforesaid borrower. Repayment shall then be made to the address(es) recommended by the locator service. (3) If unable to effect repayment after using a locator service, Respondent shall provide reasonable proof satisfactory to the Commissioner of his efforts

to comply with the provisions of this paragraph. (4) If the Commissioner determines that proof to be unsatisfactory, the Commissioner shall so advise Respondent, and indicate what additional reasonable efforts should be made to make repayment to the borrower. (5) If the Commissioner determines that reasonable efforts have been made to locate the borrower without success, said payment shall escheat to the State of California. (6) All proof shall be submitted to Department Counsel Lissete Garcia, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

III.

Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation and enforcement which led to this disciplinary action, and the legal costs related to the Accusation. The total amount of said costs is $672.65. Said payment shall be made within sixty (60) days from the effective date of this Decision. Said payment shall be in the form of a cashier's check or certified check made payable to the Real Estate Fund and submitted to Department Counsel Lissete Garcia, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

The Commissioner may suspend Respondent's license pending a hearing held in accordance with California Government Code Section 11500, et seq., if payment is not timely made as

provided for herein, or as provided for in a subsequent agreement between Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full, or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 2/14/2013

LISSETE GARCIA, Counsel for
the Department of Real Estate

* * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands

that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 2-14-13

RONALDO ROMERO BAUTISTA
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter, and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____.

REAL ESTATE COMMISSIONER

_____

that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: _____

_____
RONALDO ROMERO BAUTISTA
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter, and shall become effective at 12 o'clock noon on April 9, 2013.

IT IS SO ORDERED 3/13/2013.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

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LISSETE GARCIA, Counsel (SBN 211552)
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FILED
JUN 29 2012
DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	NO. H-38230 LA
RONALDO ROMERO BAUTISTA,	ACCUSATION
Respondent.	

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against RONALDO ROMERO BAUTISTA ("Respondent") is informed and alleges as follows:

1.

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

2.

At all times herein mentioned, Respondent was licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

3.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

4.

From April 14, 2005, through the present, Respondent has been licensed by the Department of Real Estate ("Department") as a real estate salesperson, license no. 01483154. From January 7, 2009, through April 13, 2011, Respondent was licensed under the employment of broker, Premier Advantage Properties, Inc.

5.

Code Section 10131 defines a real estate broker as a person who: (a) sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listing of, or negotiates the purchase, sale or exchange of real property or a business opportunity; or (d) solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property. Code Section 10131.2 defines a real estate broker as a person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of real property or of a business opportunity by advance fee

listing, advertisement or other offering to sell, lease, exchange or rent property or a business opportunity, or to obtain a loan or loans thereon.

6.

Code Section 10132 defines a real estate salesperson as a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate broker to do one or more of the acts set forth in Sections 10131, 10131.1, 10131.2, 1013.3, 10131.4, and 10131.6.

7.

1st Priority Group, Inc. and John Marcelo have never been licensed by the Department in any capacity. At all times relevant herein, Respondent was the president and chief executive officer of 1st Priority Group, Inc. John Marcelo was the chief financial officer and a director of 1st Priority Group, Inc. All references to 1st Priority Group include Respondent, as well as the officers, agents and employees of 1st Priority Group, Inc.

8.

On or about July 26, 2009, John Marcelo, while acting on behalf of Respondent and 1st Priority Group, Inc., solicited loan modification and negotiation services to borrower Arlene Grace Ferrer ("Ferrer"). Ferrer paid an advance fee of $2,490 to 1st Priority Group, Inc. pursuant to an advance fee agreement for loan modification and negotiation services in connection with a loan secured by a lien on real property. Respondent

failed to perform the loan modification and negotiation services that had been promised to Ferrer.

9.

As set forth above, Respondent performed or offered to perform activities that require a real estate broker license, or to be done under the employment and supervision of Respondent's employing broker, in violation of Code Section 10130 which constitutes grounds for the suspension or revocation of the license and license rights of Respondent pursuant to Code Sections 10177(d) and/or 10177(g).

10.

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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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 licenses and/or license rights of Respondent RONALDO ROMERO BAUTISTA under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California

this 22 day of June, 2012.

V. Kilpatrick

VERONICA KILPATRICK
Deputy Real Estate Commissioner

cc: Ronaldo Romero Bautista
Rogin Torno Albania
Veronica Kilpatrick
Sacto.