

FILED
MAR - 5 2003
DEPARTMENT OF REAL ESTATE

By K. Vederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

MELISSA ANN ROMERO,

Respondent

No. H- 29913 LA

STIPULATION AND
WAIVER

I, MELISSA ANN ROMERO, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on January 28, 2003, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent MELISSA ANN ROMERO if respondent has otherwise fulfilled all of the statutory
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 28th day of February, 2003.

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14 Paula Reddish Zinnemann
15 Real Estate Commissioner
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facts

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6916 (direct)
6 -or- (213) 576-6982 (office)
7

FILED
JAN 28 2003
DEPARTMENT OF REAL ESTATE

By K. Kiedenholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	No. H-29913 LA
12 MELISSA ANN ROMERO,)	<u>STATEMENT OF ISSUES</u>
13 Respondent.)	

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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against MELISSA ANN ROMERO is informed and alleges in her
18 official capacity as follows:

19 1.

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about July 6, 2001, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to Section 10153.4(c) under the Real
25 Estate Law (Part 1 of Division 4 of the California Business and
26 Professions Code) (Code).

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2 All references to the "Code" are to the California
3 Business and Professions Code and all references to "Regulations"
4 are to Title 10, Chapter 6, California Code of Regulations.
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3.

6 On March 12, 1999, a Citation and Complaint in Case No.
7 T-99-0373 Before the Arizona Registrar of Contractors of the
8 State of Arizona. After a hearing on the matter, a Recommended
9 Decision And Order was issued by the Administrative Law Judge
10 that recommended revocation of the Class B-License of Alex
11 Romero, Respondent MELISSA ANN ROMERO and Manuel E. Romero dba
12 Alex Romero Development. On July 14, 1999, a Certification of
13 Decision of Administrative Law Judge certified that the
14 Recommended Decision And Order of the Administrative Law Judge be
15 the Final Decision of the Registrar of Contractors. On August
16 25, 1999, Respondent's Class B-License was revoked pursuant to
17 A.R.S. §32-1154(A)(7), (23) and (3); Rule R4-9-108 (Wrongful Act
18 - failure to correct defective workmanship after notice).
19

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4.

21 The conduct of Respondent ROMERO, as set forth in
22 Paragraph 4 constitutes acts in violation of the Real Estate Law
23 and constitute grounds for denial of a real estate salesperson's
24 license pursuant to Code Section 10177(f).
25


26 These proceedings are brought under the provisions of
27 Section 10100, Division 4 of the California Business and

1 Professions Code and Sections 11500 through 11529 of the
2 California Government Code.

3 WHEREFORE, the Complainant prays that above-entitled
4 matter be set for hearing and, upon proof of the charges
5 contained herein, that the Commissioner refuse to authorize the
6 issuance of, and deny the issuance of, a real estate salesperson
7 license to Respondent, MELISSA ANN ROMERO, and for such other and
8 further relief as may be proper in the premises.

9 Dated at Los Angeles, California

10 this *21st* day of *January* 2003.
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13 Deputy Real Estate Commissioner
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24 cc: Melissa Ann Romero
25 Maria Suarez
26 Sacto
27 RLJ