

**FILED**

**MAR 13 2024**

**DEPT. OF REAL ESTATE**

By R. Posada

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

ALBERTO A. ROMERO,

Respondent.

No. H-36774 LA

ORDER DENYING REINSTATEMENT OF LICENSE  
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On November 11, 2011, in Case No. H-36774 LA, a Decision was rendered revoking the real estate salesperson license of Respondent, but granting Respondent the right to apply for a restricted real estate salesperson license effective February 17, 2012. Respondent never satisfied the requirements to apply for a restricted real estate salesperson license, leaving his license revoked to date.

On July 31, 2023, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

2 I have considered Respondent's petition and the evidence submitted in support  
3 thereof.

4 The Department has developed criteria in Section 2911 of Title 10, California  
5 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
6 reinstatement of a license. Among the criteria relevant in this proceeding are:

7  
8 ***2911. Criteria for Rehabilitation***

9 (a) (2) Restitution to any person who has suffered monetary losses through  
10 substantially related” acts or omissions of the applicant, or escheat to the State of  
these monies or other properties if the victim(s) cannot be located.

11 As part of his Stipulation and Agreement in Case No. H-36774 LA, Respondent  
12 agreed to provide the Real Estate Commissioner with “a complete, updated and  
13 accurate loan modification log detailing all loan modifications that AMERICA  
ASSOCIATES REALTY, INC” performed between April 2008 and the present.  
14 Respondent also agreed to present “proof that restitution to the homeowner-  
borrowers has either been paid or phase II of the loan modification advance fee  
15 agreement has been completed.”

16 Respondent failed to provide a log of the loan modification transactions and failed  
to provide proof of restitution to the homeowners. The Third Amended  
17 Accusation in Case No. H-36774 LA found that America Associates Realty, Inc.  
collected \$24,500 in advance fees from nine clients and refused to refund their  
18 clients after failing to obtain loan modifications. The need for greater restitution  
may have been discovered if Respondent produced the loan modification log.

19 Respondent has failed to demonstrate to my satisfaction that Respondent has  
20 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
21 estate salesperson license.

22 I am satisfied, however, that it will not be against the public interest to issue a  
23 restricted real estate salesperson license to Respondent.

24 A restricted real estate salesperson license shall be issued to Respondent pursuant  
25 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following  
26

1 conditions prior to and as a condition of obtaining a restricted real estate salesperson license  
2 within twelve (12) months from the effective date of this Order:

3           1.       Respondent shall qualify for, take and pass the real estate salesperson  
4 license examination.

5           2.       Submittal of a completed application and payment of the fee for a real  
6 estate salesperson license.

7           The restricted license issued to Respondent shall be subject to all of the provisions  
8 of Section 10156.7 of the Business and Professions Code and to the following limitations,  
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

19           C.       Respondent shall not be eligible to apply for the issuance of an  
20 unrestricted real estate license nor the removal of any of the limitations, conditions or  
21 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance  
22 of the restricted license to Respondent.

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

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

2. 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.

E. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

This Order shall become effective at 12 o'clock noon on APR 02 2024.

IT IS SO ORDERED 2/26/24

CHIKA SUNQUIST  
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther  
Chief Deputy Real Estate Commissioner