

FILED

MAR 13 2024

DEPT. OF REAL ESTATE

By R. POGADL

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation and Orders to ) DRE Nos. H-36774 LA,  
Desist and Refrain of: ) H-36804 LA & H-37050 LA  
ALBERTO A. ROMERO, )  
Respondent. )

ORDER DENYING REMOVAL OF DISCIPLINE INFORMATION FROM RESPONDENT'S  
PUBLIC INFORMATION PAGE ON THE DEPARTMENT OF REAL ESTATE'S WEBSITE

On November 11, 2011, in Case No. H-36774 LA, a Decision was rendered disciplining the real estate salesperson license of Respondent effective February 17, 2012. On September 7, 2010 an Order to Desist and Refrain was filed against Respondent in Case No. H-36804 LA. On January 26, 2011, an Order to Desist and Refrain was filed against Respondent in Case No. H-37050 LA.

On July 31, 2023, Respondent petitioned for the removal of discipline information from Respondent's Public Information Page on the Department of Real Estate's Website ("the Website").

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

1 an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse  
2 judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

5 The Department has developed criteria in Sections 2911 and 2912 of Title 10,  
6 California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of a  
7 petitioner for the removal of discipline information from the website. Among the criteria relevant  
8 in this proceeding are:

9 *Regulation 2912(b) Restitution to any person who has suffered monetary losses*  
10 *through "substantially related" acts or omissions of the licensee.*

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  
14 ASSOCIATES REALTY, INC" performed between April 2008 and the present.  
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  
agreement has been completed."

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

21 Respondent has failed to demonstrate to my satisfaction that Respondent is not a  
22 credible risk to the public and that Respondent has undergone sufficient rehabilitation to warrant  
23 the removal of discipline information from the Website.

24 Given the violations found and the fact that Respondent has not established that  
25 Respondent has satisfied Regulation 2912(b), I am not satisfied that Respondent is sufficiently  
26 rehabilitated for the removal of discipline information from the website.

27 The earliest date on which the Respondent may submit a new petition for the  
removal of discipline the website is one year from the effective date of this Decision. If, and when

1 petition is again made for this licensee, all competent evidence of rehabilitation presented by the  
2 Respondent will be considered by the Real Estate Commissioner.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for the removal  
4 of discipline information from the Website is denied.

5 This Order shall become effective immediately.

6 DATED: 2/21/24

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8 CHIKA SUNQUIST  
REAL ESTATE COMMISSIONER

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11 By: Marcus L. McCarther  
12 Chief Deputy Real Estate Commissioner  
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