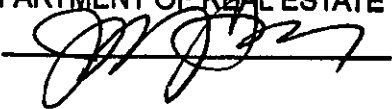


**FILED**

JUN 25 2010

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY: 

\* \* \* \* \*

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

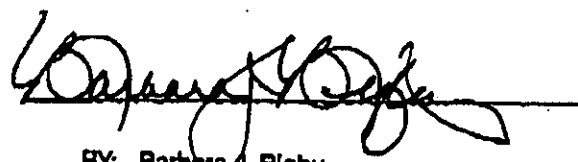
DECISION

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 15 2010

IT IS SO ORDERED 6/24/10

JEFF DAVI  
Real Estate Commissioner



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

1 CHERYL D. KEILY SBN# 94008  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

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

**FILED**

OCT 22 2009

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

7  
8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H- 36314 LA  
13 MARLON ALEXANDER ALFARO, ) A C C U S A T I O N  
14 )  
15 Respondent. )  
16 )

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

21 1.

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

25 ///

26 ///

2.

1 Respondent is presently licensed and/or has license  
2 rights under the Real Estate Law as a real estate salesperson.  
3

4 3.

5 At all times herein mentioned, Respondent engaged in  
6 the business of, acted in the capacity of, or advertised a loan  
7 modification service and advance fee brokerage offering to  
8 perform and performing loan modification and negotiation  
9 services with respect to loans which were secured by liens on  
10 real property for compensation or in expectation of compensation  
11 and for fees often collected in advance as well as at the  
12 conclusion of the transaction.  
13

14 4.

15 In or around January, 2009, Respondent published or  
16 caused to be published an advertisement offering to perform  
17 loan modification services with respect to loans secured by  
18 liens on real property for compensation. The advertisement was  
19 mailed to recipients by use of the United States Postal  
20 Service.  
21

22 5.

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

1 Fontana, California 92336.

2 6.

3 On or about March 30, 2009, Cecilia Corrales paid an  
4 advance fee of \$750 to Respondent doing business as Dandi, Inc.  
5 The advance fee was collected pursuant to the provisions of a  
6 written agreement pertaining to loan modification services to be  
7 provided with respect to a loan secured by the real property  
8 located at 7932 Summerlin Place, Rancho Cucamonga, California  
9 91730.

10 7.

11 The activities described in Paragraphs 3, 4, 5 and 6,  
12 above, require a real estate broker license under Sections  
13 10131(d) and 10131.2 of the Code.

14 8.

15 Respondent performed and/or participated in loan  
16 modification, solicitation, and negotiation activities which  
17 require a real estate broker license under the provisions of  
18 Code Sections 10131(d) and 10131.2 when Respondent was not  
19 licensed by the Department as a real estate broker nor employed  
20 as a real estate salesperson by the broker on whose behalf the  
21 activities were performed in violation of Section 10130 of the  
22 Code.  
23

24 9.

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

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

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

10 Dated at Los Angeles, California

11 this 20 day of October, 2009.

12  
13  
14  
15  
16   
17 Robin Trujillo  
18 Deputy Real Estate Commissioner  
19  
20  
21  
22  
23  
24  
25

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