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**FILED**  
**AUG 23 2022**  
**DEPT. OF REAL ESTATE**  
By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation against

No. H-42293 LA

13 KIMBERLY MONIQUE RANGELL-PELERAS;

**ACCUSATION**

14 THE MORTGAGE GUY INC.;

15 and

16 ALBERTO PRECIADO,  
17 as former designated officer of The Mortgage  
18 Guy Inc.

Respondents.

19 The Complainant, Maria Suarez, acting in her official capacity as a Supervising  
20 Special Investigator of the State of California, for cause of Accusation against KIMBERLY  
21 MONIQUE RANGELL-PELERAS (“RANGELL-PELERAS”); THE MORTGAGE GUY  
22 INC. (“TMGI”); and ALBERTO PRECIADO (“PRECIADO”) (collectively “Respondents”), is  
23 informed and alleges as follows:

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27 H-42293 LA: Kimberly Monique Rangell-Peleras et al.

1. 1

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

5 **DEPARTMENT OF REAL ESTATE LICENSE HISTORY**

6 **KIMBERLY MONIQUE RANGELL-PELERAS**

7 2.

8 Respondent KIMBERLY MONIQUE RANGELL-PELERAS ("RANGELL-  
9 PELERAS"), f.k.a. Kimberly Monique Rangell, is presently licensed and/or has license rights  
10 under the Real Estate Law (Part 1 of Division 4 of the Code) as a restricted real estate broker  
11 ("RREB"), Department of Real Estate ("Department" or "DRE") license ID 00833696.  
12 RANGELL-PELERAS also holds a mortgage loan originator ("MLO") license endorsement,  
13 Nationwide Multistate Licensing System/Nationwide Mortgage Licensing System and Registry  
14 ("NMLS") ID 269414 and is authorized to conduct business under said NMLS ID.

15 3.

16 According to DRE records to date and publicly available, RANGELL-  
17 PELERAS was originally licensed by the DRE as a real estate salesperson ("RES") on or about  
18 March 31, 1982 and as a REB on or about November 1, 1991.

19 4.

20 According to DRE records to date and publicly available: RANGELL-  
21 PELERAS' main address of record is 1499 Huntington Dr., Ste. 500, South Pasadena, CA  
22 91030 and her mailing address of record is 316 District Ct., Fullerton, CA 92832; she currently  
23 has one (1) DBA for Real Estate Mortgage Planners (active as of June 29, 2007); she is a  
24 broker associate for Equity Smart Home Loans, Inc. (DRE license ID 01906808); and she has  
25 two (2) RES affiliated with her REB license.

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According to DRE records, RANGELL-PELERAS was previously a broker associate for THE MORTGAGE GUY INC. from February 8, 2019 to September 16, 2021.

6.

According to DRE records to date and publicly available, RANGELL-PELERAS' DRE license will expire on October 13, 2022.

7.

Prior Discipline: Revocation and Restriction

According to DRE records to date and publicly available, on or about August 13, 1998, in DRE Case No. H-27566 LA (Accusation against Rangell Realty Corporation and Kimberly Monique Rangell, filed February 26, 1998), RANGELL-PELERAS' REB license was revoked and RANGELL-PELERAS was given the right to apply for and be granted a restricted REB ("RREB") license for her violation of Code Sections 10159.2 and 10177(h).

8.

Prior Discipline: Desist and Refrain Order

According to DRE records to date and publicly available, on or about March 16, 1998, in DRE Case No. H-27569 LA, a Desist and Refrain Order was issued to RANGELL-PELERAS.

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THE MORTGAGE GUY INC.

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Respondent THE MORTGAGE GUY INC. ("TMGI") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate corporation (REB), DRE license ID 01949229. TMGI also holds a MLO license endorsement, NMLS ID 1177759 and is authorized to conduct business under said NMLS ID.

10.

According to DRE records to date and publicly available, TMGI was originally licensed by the DRE on or about March 11, 2014. According to DRE records to date: TMGI's main and mailing address of record are the same: 8730 W. Sunset Blvd., 600 W, West Hollywood, CA 90069 ("Sunset address"); it currently has two (2) DBAs, for Ambiance Realty (active as of January 21, 2015), and for The Mortgage Guys (active as of June 26, 2018); it has seven (7) branch offices, seven (7) broker associates, and 76 RES affiliated with its DRE license; and its designated officers of record ("D.O.") are ALBERTO PRECIADO until his affiliation expiration date of April 18, 2026 and Crystal Chanell Holmes (DRE license ID 01427590) until her affiliation expiration date of March 9, 2026.

11.

According to DRE records to date and publicly available, TMGI's DRE license will expire on March 9, 2026.

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1 ALBERTO PRECIADO

2 12.

3 Respondent ALBERTO PRECIADO (“PRECIADO”) is presently licensed  
4 and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a  
5 REB, DRE license ID 01705557.

6 13.

7 According to DRE records to date and publicly available, PRECIADO was  
8 originally licensed by the DRE as a RES on or about October 31, 2005 and as a REB on or  
9 about December 31, 2013.

10 14.

11 According to DRE records to date and publicly available: PRECIADO’s main  
12 and mailing address of record are TMGI’s Sunset address, and in addition to being the D.O. for  
13 TMGI until April 18, 2026, he is also the D.O. for Ambiance Realty, Inc. (DRE license ID  
14 02078798) until his affiliation expiration date of December 11, 2022.

15 15.

16 According to DRE records to date and publicly available, PRECIADO’s DRE  
17 license will expire on March 18, 2026.

18 16.

19 Prior Discipline: Revocation and Restriction. Release

20 According to DRE records to date and publicly available, on or about June 28,  
21 2010, in DRE Case No. H-35627 LA (Accusation against Alberto Preciado, filed January 16,  
22 2009), PRECIADO’s RES license was revoked and PRECIADO was given the right to apply  
23 for and be granted a restricted RES (“RRES”) license for his violation of Code Sections 490  
24 and 10177(b). On or about October 3, 2013, PRECIADO’s petition for reinstatement of his  
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1 RES license was granted, and on December 31, 2013, H-35627 LA was released with the  
2 issuance of PRECIADO's [unrestricted] REB license.

3 Emilio Rodriguez

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5 17.

6 Emilio Rodriguez ("Rodriguez") is not presently licensed and has no license  
7 rights under the Real Estate Law (Part 1 of Division 4 of the Code) in any capacity.

8 18.

9 According to DRE records to date and publicly available, Rodriguez was  
10 originally licensed by the DRE as a RES (DRE license ID 01920761) on or about December  
11 13, 2012, and Rodriguez' RES license expired on December 12, 2016. (Pursuant to Code  
12 Section 10201 Respondent retained renewal rights, and pursuant to Section 10103 the DRE  
13 retained jurisdiction.)

14 19.

15 According to DRE records to date and publicly available, on or about January  
16 18, 2017, in DRE Case H-40374 LA (Accusation against Emilio Rodriguez), Rodriguez' RES  
17 license rights were revoked for his violation of Code Sections 490 and 10177(b).

18 20.

19 According to DRE records, Rodriguez was licensed to REB RANGELL-  
20 PELERAS from April 7, 2014 to August 12, 2014 and from October 30, 2014 to December 12,  
21 2016.

22 21.

23 On or about August 17, 2022, the DRE issued an Order to Desist and Refrain  
24 against Rodriguez.

1 Dennise Patricia Ocampo Mosqueda

2 22.

3 Dennise Patricia Ocampo Moqueda (“Ocampo”) is not, and has never been,  
4 licensed by the DRE in any capacity.

5 REAL ESTATE ACTIVITIES

6 23.

7 At all times mentioned, in the State of California, RANGELL-PELERAS  
8 conducted licensed activities within the meaning of Code Section 10131<sup>1</sup> and performed real  
9 estate sales activities, which require a real estate license, including, but not limited to activities  
10 performed by RANGELL-PELERA’s RES, employees and agents.

11 24.

12 At all times mentioned, in the State of California, TMGI conducted licensed  
13 activities within the meaning of Code Section 10131 and performed mortgage loan activities,  
14 which require a real estate license pursuant to Code Section 10131 and a real estate license  
15 endorsement pursuant to Code Section 10166.02<sup>2</sup>, including, but not limited to activities  
16 performed by TMGI’s RES, employees and agents.

17  
18 <sup>1</sup> Pursuant to Code Section 10131 Broker Defined, “A real estate broker within this meaning of this part is a  
19 person who, for a compensation or in expectation of a compensation, regardless of the form or time of payment,  
20 does or negotiates to do one or more of the following acts for another or others: (a) Sells or offers to sell, buys or  
21 offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase,  
22 sale or exchange of real property or a business opportunity. (b) Leases or rents or offers to lease or rent, or places  
23 for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase or  
24 exchanges of leases on real property, or on a business opportunity, or collects rents from real property, or  
25 improvements thereon, or from business opportunities. (c) Assists or offers to assist in filing an application for the  
26 purchase or lease of, or in locating or entering upon, lands owned by the state or federal government. (d) Solicits  
27 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 or on a business  
opportunity. (e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property  
sales contract, or a promissory note secured directly or collaterally by a lien on real property or on a business  
opportunity, and performs services for the holders thereof.”

<sup>2</sup> Pursuant to Code Section 10166.02 Notice of Loan Activity: “(a) A real estate broker who acts pursuant to  
Section 10131.1 or subdivision (d) or (e) of Section 10131, and who makes, arranges, or services loans secured by  
real property containing one to four residential units, and any salesperson who acts in a similar capacity under the

1 APPLICABLE SECTIONS OF THE REAL ESTATE LAW

2 25.

3 License Required

4 (Code Section 10130)

5 Pursuant to Code Section 10130 *License Required*:

6 “It is unlawful for any person to engage in the business of, act in the capacity  
7 of, advertise as, or assume to act as a real estate broker or a real estate salesperson within this  
8 state without first obtaining a real estate license from the department, or to engage in the  
9 business of, act in the capacity of, advertise as, or assume to act as a mortgage loan originator  
10 within this state without having obtained a license endorsement. The commissioner may prefer  
11 a complaint for violation of this section before any court of competent jurisdiction, and the  
12 commissioner and his or her counsel, deputies, or assistants, may assist in presenting the law or  
13 facts at the trial. *Prosecution of Violations:* It is the duty of the district attorney of each  
14 county in this state to prosecute all violations of this section in their respective counties in  
15 which the violations occur.”

16  
17 supervision of that broker, shall notify the department by January 31, 2010, or within 30 days of commencing that  
18 activity, whichever is later. The notification shall be made in writing, as directed, on a form that is acceptable to  
the commissioner.

19 (b) No individual may engage in business as a mortgage loan originator under this article without first doing both  
of the following:

20 (1) Obtaining and maintaining a real estate license pursuant to Article 2 (commencing with Section 10150).

21 (2) Obtaining and maintaining a real estate license endorsement pursuant to this article identifying that individual  
as a licensed mortgage loan originator.

22 (c) License endorsements shall be valid for a period of one year and shall expire on the 31st of December each  
year.

23 (d) Applicants for a mortgage loan originator license endorsement shall apply in a form prescribed by the  
commissioner. Each form shall contain content as set forth by rule, regulation, instruction, or procedure of the  
commissioner.

24 (e) In order to fulfill the purposes of this article, the commissioner may establish relationships or contracts with  
the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage  
25 Licensing System and Registry to collect and maintain records and process transaction fees or other fees related to  
licensees or other persons subject to this article.”

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**Unlawful Employment or Payment of Compensation**

**(Code Section 10137)**

Pursuant to Code Section 10137 *Unlawful Employment or Payment of Compensation – Penalty:*

“It is unlawful for any licensed real estate broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a license real estate broker, or a real estate salesperson licensed under the broker employing or compensating him or her, or to employ or compensate, directly or indirectly, any licensee for engaging in any activity for which a mortgage loan originator license endorsement is required, if that licensee does not hold a mortgage loan originator license endorsement; provided, however, that a licensed real estate broker may pay a commission to a broker of another state. No real estate salesperson shall be employed by or accept compensation for activity requiring a real estate license from any person other than the broker under whom he or she is at the time licensed. It is unlawful for any licensed real estate salesperson to pay any compensation for performing any of the acts within the scope of this chapter to any real estate licensee except through the broker under whom he or she is at the time licensed. For a violation of any of the provisions of this section, the commissioner may temporarily suspend or permanently revoke the license of the real estate licensee, in accordance with the provisions of this part relating to hearings.”

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**Penalties for Unlicensed Person**

**(Code Section 10139)**

Pursuant to Code Section 10139 *Penalties for Unlicensed Person*:

“Any person acting as a real estate broker, real estate salesperson, or mortgage loan originator without a license or license endorsement, or who advertises using words indicating that he or she is a real estate broker, real estate salesperson, or mortgage loan originator without being so licensed or without having obtained a license endorsement, shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000). If a Real Estate Fraud Prosecution Trust Fund, as described in Section 27388 of the Government Code, exists in the county where a person or corporation is convicted, any fine collected from the person in excess of ten thousand dollars (\$10,000) or any fine collected from the corporation in excess of fifty thousand dollars (\$50,000) shall be deposited in that Real Estate Fraud Prosecution Trust Fund.”

28.

**Branch or Division Managers – Appointment**

**(Code Section 10164)**

Pursuant to Code Section 10164 *Branch or Division Managers – Appointment*:

“(a) A responsible broker or corporate designated broker officer may appoint a licensee as a manager of a branch office or division of the responsible broker’s or corporate designated broker officer’s real estate business and delegate to the appointed manager the responsibility to oversee day-to-day operations, supervise the licensed activities of licensees, and supervise clerical staff employed in the branch office or division.

1 (b) Notwithstanding subdivision (a), nothing in this section shall be construed  
2 to limit the responsibilities of a responsible broker or a corporate designated broker officer  
3 pursuant to subdivision (h) of Section 10177. A licensee accepting appointment as a manager  
4 shall be subject to disciplinary action pursuant to Section 10165 for failure to properly  
5 supervise licensed activity pursuant to subdivision (a).

6 (c) Appointment of a manager shall only be made by means of a written  
7 contract in which the manager accepts the delegated responsibility. The appointing responsible  
8 broker or corporate designated broker officer shall retain a copy of the contract and send a  
9 notice to the department, in a form approved by the commissioner, identifying the appointed  
10 manager and the branch office or division the manager is appointed to supervise.

11 (d) A licensee shall not be appointed as a manager if any of the following apply:

12 (1) The licensee holds a restricted license.

13 (2) The licensee is or has been subject to an order of debarment.

14 (3) The licensee is a salesperson with less than two years of full-time  
15 real estate experience within five years preceding the appointment.

16 (e) Whenever an appointment of a branch manager is terminated or changed, the  
17 responsible broker or corporate designated broker officer shall immediately notify the  
18 commissioner thereof in writing.”

19 29.

20 **Grounds for Denial, Suspension or Revocation**

21 (Code Section 10166.07)

22 Pursuant to Code Section 10166.07 *Mortgage Loan Business Activity Reports*:

23 “(a) A real estate broker who acts pursuant to a) Section 10131.1 or subdivision  
24 (d) or (e) of Section 10131 and who makes, arranges, or services one or more loans in a  
25 calendar year that are secured by real property containing one to four residential units, shall  
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1 annually file a business activities report, within 90 days after the end of the broker's fiscal year  
2 or within any additional time as the commissioner may allow for filing for good cause. The  
3 report shall contain within its scope all of the following information for the fiscal year, relative  
4 to the business activities of the broker and those of any other brokers and real estate  
5 salespersons acting under that broker's supervision:

6 (1) Name and license number of the supervising broker and names and  
7 license numbers of the real estate brokers and salespersons under that  
8 broker's supervision. The report shall include brokers and salespersons  
9 who were under the supervising broker's supervision for all or part of the  
10 year.

11 (2) A list of the real estate-related activities in which the supervising  
12 broker and the brokers and salespersons under his or her supervision  
13 engaged during the prior year. The listing shall identify all of the  
14 following:

15 A) Activities relating to mortgages, including arranging, making,  
16 or servicing.

17 (B) Other activities performed under the real estate broker's or  
18 salesperson's license.

19 (C) Activities performed under related licenses, including, but  
20 not limited to, a license to engage as a finance lender or a finance  
21 broker under the California Finance Lenders Law (Division 9  
22 (commencing with (C) Section 22000) of the Financial Code),  
23 or a license to engage as a residential mortgage lender or  
24 residential mortgage loan servicer under the California

1 Residential Mortgage Lending Act (Division 20 (commencing  
2 with Section 50000) of the Financial Code).

3 (3) A list of the forms of media used by the broker and those under his  
4 or her supervision to advertise to the public, including print, radio,  
5 television, the Internet, or other means.

6 (4) For fixed rate loans made, brokered, or serviced, all of the following:

7 (A) The total number, aggregate principal amount, lowest  
8 interest rate, highest interest rate, and a list of the institutional  
9 lenders of record. If the loan was funded by any lender other  
10 than an institutional lender, the broker shall categorize the loan  
11 as privately funded.

12 (B) The total number and aggregate principal amount of covered  
13 loans, as defined in Section 4970 of the Financial Code.

14 (C) The total number and aggregate principal amount of loans  
15 for which Bureau of Real Estate form RE Form 885 or an  
16 equivalent is required.

17 (5) For adjustable rate loans made, brokered, or serviced, all of the  
18 following:

19 (A) The total number, aggregate principal amount, lowest  
20 beginning interest rate, highest beginning interest rate, highest  
21 margin, and a list of the institutional lenders of record. If the  
22 loan was funded by any lender other than an institutional lender,  
23 the broker shall categorize the loan as privately funded.

24 (B) The total number and aggregate principal amount of covered  
25 loans, as defined in (B) Section 4970 of the Financial Code.

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(C) The total number and aggregate principal amount of loans for which Bureau of Real Estate form RE Form 885 or an equivalent is required.

(6) For all loans made, brokered, or serviced, the total number and aggregate principal amount of loans funded by institutional lenders, and the total number and aggregate principal amount of loans funded by private lenders.

(7) For all loans made, brokered, or serviced, the total number and aggregate principal amount of loans that included a prepayment penalty, the minimum prepayment penalty length, the maximum prepayment penalty length, and the number of loans with prepayment penalties whose length exceeded the length of time before the borrower's loan payment amount could increase.

(8) For all loans brokered, the total compensation received by the broker, including yield spread premiums, commissions, and rebates, but excluding compensation used to pay fees for third-party services on behalf of the borrower.

(9) For all mortgage loans made or brokered, the total number of loans for which a mortgage loan disclosure statement was provided in a language other than English, and the number of forms provided per language other than English.

(10) For all mortgage loans serviced, the total amount of funds advanced to be applied toward a payment to protect the security of the note being serviced.

1 (11) For purposes of this section, an institutional lender has the meaning  
2 specified in (11) paragraph (1) of subdivision (c) of Section 10232.

3 (b) A broker subject to this section and b) Section 10232.2 may file  
4 consolidated reports that include all of the information required under this section and Section  
5 10232.2 Those consolidated reports shall clearly indicate that they are intended to satisfy the  
6 requirements of both sections.

7 (c) If a broker subject to this section fails to timely file the report required under  
8 this section, the commissioner may cause an examination and report to be made and may  
9 charge the broker one and one-half times the cost of making the examination and report. In  
10 determining the hourly cost incurred by the commissioner for conducting an examination and  
11 preparing the report, the commissioner may use the estimated average hourly cost for all  
12 department audit staff performing audits of real estate brokers. If a broker fails to pay the  
13 commissioner's cost within 60 days of the mailing of a notice of billing, the commissioner may  
14 suspend the broker's license or deny renewal of that license. The suspension or denial shall  
15 remain in effect until the billed amount is paid or the broker's right to renew a license has  
16 expired. The commissioner may maintain an action for the recovery of the billed amount in  
17 any court of competent jurisdiction.

18 (d) The report described in this section is exempted from any requirement of  
19 public disclosure by (d) paragraph (2) of subdivision (d) of Section 6254 of the Government  
20 Code.

21 (e) The commissioner may waive the requirement to submit certain information  
22 described in paragraphs (1) to (10), inclusive, of subdivision (a) if the commissioner  
23 determines that this information is duplicative of information required by the Nationwide  
24 Mortgage Licensing System and Registry, pursuant to (e) Section 10166.08.”

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**Disclosure of License Number In Advertisement; License Number and DRE License  
Information Telephone Number in Disclosure Statements**

**(Code Section 10236.4)**

Pursuant to Code Section 10236.4 *Disclosure of License Number in  
Advertisement; License Number and DRE License Information Telephone Number in  
Disclosure Statements:*

“(a) In compliance with Section 10235.5, every licensed real estate broker shall also display his or her license number on all advertisements where there is a solicitation for borrowers or potential investors. Every mortgage loan originator, as defined in Section 10166.01, shall also display the unique identifier assigned to that individual by the Nationwide Multistate Licensing System and Registry on all advertisements where there is a solicitation for borrowers.

(b) The disclosures required by Sections 10232.4 and 10240 shall include the licensee’s license number, the mortgage loan originator’s unique identifier, if applicable, and the department’s license information telephone number.

(c) “Mortgage loan originator,” “unique identifier,” and “Nationwide Mortgage Licensing System and Registry” have the meanings set forth in Section 10166.01.”

**Written Disclosure Statement**

**(Code Section 10240)**

Pursuant to Code Section 10240 *Written Disclosure Statement:*

“(a) Every real estate broker, upon acting within the meaning of subdivision (d) of Section 10131, who negotiates a loan to be secured directly or collaterally by a lien on real property shall, within three business days after receipt of a completed written loan



1 application or before the borrower becomes obligated on the note, whichever is earlier, cause  
2 to be delivered to the borrower a statement in writing, containing all the information required  
3 by Section 10241. It shall be personally signed by the borrower and by the real estate broker  
4 negotiating the loan or by a real estate licensee acting for the broker in negotiating the loan.  
5 When so executed, an exact copy thereof shall be delivered to the borrower at the time of its  
6 execution. The real estate broker negotiating the loan shall retain on file for a period of three  
7 years a true and correct copy of the statement as signed by the borrower. No real estate  
8 licensee shall permit the statement to be signed by a borrower if any information required by  
9 Section 10241 is omitted.

10 (b) For the purposes of applying the provisions of this article, a real estate  
11 broker is acting within the meaning of subdivision (d) of Section 10131 if he or she solicits  
12 borrowers, or causes borrowers to be solicited, through express or implied representations  
13 that the broker will act as an agent in arranging a loan, but in fact makes the loan to the  
14 borrower from funds belonging to the broker.

15 (c) In a federally regulated residential mortgage loan transaction in which the  
16 principal loan amount exceeds the principal loan levels set forth in Section 10245, a real  
17 estate broker satisfies the requirements of this section if the borrower receives (1) a "good  
18 faith estimate" that satisfies the requirements of the Real Estate Settlement Procedures Act of  
19 1974 (12 U.S.C.A. 2601 et seq.), and that sets forth the broker's real estate license number  
20 and a clear and conspicuous statement on the face of the document stating that the "good faith  
21 estimate" does not constitute a loan commitment, (2) all applicable disclosures required by  
22 the Truth in Lending Act (15 U.S.C.A. 1601 et seq.), and (3) if the loan contains a balloon  
23 payment provision, the disclosure described in subdivision (h) of Section 10241, the balloon  
24 disclosure required for that loan by Fannie Mae or Freddie Mac, or an alternative disclosure  
25 determined by the commissioner to satisfy the requirements of the Truth in Lending Act.

1 Prior to becoming obligated on the loan the borrower shall acknowledge, in writing, receipt of  
2 the “good faith estimate” and all applicable disclosures required by the Truth in Lending Act.  
3 The real estate broker shall retain on file for a period of three years a true and correct copy of  
4 the signed acknowledgment and a true and correct copy of the “good faith estimate” and all  
5 applicable disclosures required by the Truth in Lending Act as acknowledged by the  
6 borrower.”

7 32.

8 **Broker Supervision**

9 **(Code Section 10159.2)**

10 Pursuant to Code Section 10159.2 *Responsibility of Corporate Officer in*

11 *Charge:*

12 “(a) The officer designated by a corporate broker licensee pursuant to Section  
13 10211 shall be responsible for the supervision and control of the activities conducted on behalf  
14 of the corporation by its officers and employees as necessary to secure full compliance with the  
15 provisions of this division, including the supervision of salespersons licensed to the  
16 corporation in the performance of acts for which a real estate license is required.

17 (b) A corporate broker licensee that has procured additional licenses in  
18 accordance with Section 10158 through officers other than the officer designated pursuant to  
19 Section 10211 may, by appropriate resolution of its board of directors, assign supervisory  
20 responsibility over salespersons licensed to the corporation to its broker-officers.

21 (c) A certified copy of any resolution of the board of directors assigning  
22 supervisory responsibility over real estate salespersons licensed to the corporation shall be filed  
23 with the Real Estate Commissioner within five days after the adoption or modification  
24 thereof.”

25 ///

Pursuant to Regulation 2725 *Broker Supervision*:

“A broker shall exercise reasonable supervision over the activities of his or her salespersons. Reasonable supervision includes, as appropriate, the establishment of policies, rules, procedures and systems to review, oversee, inspect and manage:

(a) Transactions requiring a real estate license.

(b) Documents which may have a material effect upon the rights or obligations of a party to the transaction.

(c) Filing, storage and maintenance of such documents.

(d) The handling of trust funds.

(e) Advertising of any service for which a license is required.

(f) Familiarizing salespersons with the requirements of federal and state laws relating to the prohibition of discrimination.

(g) Regular and consistent reports of licensed activities of salespersons.

The form and extent of such policies, rules, procedures and systems shall take into consideration the number of salespersons employed and the number and location of branch offices. A broker shall establish a system for monitoring compliance with such policies, rules, procedures and systems. A broker may use the services of brokers and salespersons to assist in administering the provisions of this section so long as the broker does not relinquish overall responsibility for supervision of the acts of salespersons licensed to the broker.”

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**Grounds for Revocation or Suspension**

**(Code Section 10176, selected portions)**

Pursuant to Code Section 10176 *Grounds for Revocation or Suspension*

(selected portions):

“The commissioner may, upon his or her own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he or she may temporarily suspend or permanently revoke a real estate licensee at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

(a) Making any substantial misrepresentation...”

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**Further Grounds for Disciplinary Action –**

**(Code Section 10177, selected portions)**

Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action*

(selected portions):

“The commissioner may suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant, who has done any of the following:

...  
(d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000) of Part 2...”

**[FIRST] CAUSE FOR DISCIPLINE**

**COMPLAINT-RELATED DRE AUDIT LA210007:**

**KIMBERLY MONIQUE RANGELL-PELERAS**

**(Real Estate Sales Violations: 12/1/19 to 7/31/21)**

On or about December 9, 2020, the DRE received an anonymous consumer complaint (“anonymous complaint”) regarding Ocampo conducting real estate activities without a DRE license. Included in the anonymous complaint package were printouts of Ocampo’s social media (Instagram) pages, in which Ocampo appears to solicit consumers to purchase a home and qualify for home loans. The anonymous complaint package alleged that unlicensed Ocampo worked alongside revoked former RES licensee Rodriguez and that

1 Ocampo showed houses, met clients, and closed escrow under RANGELL-PELERAS' license.  
2 Since the time of the anonymous complaint, the social media (Instagram) posts described in.  
3 and attached to the anonymous complaint, have been deleted.

4 37.

5 On February 28, 2022, the DRE completed its complaint -related audit  
6 examination of the books and records of Respondent RANGELL-PELERAS pertaining to her  
7 real estate sales activities (Audit LA210007), which require a real estate license. The audit  
8 examination covered a period of time beginning on December 1, 2019 and ending on July 31,  
9 2021 ("audit examination period" or "audit period"). The field work on the audit examination  
10 period records was performed intermittently from August 19, 2021 to February 28, 2022, and  
11 the books and records provided for examination were examined and copied on a sample basis,  
12 where appropriate, at the DRE's Los Angeles office, from September 1, 2021 to January 5,  
13 2022.

14 38.

15 The final audit report dated February 28, 2022 revealed violations of the Code  
16 and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit  
17 Report LA210007 (RE 4541 (Rev. 7/18)).

18 39.

19 Background

20 A. At the time of Audit LA 210007, according to DRE licensing records dated  
21 September 1, 2021, RANGELL-PELERAS: held a RREB, DRE license ID 00833696, expiring  
22 on October 13, 2022; held a NMLS endorsement, ID 269114; and employed one (1) RES and  
23 maintained one (1) FBN for "Real Estate mortgage Planners," active as of June 29, 2007.  
24 Additionally, RANGELL-PELERAS was licensed as a broker associate for TMGI.

1 B. According to DRE licensing records dated January 26, 2022, RANGELL-  
2 PELERAS: employed two (2) RES; was no longer working as a broker associate for TMGI  
3 (TMGI affiliation end date was September 16, 2021); and worked as a broker associate for  
4 Equity Smart Home Loans, Inc., DRE license ID 01906808.

5 C. Also according to DRE licensing records dated January 26, 2022, Rodriguez  
6 was previously a RES, DRE license ID 01920761, whose license expired on December 12,  
7 2016, and whose license [rights] were revoked as of January 18, 2017 in DRE Case No. H-  
8 40374 LA. According to the DRE's licensing records, Rodriguez' RES license was affiliated  
9 with RANGELL-PELERAS during the periods April 7, 2014 to August 12, 2014 and October  
10 30, 2014 to December 12, 2016.

11 40.

12 Business Activities

13 A. According to RANGELL-PELERAS, she conducted only real estate sales  
14 activities under her REB license and did not perform property management or broker escrow  
15 activities during the audit period. According to the sales log she provided, in the past twelve  
16 (12) months of the audit period, RANGELL-PELERAS closed approximately eight (8) listing  
17 transactions amounting to \$3,724,000; fourteen (14) selling transactions amounting to  
18 \$9,148,000; and two (2) dual agency transactions amounting to \$1,305,000.

19 B. According to RANGELL-PELERAS' written statement dated September 7,  
20 2021, she conducted mortgage loan activity as a broker associate affiliated with TMGI during  
21 the audit period.

22 41.

23 Bank Account(s)

24 According to RANGELL-PELERAS, she did not maintain any bank accounts to  
25 handle trust funds during the audit period.





1 45.

2 According to the DRE's licensing records dated January 26, 2022, Rodriguez  
3 (identified as "Emilio" in the Audit Report and Audit Report Transmittal for Audit LA210007)  
4 was a RES licensed by the DRE, license ID 01920761, which expired on December 12, 2016,  
5 the license rights of which were revoked as of January 18, 2017, in DRE Case No. H-40374  
6 LA. Rodriguez was licensed to RANGELL-PELERAS during the period April 7, 2014 to  
7 August 12, 2014 and October 30, 2014 to December 12, 20216.

8 46.

9 During the audit period, based on records examined, inclusive of RANGELL-  
10 PELERAS' written statement dated May 5, 2021, **RANGELL-PELERAS** employed and  
11 compensated Rodriguez, an unlicensed person, for performing licensed real estate activity  
12 since mid-2016, in violation of **Code Sections 10130 and 10137**. Based on transaction files  
13 sampled for examination, the documents of the sales transactions examined were signed by  
14 RANGELL-PELERAS as the agent, and the broker commissions were payable to RANGELL-  
15 PELERAS and her entities, "KimandJR Inc" and "PRG Marketing Inc."

16 47.

17 Examination of Sales Transaction Files

18 According to the sales transaction files examined for the audit, expired/non-  
19 licensee Rodriguez' name, email address and/or cell phone number were listed as the contact  
20 in the Multiple Listing Service ("MLS") property view page, Residential Listing Agreements,  
21 and/or Residential Purchase Agreements as an agent.

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1 48.

2 Examination of the 1099-NEC Form for 2020 Issued to Rodriguez and the List of  
3 Compensation Paid to Rodriguez

4 According to the 1099-NEC "Nonemployee Compensation" forms for 2020,  
5 expired/non-licensee Rodriguez received \$84,942.01 from "KimandJR Inc" and \$83,343.16  
6 from RANGELL-PELERAS, totaling \$168,285.17. However, according to the "Emilio list of  
7 compensation" provided by RANGELL-PELERAS, expired/non-licensee Rodriguez received a  
8 total of \$171,325.76 from RANGELL-PELERAS. There is a discrepant amount of \$3,040.59  
9 between the total amounts from the 2020 Form 1099-NECs and the compensation amount total  
10 produced by RANGELL-PELERAS.

11 49.

12 Examination of Rodriguez' Independent Contractor Agreement

13 According to Rodriguez' independent contractor agreement ("ICA") dated July  
14 1, 2014 maintained between Rodriguez and RANGELL-PELERAS, Rodriguez was to be  
15 compensated \$1,500.00 per closing and to receive an annual bonus based on net revenue, and  
16 Rodriguez' responsibilities for sales include the following: broker Multiple Listing Service  
17 ("MLS") compliance, administrative duties, including communication with parties (agent,  
18 escrow transaction coordinator and broker clients) and post-close compliance with transaction  
19 coordinator and reporting MLS compliance. In at least three (3) transactions examined for the  
20 audit, 100% of RANGELL-PELERAS' commissions were passed through to expired/non-  
21 licensee Rodriguez (commission checks paid to RANGELL-PELERAS, the funds of which  
22 were transferred to Rodriguez). In at least one (1) transaction examined, 80% of RANGELI-  
23 PELERAS' commission was passed through to expired/non-licensee Rodriguez.

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1 50.

2 According to RANGELL-PELERAS' written statement dated December 27,  
3 2021, expired/non-licensee Rodriguez was paid in three (3) different categories for sales  
4 transactions, via wire transfers for compensation earned during the audit period:

- 5 (a) five percent (5%) for coordination with the MLS, the  
6 transaction coordinator; and other parties;  
7 (b) thirty-three (33%) when a client is procured through a  
8 marketing campaign created or managed by Rodriguez; or  
9 (c) one hundred percent (100%) when the marketing campaigns  
10 yield other transactions that were not a direct result of the  
11 marketing campaign, but lead to a future transaction.

12 51.

13 **Audit LA 210007 - Issue Three**

14 **Misrepresentation**

15 **(Code Section 10176(a))**

16 A. According to the documents examined, RANGELL-PELERAS and her son,  
17 Emilio Rodriguez, an expired/non-licensee and independent contractor, misrepresented to the  
18 public in the activities they conducted, their license status during the audit period. Rodriguez  
19 misrepresented in the documents sampled for the audit that he was a licensed real estate agent,  
20 and RANGELL-PELERAS used real estate forms with another agent's information as her own  
21 in the conduct of her listing transaction in the activities conducted, in violation of **Code**  
22 **Section 10176(a)**.

23 B. Based on the MLS property view page for the 2019 transaction relating to  
24 real property located at 12876 Sycamore Village Drive, Norwalk, CA 90650, Rodriguez, who  
25 was an independent contractor employed by RANGELL-PELERAS at the time, was listed as a  
26

1 licensed real estate agent. Rodriguez' contact information was listed under the MLS, which  
2 also described owner Rodriguez as a "licensed realtor." (Rodriguez' DRE license expired on  
3 December 12, 2016, and his license rights [for renewal] were revoked on January 18, 2017.)

4 C. Based on the listing agreement and agency relationship disclosure for the  
5 transaction relating to real property located at 11413 Crossdale Ave., Norwalk, CA 90650.  
6 RANGELL-PELERAS used the real estate form with another agent's information as her own.  
7 The forms examined for this transaction listed RES Veronica Haro's ("Haro") e-mail and  
8 included Haro's zipForm footer. According to RANGELL-PELERAS, she did not have an  
9 affiliation with Haro.

10 52.

11 **Audit LA 210007**

12 **Other Code Sections Discussed**

13 In addition to the Issues noted above and discussed with RANGELL-PELERAS  
14 at the telephonic exit conference on January 5, 2022, the following observations and Code  
15 Sections were also discussed at said conference:

- 16 A. one of the files examined for the audit did not have a termination date on the  
17 listing agreement (Code Section 10176(f));  
18 B. on a few of the sales transaction documents, RANGELL-PELERAS' NMIS  
19 ID was not disclosed (Code Section 10140.6(b)); and  
20 C. kimandjr.com, KimandJR Inc, and PRG Marketing Inc are unlicensed  
21 FBNS (Code Section 10159.5 and Regulation 2731).

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1 53.

2 **Additional Violations of the Real Estate Law**

3 **(Code Sections 10177(d), (g) and (h))**

4 The overall conduct of Respondent RANGELLE-PELERAS is in violation of  
5 the Real Estate Law and constitutes cause for the suspension or revocation of her real estate  
6 licenses and license rights under the provisions of **Code Section 10177(d)** (for willful  
7 disregard of the Real Estate Law); **Code Section 10177(g)** (for negligence); and **Code Section**  
8 **10177(h)** (failure to exercise reasonable supervision);

9 **[SECOND] CAUSE FOR DISCIPLINE**

10 **INVESTIGATIVE DRE AUDIT LA210006:**

11 **THE MORTGAGE GUY INC**

12 **(Mortgage Loan Activity Violations: 1/1/20 to 7/31/21)**

13 54,

14 On February 28, 2022, the DRE completed its investigative audit examination  
15 of the books and records of Respondent TMGI pertaining to its mortgage loan activities (Audit  
16 LA210006), which require a real estate license. The audit period began on January 1, 2020  
17 and ended on July 31, 2021, and the books and records provided for examination were  
18 examined and copied on a sample basis, where appropriate, at the DRE's Los Angeles office.  
19 from August 31, 2021 to February 28, 2022.

20 55.

21 The final audit report dated February 28, 2022 revealed violations of the Code  
22 and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit  
23 Report LA210006 (RE 4511 (Rev. 7/18)).

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Background

A. At the time of Audit LA 210006, according to DRE licensing records dated August 31, 2021, TMGI: held a REC (REB) license, DRE license ID 01949229, expiring on April 18, 2022; held a NMLS endorsement, ID 1177759; and employed eleven (11) broker associates and eighty-seven RES; maintained five (5) branch offices and two (2) FBN for “Ambiance Realty,” active as of January 21, 2015 and for “The Mortgage Guys,” active as of June 26, 2018; and PRECIADO was its D.O. Additionally, RANGELL-PELERAS was licensed as a broker associate for TMGI.

B. According to DRE licensing records dated February 17, 2022, TMGI: employed eight (8) broker associates and eighty-seven (87) RES, and maintained seven (7) branch offices.

C. According to PRECIADO, in addition to being the D.O. of TMGI, he is also its Chief Executive Officer (“CEO”) and 100% shareholder of TMGI and RES Silvia Preciado is its Chief Operating Officer (“COO”).

Business Activities

According PRECIADO, TMGI only conducted mortgage loan broker activities under its REC (REB) license. PRECIADO conducted real estate sales activities as the D.O. of another entity, Ambiance Realty Inc. (DRE license ID 02078798). According to the log provided by TMGI, it negotiated one thousand five hundred and sixty seven (1,567) loans with approximately \$615,532,759 in loan amounts in the last twelve (12) months of the audit period. Additionally, TMGI negotiated two (2) hard money loans for a total of \$929,350.00 during the last twelve (12) months. (TMGI’s hard money transactions were not examined for the DRE audit.)

1 58.

2 Bank Account(s)

3 TMGI did not maintain any bank accounts to handle trust funds pertaining to its  
4 mortgage loan activity during the audit period.

5 **AUDIT FINDINGS: VIOLATIONS OF THE REAL ESTATE LAW**

6 59.

7 In the course of the real estate activities (mortgage loan activities) during the  
8 subject audit examination period described in Paragraphs 54, 56 and 57, above, the DRE's  
9 auditor ("auditor") made findings that Respondent TMGI violated the Code and the  
10 Regulations, as described below, and more fully discussed in the DRE's Audit Report and  
11 Transmittal for Audit LA210006 (RE 4511 (Rev. 7/18), dated February 28, 2022.

12 60.

13 **Audit LA 210006 - Issue One**

14 **Mortgage Loan Business Activity Report**

15 **(Code Section 10166.07(a))**

16 TMGI acted as a mortgage loan originator and arranged loans secured by real  
17 property containing one (1) to four (4) residential units, but did not file a business activity  
18 report ("BAR") with the DRE within ninety (90) days from its fiscal year-end of December 31,  
19 2020, in violation of **Code Section 10166.07(a)**. TMGI negotiated 1,567 totaling  
20 approximately \$615,532,759 in the last twelve (12) months of the audit period.

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1 61.

2 Audit LA 210006 - Issue Two

3 Written Disclosure Statement

4 (Code Section 10240(c))

5 TMGI solicited borrowers/lenders and arranged/brokered loans for  
6 compensation in connection with residential mortgage loans secured by liens on real property,  
7 but in four (4) of the loan files sampled for examination did not retain a complete copy of the  
8 DRE approved Mortgage Loan Disclosure Statement ("MLDS") as signed by the borrowers  
9 and the broker within three (3) business days after receipt of a completed written loan  
10 application, in violation of **Code Section 10240(c)**. The loan estimates in one (1) of the loan  
11 files examined did not have a Separate Disclosure that included a statement that the Loan  
12 Estimate does not constitute a loan commitment and that the borrower may check the license  
13 status of the broker and/or loan officer by calling the DRE's licensing information telephone  
14 number at (877)373-4542 or by visiting the DRE website at [www.dre.ca.gov](http://www.dre.ca.gov).

15 62.

16 Audit LA 210006 - Issue Three

17 License Number and DRE License Information Telephone Number

18 in Disclosure Statements

19 (Code Section 10236.4(b))

20 In at least five (5) of the loan files examined, the DRE license number for  
21 TMGI and/or TMGI's loan agents who negotiated the loan were not disclosed on the  
22 documents within the examined files, in violation of **Code Section 10236.4(b)**.

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1 63.

2 **Audit LA 210006 - Issue Four**

3 **Branch or Division Managers - Appointment**

4 **(Code Section 10164)**

5 TMGI did not notify the DRE that D.O. PRECIADO delegated day-to-day  
6 supervision and oversight responsibility to TMGI's salespersons for its multiple branch offices  
7 (in Pasadena, Los Angeles, Downey, Modesto and Rancho Cucamonga) during the audit  
8 period, in violation of **Code Section 10164**.

9 64.

10 **Audit LA 210006**

11 **Other Code Sections Discussed**

12 In addition to the Issues noted above and discussed with D.O. PRECIADO and  
13 other key figures of TMGI at the telephonic exit conference on February 17, 2022, the  
14 following observations and Code Sections were also discussed at said conference:

- 15 A. reports to NMLSO (Code Section 10166.08);
- 16 B. in five (5) of the loan files examined, the Fair Lending Notice were the  
17 forms from the Department of Business Oversight (now called the  
18 Department of Financial Protection and Innovation) only, not the forms  
19 from the DRE;
- 20 C. in at least five (5) of the loan files examined, the DRE license number of  
21 TMGI and TMGI's loan agent who negotiated the loan were not disclosed  
22 on the mortgage loan applications (Code Section 10140.6 and Regulation  
23 2773);
- 24 D. branch offices/business and mailing addresses of licensees (Code Section  
25 10163 and Regulation 2715);
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- 27

1 E. Code Section 10176(a); and

2 F. Regulation 2726.

3 65.

4 **Additional Violations of the Real Estate Law**

5 **(Code Sections 10177(d), (g) and (h))**

6 The overall conduct of Respondents TMGI and PRECIADO is in violation of  
7 the Real Estate Law and constitutes cause for the suspension or revocation of their real estate  
8 licenses and license rights under the provisions of **Code Section 10177(d)** (for willful  
9 disregard of the Real Estate Law); **Code Section 10177(g)** (for negligence); and [PRECIADO  
10 only] **Code Section 10177(h)** (failure as the D.O. of record to exercise reasonable supervision  
11 over the activities, employees and agents of TMGI).

12 **COSTS**

13 66 .

14 **Investigation & Enforcement Costs**

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

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1                   WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against the license and license rights of Respondents **KIMBERLY**  
4 **MONIQUE RANGELL-PELERAS, THE MORTGAGE GUY INC,** and **ALBERTO**  
5 **PRECIADO** under the Real Estate Law (Part 1 of Division 4 of the Business and Professions  
6 Code), for the cost of investigation and enforcement as permitted by law, and for such other  
7 and further relief as may be proper under other provisions of law, and for costs of audit.

8 Dated at Los Angeles, California

9 this   22nd   day of   August  , 2022.

11 *Maria Suarez*

12 \_\_\_\_\_  
13 Maria Suarez  
14 Supervising Special Investigator

16 cc: Kimberly Monique Rangell-Peleras  
17       The Mortgage Guy Inc  
18       Alberto Preciado  
19       Enforcement – L. Araujo, M. Suarez  
20       Audits – A. Wijaya, J. Lin  
21       Sacto.