

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

SEP 14 2023

DEPT. OF REAL ESTATE

By- [REDACTED]

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation against) No. H-42293 LA
11)
12 KIMBERLY MONIQUE) **STIPULATION**
13 RANGELL-PELERAS;) **AND**
14) **AGREEMENT**
15 THE MORTGAGE GUY INC.;)
16 and)
17 ALBERTO PRECIADO,)
18 as former designated office of The)
19 Mortgage Guy Inc.,)
20 Respondents.)

21 It is hereby stipulated by and between Respondent KIMBERLY MONIQUE
22 RANGELL-PELERAS (RANGELL-PELERAS), represented by Frank M. Buda, Esq., and the
23 Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate
24 ("Department" or "DRE"), as follows for the purpose of settling and disposing of the Accusation
25 filed on August 23, 2022 in Department of Real Estate Case No. H-42293 LA, in this matter.

26 1. All issues which were to be contested and all evidence which was to be
27 presented by Complainant and Respondent at a formal hearing on the Accusation (Accusation),

1 which hearing was to be held in accordance with the provisions of the Administrative Procedure
2 Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions
3 of this Stipulation and Agreement (Stipulation).

4 2. Respondent has received, read, and understands the Statement to
5 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of
6 Real Estate in this proceeding.

7 3. On or about September 1, 2022, Respondent timely filed her Notice of
8 Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a
9 hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily
10 withdraws said Notice of Defense. Respondent acknowledges that she understands that by
11 withdrawing said Notice of Defense she thereby waives her right to require the Real Estate
12 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
13 held in accordance with the provisions of the APA, and that she will waive other rights afforded
14 to her in connection with the hearing such as the right to present evidence in their defense of the
15 allegations in the Accusation and the right to cross-examine witnesses.

16 4. This Stipulation is based on the factual allegations contained in the
17 Accusation. In the interest of expediency and economy, Respondent chooses not to contest these
18 factual allegations, but to remain silent and understand that, as a result thereof, these factual
19 allegations, without being admitted or denied, will serve as a prima facie basis for the
20 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
21 further evidence to prove such allegations.

22 5. This Stipulation and Respondent's decision not to contest the Accusation
23 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
24 limited to this proceeding and any other proceeding or case in which the Department, the state or
25 federal government, an agency of this state, or an agency of another state is involved, and shall
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1 not be otherwise admissible in any other criminal or civil procedure. Respondent further
2 understands that the sustained violation(s) may be considered in any future administrative or
3 disciplinary matters by the Department.

4 6. It is understood by the parties that the Commissioner may adopt this
5 Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and
6 sanctions on Respondent's restricted real estate licenses and license rights as set forth in the
7 "Order" below. In the event that the Commissioner in his discretion does not adopt the
8 Stipulation and Agreement to Citation and Fine, the Stipulation shall be void and of no effect,
9 and Respondent shall retain the right to a hearing and proceeding on the Accusation under the
10 provisions of the APA and shall not be bound by any admission or waiver made herein.

11 7. The Order or any subsequent Order of the Commissioner made pursuant to
12 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
13 civil proceedings by the Department with respect to any matters which were not specifically
14 alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and
15 merger as to any allegations actually contained in the Accusation against Respondent herein.

16 8. Respondent RANGELL-PELERAS understands that by agreeing to this
17 Stipulation and pursuant to Code Section 10106, Respondent RANGELL-PELERAS agrees to
18 pay, the cost of the audit (audit costs) which led to this disciplinary action, Audit LA210007.
19 The amount of said audit costs for the audit examination (Audit LA 210007) is \$9,242.00.
20 Respondent agrees to pay, pursuant to Code Section 10106, the amount \$9,242.00 for the cost
21 of Audit LA210007.

22 9. Respondent has received, read, and understands the "Notice Concerning
23 Costs of Subsequent Audit." Respondent understands that by agreeing to this Stipulation, the
24 findings set forth below in the Determination of Issues become final, and the Commissioner may
25 charge Respondent for the cost of any subsequent (follow-up) audit(s) conducted pursuant to
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1 Code Section 10148 to determine if the violations found in audit LA210007 have been
2 corrected. The maximum cost of the follow-up audit will not exceed one-hundred twenty-five
3 percent (125%) of the cost of the original audit; in the instant case, the total cost of the original
4 audit is \$9,242.00, and the maximum cost of the follow-up audit ($\$9,242.00 \times 125\%$) will not
5 exceed \$11,552.50. Therefore, Respondent may be charged a maximum of \$11,552.50 in the
6 event of a subsequent audit.

7 10. Respondent understands that by agreeing to this Stipulation and pursuant
8 to Code Section 10106, Respondent agrees to pay her one-half portion of the Commissioner's
9 cost of the investigation and enforcement costs (investigative costs) which resulted in the
10 determination that Respondent committed the violations found in the Determination of Issues.
11 The amount of said investigative costs is \$6,468.50; therefore, Respondent agrees to pay,
12 pursuant to Code Section 10106, her one-half share in the amount \$3,234.25.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and waivers, and solely for
15 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
16 that the following determination of issues shall be made:

17 The conduct, acts or omissions of Respondent RANGELL-PELERAS, as
18 described in Paragraph 4, herein above, are in violation of the Real Estate Law pursuant to Code
19 Section 10130 and 10137, and are bases for the suspension or revocation of the restricted license
20 and license rights of Respondent RANGELL-PELERAS under the provisions of Code Section
21 10177(d), 10177(g), and 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent KIMBERLY MONIQUE RANGELL-PELERAS under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision and Order; provided, however, that:

1. If Respondent requests, the entirety of said ninety (90)-day suspension shall be stayed for one (1) year upon condition that:

a). Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$16.67 per day for each day of the suspension for a monetary penalty of \$1,500.00 total.

b) Said payment(s) shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Department of Real Estate Fund. Said check must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

c) No further cause for disciplinary action against the restricted real estate license of Respondent occurs within one (1) year from the effective date of the Decision in this matter.

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1 d) If Respondent fails to pay the monetary penalty in accordance with the
2 terms of the Decision, the Commissioner may, without a hearing, order the immediate execution
3 of all or any part of the stayed suspension, in which event the Respondent shall not be entitled to
4 any repayment nor credit, prorated or otherwise, for money paid to the Department under the
5 terms of this Decision.

6 e) If Respondent pays the monetary penalty and if no further cause for
7 disciplinary action against the restricted real estate licenses of Respondent occurs within one (1)
8 year from the effective date of the Decision, the stay hereby granted shall become permanent.

9 2. All licenses and licensing rights of Respondent are indefinitely suspended
10 unless or until Respondent pays the sum of \$3,234.25 for her one-half portion of the
11 Commissioner's reasonable cost of the investigation and enforcement which led to this
12 disciplinary action. Respondent's payment(s) shall be in the form of a cashier's check or certified
13 check made payable to the Department of Real Estate. The investigation and enforcement costs
14 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
15 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

16 4. Pursuant to Section 10106 of the Code, Respondent shall pay the sum of
17 \$9,242.00 for the Commissioner's cost of the audit (LA210007) which led to this disciplinary
18 action. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may
19 use the estimated average hourly salary for all persons performing audits of real estate brokers,
20 and shall include an allocation for travel time to and from the auditor's place of work.
21 Respondent shall pay the Commissioner's cost of the audit within sixty (60) days of receiving an
22 invoice therefore from the Commissioner. Payment of audit costs should not be made until
23 Respondent receives the invoice, and Respondent's payment(s) must be delivered in accordance
24 to the invoice instructions. Failure to satisfy this condition in a timely manner as provided for
25 herein, shall result in the automatic suspension of Respondent's restricted real estate licenses

1 until payment of said audit costs is made in full, or until a decision providing otherwise is
2 adopted following a hearing held pursuant to this condition.

3 5. Pursuant to Section 10148 of the Code, Respondent shall pay the
4 Commissioner's reasonable cost, not to exceed \$11,552.50 [or, 125% of the original audit cost],
5 for a subsequent audit to determine if Respondent has corrected the violations found in the
6 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the
7 Commissioner may use the estimated average hourly salary for all persons performing audits of
8 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
9 of work. Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore
10 from the Commissioner. Payment of the audit costs [for a subsequent audit] should not be made
11 until Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
12 manner as provided for herein, Respondent's restricted real estate licenses shall automatically be
13 suspended until payment is made in full, or until a decision providing otherwise is adopted
14 following a hearing held pursuant to this condition.

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16 DATED: 08-09-23



Julie L. To,
Counsel for Department of Real Estate

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1 II.

2 EXECUTION OF THE STIPULATION


3 I have read the Stipulation and Agreement. Its terms are understood by me and
4 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
5 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
6 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive
7 those rights, including the right of requiring the Commissioner to prove the allegations in the
8 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
9 and to present evidence in defense and mitigation of the charges.

10 III.

11 MAILING AND FACSIMILE

12 Respondent can signify acceptance and approval of the terms and conditions of
13 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
14 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
15 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
16 administrative hearing, Respondent can signify acceptance and approval of the terms and
17 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
18 as actually signed by Respondent to the Department counsel assigned to this case. Respondent
19 agrees, acknowledges, and understands that by electronically sending to the Department a scan
20 of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of
21 the scan by the Department shall be binding on Respondent as if the Department had received the
22 original signed Stipulation and Agreement.

23 DATED: 8/9/23

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25 KIMBERLY MONIQUE RANGELL-PELERAS,
26 Respondent

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I have reviewed the Stipulation and Agreement as to form and have advised my client accordingly.

DATED: 8.9.23

[Redacted Signature]

Frank M. Buda, Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent KIMBERLY MONIQUE RANGELL-PELERAS and shall become effective at 12 o'clock noon on OCT 16 2023, 2023.

IT IS SO ORDERED 9/11/23, 2023.

REAL ESTATE COMMISSIONER

[Redacted Signature]

DOUGLAS R. McCAULEY

[Redacted Signature]