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FILED

MAR 18 2019

DEPT. OF REAL ESTATE

By *[Signature]*

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

10 * * *

11 In the Matter of the Accusation Against) No. H-05056 SD
12)
13 EDGAR ALEJANDRO HERRERA,) A C C U S A T I O N
14)
Respondent.)

15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
16 State of California, acting in her official capacity, for cause of Accusation against EDGAR
17 ALEJANDRO HERRERA ("Respondent") alleges as follows:

18 1.

19 All references to the "Code" are to the California Business and Professions
20 Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all
21 references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

22 2.

23 Respondent is presently licensed and/or has license rights under the Real Estate
24 Law as a real estate salesperson. Respondent was originally licensed by the Department of
25 Real Estate ("Department") as a real estate salesperson on March 11, 2008. Respondent's real
26 estate salesperson license is due to expire on March 10, 2020.

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1 3.

2 On or about October 24, 2017, in the Superior Court of California, County of
3 San Diego, in Case No. M095064, Respondent was convicted of violating Labor Code Sections
4 3700.5(a) (Failure to Secure Worker's Comp Insurance) and 226(a) (Failure to Provide
5 Itemized Statement to Employee), both misdemeanors. These crimes are substantially related
6 to the qualifications, functions or duties of a real estate licensee under Regulation 2910.

7 4.

8 The crimes of which Respondent was convicted, as described above, constitute
9 cause under Code Sections 490 and 10177(b) for the suspension or revocation of the license
10 and license rights of Respondent under the Real Estate Law.

11 5.

12 Respondent failed to report the criminal conviction described in paragraph 3,
13 above, to the Department within 30 days. Respondent's failure to report the conviction
14 constitutes cause for the suspension or revocation of the license and license rights of
15 Respondent under Code Section 10186.2.

16 6.

17 California Business and Professions Code Section 10106 provides, in pertinent
18 part, that in any order issued in resolution of a disciplinary proceeding before the department,
19 the Commissioner may request the administrative law judge to direct a licensee found to have
20 committed a violation of this part to pay a sum not to exceed the reasonable costs of
21 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 all the licenses and license rights of Respondent EDGAR
4 ALEJANDRO HERRERA under the Real Estate Law, for the cost of investigation and
5 enforcement as permitted by law, and for such other and further relief as may be proper under
6 other applicable provisions of law.

7 Dated at San Diego, California: March 7, 2019.

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11 Veronica Kilpatrick
12 Supervising Special Investigator
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25 cc: Edgar Alejandro Herrera
26 Allison James of California, Inc. / Thomas Bullock
27 Veronica Kilpatrick
Sacto.