

ADRIANA Z. BADILAS, Counsel (SBN 283331)
Department of Real Estate
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 576-8700 (Main)

FILED
FEB 05 2024
DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:	)	
	)	NO. H-12705 SF
	)	
KATHLEEN ANN VIERRA,	)	<u>ACCUSATION</u>
	)	
Respondent.	)	

The Complainant, STEPHANIE YEE, in her official capacity as a Supervising Special Investigator of the State of California, Department of Real Estate ("Department"), for cause of Accusation against KATHLEEN ANN VIERRA ("Respondent"), is informed and alleges as follows:

1

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), as a real estate salesperson, License No. 02063320.

CRIMINAL CONVICTIONS

2

On or about November 3, 2022, in the Superior Court of California, County of Santa Clara, Case No. C2114283, Respondent was convicted of violating California Penal Code

1 Section 415(1) (unlawful fighting or challenging another to fight in a public place), a
2 misdemeanor and crime that bears a substantial relationship to the qualifications, functions, or
3 duties of a real estate licensee pursuant to Section 2910, Title 10, California Code of Regulations
4 (“Regulations”).

5 3

6 On or about November 3, 2022, in the Superior Court of California, County of
7 Santa Clara, Case No. C2107258, Respondent was convicted of violating California Penal Code
8 Section 594(b)(2)(A) (vandalism), a misdemeanor and crime that bears a substantial relationship
9 to the qualifications, functions, or duties of a real estate licensee pursuant to Section 2910 of the
10 Regulations

11 FAILURE TO DISCLOSE

12 4

13 A diligent search was made of the Department’s records for Respondent’s
14 license and no record or written notice was received from Respondent notifying the
15 Department within thirty days of the bringing of the indictment or within 30 days of the
16 conviction of the crimes described above in Paragraphs 2 and 3.

17 GROUND FOR DISCIPLINE

18 5

19 The facts alleged in Paragraphs 2 and 3, above, constitute cause under Sections
20 490 (conviction of crime) and 10177(b) (conviction of crime) of the Code for the suspension or
21 revocation of all licenses and license rights of Respondent under the Real Estate Law.

22 6

23 The facts alleged in Paragraph 4, above, constitute further cause under Sections
24 10177(d) (willful disregard of Real Estate Law) and 10186.2 of the Code for the suspension or
25 revocation of all licenses and license rights of Respondent under the Real Estate Law.

26 ///

27 ///

1 COST RECOVERY

2 7

3 Section 10106 of the Code provides, in pertinent part, that in any order issued in
4 resolution of a disciplinary proceeding before the Department, the Commissioner may request
5 the administrative law judge to direct a licensee found to have committed a violation of this
6 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 WHEREFORE, Complainant prays that a hearing be conducted on the
9 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
10 disciplinary action against all licenses and license rights of Respondent under the Code, and for
11 such other and further relief, including reasonable investigation and enforcement costs, as may
12 be proper under the provisions of law.

13 

14 STEPHANIE YEE
15 Supervising Special Investigator

16 Dated at Oakland, California,
17 this 29th day of January, 2024.

18
19 DISCOVERY DEMAND

20 Pursuant to sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
21 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
22 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
23 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
24 Administrative Hearings deems appropriate.