

FILED

FEB - 9 2012

DEPARTMENT OF REAL ESTATE
BY: Jana B. Olone

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation Against)	Case No. H-36978 LA
)	OAH No. L-2011010886
CESAR LEONARDO HERRERA,)	
)	
Respondent.)	

DECISION AFTER REJECTION

Howard Posner, Administrative Law Judge ("ALJ") Office of Administrative Hearings, State of California, heard this matter on August 11, 2011 in Los Angeles.

James Demus, Staff Counsel, represented Robin Trujillo ("Complainant"), Deputy Real Estate Commissioner in the Department of Real Estate ("Department").

CESAR LEONARDO HERRERA ("Respondent") appeared personally and was represented by Lawrence S. Strauss, Attorney at Law.

Oral and documentary evidence was received, and the matter was submitted for Decision on August 11, 2011. On September 6, 2011, the ALJ issued a Proposed Decision which I declined to adopt as my Decision herein.

Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with notice of my determination not to adopt the Proposed Decision of the ALJ along with a copy of said Proposed Decision. Respondent was notified that I would decide the

1 case upon the record, the transcript of proceedings held on August 11, 2011, and upon any written
2 argument offered by Respondent and Complainant. Respondent and Complainant each submitted
3 argument.

4 I have given careful consideration to the record in this case, including the transcript of
5 proceedings of August 11, 2011. I have also considered the arguments submitted by Respondent and
6 by Complainant. The following shall constitute the Decision of the Real Estate Commissioner
7 (“Commissioner”) in this proceeding:

8 FINDINGS OF FACT

9 *Parties and Jurisdiction*

- 10 1. The Complainant brought the Accusation in her official capacity.
11 2. Respondent is licensed under the Real Estate Law, Part 1 of Division 4 of the
12 Business and Professions Code (“Code”), as a real estate broker. He was originally licensed as a
13 salesperson, and acquired a broker license on February 18, 2005.

14 *Criminal Convictions*

15 3. On July 28, 2009, in the Superior Court of California, Los Angeles County, in
16 Case No. 9PY02581, Respondent was convicted of violating Penal Code section 243(e)(1)(battery
17 on a cohabitant or parent of defendant’s child), a misdemeanor that is substantially related to the
18 duties, functions and qualifications of a real estate broker. The court, in accepting his plea, found
19 there was a factual basis for the charge.

20 4. The facts and circumstances leading to Respondent’s conviction were as follows:
21 Respondent was in the process of separating from his domestic partner and the mother of his child.
22 On April 20, 2009, Respondent was arrested at 4:00 a.m. at the residence they shared on Vose
23 Street in Van Nuys after the police had been called to the scene to intervene in domestic violence.
24 Respondent does not dispute that he battered his former partner, whom the police determined was
25 the victim. Respondent was drinking heavily that night. He testified at hearing that he does not
26 remember the details, and suffered a black out at that time due to extreme intoxication. According
27 to the police report, the investigating officers observed blood on the floor and walls at the scene,

1 and saw lacerations, cuts, and bruises on her body. The victim's two small children, aged two-
2 and-a-half and seven, were present and awake at the time of Respondent's arrest. (Respondent is
3 the father of the two-and-a-half year old, who is now five.) The investigating officers served an
4 Emergency Protective Order on Respondent, ordering him to stay 150 yards away from the victim.
5 As a result, he moved out. On May 11, 2009, the court issued a criminal protective order, which
6 became a formal part of the probation order on July 28, 2009.

7 5. Respondent was sentenced to three years summary probation, and ordered to pay
8 fines and restitution totaling \$656.00. Respondent was also ordered to complete a 52-week
9 domestic violence program and stay 150 yards away from the victim for three years. The court
10 ordered Respondent not to "own, use or possess any deadly weapon" and ordered that the "weapon
11 involved in this case" be confiscated and destroyed. However, the only mention of weapons in the
12 record was that Respondent owned a pistol and shotgun and the victim expressed fear that he
13 might use them. On November 25, 2009, acting on the domestic violence program's
14 recommendation, the court ordered Respondent to complete five Alcoholics Anonymous meetings
15 per week for 11 weeks and complete 60 days of secure continuous remote alcohol monitoring.
16 Respondent completed the domestic violence program, monitoring program and Alcoholics
17 Anonymous meetings. The order to stay away from the victim is still in place, and the court
18 records do not show that Respondent completed probation, or that the conviction was expunged.
19 The probation for this domestic violence case is scheduled to end on July 28, 2012.

20 6. On March 12, 2010, in the Superior Court of California, County of Los Angeles,
21 in Case No. 9VY04309, Respondent was convicted of violating Vehicle Code Section 20002 (a)
22 (leaving the scene of an accident without making a report), a misdemeanor that is substantially
23 related to the qualifications, functions and duties of a real estate licensee.

24 7. The facts and circumstances leading to the conviction stemmed from a sidelong
25 collision involving property damage, but no injury, on the westbound Ventura Freeway near

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1 Tampa Avenue on the night of July 19, 2009.¹ When a California Highway Patrol officer
2 interviewed him the following morning, Respondent first denied that he was Cesar Leonardo
3 Herrera, and then denied that he had been driving the car when the accident happened. He told the
4 CHP officer that a friend, whose last name he did not know, had borrowed the car, a Mercedes 500
5 SL. On July 30, 2009², after consulting his attorney, Respondent went to a CHP station to report
6 that he had been involved in the accident, and wrote out a statement saying he “freaked out and
7 got out and went home” after the accident. In the Interview Information Statement he filed with
8 the Department, he said the accident left him “somewhat dazed.” At hearing he testified that some
9 of the tires on the vehicle he was driving were flattened and that he had the car towed to the
10 residence on Vose Street in Van Nuys. Respondent’s testimony about the circumstances of the
11 collision, why he did not stop and report the incident immediately, and why he lied to the CHP
12 officers investigating the day after the accident was unclear. The ALJ found Respondent’s
13 testimony about the collision to be unclear and not credible. Nonetheless, Respondent admits that
14 he in fact did not stop, did lie to the officers, and did not report the incident until ten days after the
15 fact.

16 8. In relation to his conviction for leaving the scene of the accident, Respondent
17 was sentenced to three days of community service and 36 months of summary probation. He was
18 ordered to pay fines totaling \$581 and to pay restitution to the victim in an amount to be
19 determined at a later hearing. No evidence was provided of the actual amount of restitution. As
20 of hearing, Respondent had not completed probation. Respondent has since provided a copy of the
21 docket in this case reflecting that the probation was terminated early on November 15, 2011.

22 9. Respondent has not continued with Alcoholics Anonymous or any other sobriety
23 program. He has pursued sobriety through the Jehovah’s Witnesses, a denomination in which he
24 was raised, had rejected as an adult and rejoined in 2010. It forbids all use of alcohol.

25 _____
26 ¹As reflected in the court docket for Case No. 9PY02581, pre-trial hearing in the domestic violence case was set for
27 July 21, 2009, two days after the traffic accident. The hearing was continued, and on July 28, 2009, Respondent was
convicted and sentenced in the domestic violence case.

²This was ten days after the CHP officers initially interviewed him, and two days after sentencing and entry of
judgment of conviction in the domestic violence case.

1 10. Respondent testified that the victim moved, with Respondent's child, to Las
2 Vegas, where Respondent's parents also live. Respondent testified that he provides some financial
3 support and visits his daughter every other weekend, staying at his parents' home in Las Vegas
4 when he does so. He is in a new relationship with another woman and lives with her and a second
5 child he has had with her.

6 11. Respondent provided a letter of support from the coordinator Elder of his local
7 Jehovah's Witnesses organization. The Elder attests to Respondent's consistent participation
8 several times a week in spiritual study meetings over the last two years.

9 12. Respondent did not provide any letters or testimony from individuals who have
10 known him professionally or socially over the years to attest to his good character, to his
11 reputation for honesty and integrity, and to his rehabilitation since his 2009 and 2010 convictions.

12 LEGAL CONCLUSIONS

13 1. Cause exists to suspend or revoke Respondent's real estate salesperson license under
14 Business and Professions Code ("Code") sections 490 and 10177 (b), due to his conviction for
15 violating Penal Code Section 243(e)(1) (battery on a cohabitant or parent of defendant's child), a
16 misdemeanor that involved substantial injury to a person. Respondent's physical assault of the
17 mother of his young child caused visible lacerations, bruises and loss of blood and hair, and was
18 substantially related to the qualifications, functions and duties of a real estate licensee pursuant to Title
19 10, Chapter 6 of the California Code of Regulations ("Regulations"), Regulation 2910 (a)(8).

20 2. Cause exists to suspend or revoke Respondent's license under Code Sections 490
21 and 10177(b), due to his conviction for violating Vehicle Code Section 20002(a) (leaving the scene of
22 an accident without making a report), a misdemeanor that involved doing an unlawful act for
23 financial gain, in that the purpose of fleeing an accident scene is to confer a financial benefit on
24 the perpetrator by avoiding liability for the accident. Leaving the scene of an accident also
25 involves deceit or falsehood to achieve an end. The act of fleeing the scene was inherently
26 deceitful, as its purpose was to conceal the identity of a person who might be responsible for
27 damage or injury. The day after leaving the scene Respondent attempted to deceive a law

1 enforcement officer as to Respondent's identity and involvement in the accident. Finally,
2 Respondent's conduct reflected a pattern of willful disregard for the law, having occurred just
3 prior to sentencing in the domestic violence case. Therefore, this conviction and the conduct
4 leading thereto is substantially related to the qualifications, functions and duties of a real estate
5 licensee pursuant to Regulation 2910(a), subsections (8), (4) and (10).

6 3. As cause exists to suspend or revoke Respondent's real estate license,
7 Respondent bears the burden of establishing his rehabilitation. (*Martin v. Alcoholic Beverage*
8 *Control Appeals Bd.* (1950) 52 Cal.2d 259, 264-265.)

9 4. Application of the Department's Criteria for Rehabilitation set forth in the
10 Department's Regulation 2912 establishes that Respondent has not met several significant criteria. For
11 example, fewer than two years have passed since Respondent's most recent conviction on March 12,
12 2010. (Regulation 2912 (a)). Respondent remains on probation in the domestic violence case
13 (Regulation 2912(e)). Neither conviction has been expunged. (Regulation 2912 (c)). Respondent
14 participates consistently in his church programs, lives with a new partner and their child, and visits his
15 other child in Las Vegas every other weekend. (Regulations 2912 (j) and (l)). No evidence was
16 provided establishing that Respondent has completed or sustained enrollment in formal education or
17 vocational training courses for his economic self-improvement since his convictions. (Regulation
18 2912 (k)). No evidence was offered of new and different business practices or social relationships,
19 other than involvement in his church. (Regulation 2912 (h) and (i)). Respondent participated in court
20 ordered substance abuse and battering programs in relation to the domestic violence case. He testified
21 that he has remained sober, in large part with assistance from his participation in Jehovah's Witnesses,
22 which prohibits use of alcohol. Respondent did not describe participation in any other programs to
23 support his sobriety. (Regulation 2912(f)).

24 6. Respondent has not completed probation in the domestic violence case, and
25 therefore has not been free from court supervision for any measurable period of time. Little weight is
26 given to the fact that Respondent did not commit additional crimes while on parole or probation. (See
27 *In re Menna* (1995) 11 Cal.4th 975; *Seide v Committee of Bar Examiners* (1989) 49 Cal.3d 933.)

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DEPARTMENT OF REAL ESTATE
BY: *L. Gonzalez*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-36978 LA
)	
CESAR LEONARDO HERRERA,)	OAH No. 2011010886
)	
Respondent.)	

NOTICE

TO: CESAR LEONARDO HERRERA, Respondent, and LAWRENCE S. STRAUSS, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated September 6, 2011, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated September 6, 2011, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on August 11, 2011, any written argument hereafter submitted on behalf of Respondent and Complainant.

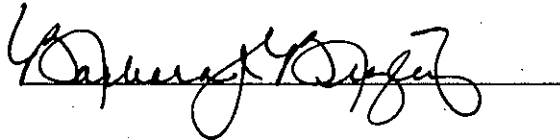
Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of August 11, 2011, at the

1 Los Angeles office of the Department of Real Estate unless an extension of the time is granted
2 for good cause shown.

3 Written argument of Complainant to be considered by me must be submitted
4 within 15 days after receipt of the argument of Respondent at the Los Angeles office of the
5 Department of Real Estate unless an extension of the time is granted for good cause shown.

6 DATED: 10/7/11

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8 BARBARA J. BIGBY
Acting Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

Cesar Leonardo Herrera

Respondent.

Case No. H-36978 LA

OAH No. 2011010886

PROPOSED DECISION

Administrative Law Judge Howard Posner, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on August 11, 2011.

James Demus, Staff Counsel, represented Complainant Robin Trujillo, Deputy Real Estate Commissioner in the Department of Real Estate (Department).

Attorney Lawrence S. Strauss represented Cesar Leonardo Herrera (Respondent).

Oral and documentary evidence was received and the matter was submitted August 11, 2011.

The Department of Real Estate brings this Accusation to revoke Respondent's real estate broker license. For the reasons set out below, Respondent's broker's license is revoked, but he is granted a restricted real estate salesperson license.

FACTUAL FINDINGS

Jurisdiction and Background

1. Complainant issued this Accusation in her official capacity.
2. Respondent was a licensed real estate salesperson from April 14, 1997 until he acquired a broker license on February 18, 2005. His broker license was renewed February 18, 2009 and expires February 17, 2013. The Department brought this Accusation to revoke his license on December 15, 2010, and Respondent requested a hearing.

Criminal Conviction

3. On July 28, 2009, in Los Angeles Superior Court case 9PY02581, Respondent was convicted on his no contest plea of battery against a cohabitant, in violation of Penal

Code section 243, subdivision (e)(1), a misdemeanor. The court, in accepting his plea, found there was a factual basis for the charge.

4. The crime occurred at about 4:00 a.m. on April 20, 2009. At hearing Respondent testified that he and the victim — his estranged girlfriend and mother of one child with him — were both drunk, but did not remember what happened and believes he blacked out. The police report noted blood on the floor and walls, and lacerations, cuts and bruises on her face and forearms.

5. Respondent was sentenced to three years summary probation, and fines and restitution totaling \$656, and ordered to complete a 52-week domestic violence program and stay 150 yards away from the victim for three years. The court ordered Respondent not to “own, use or possess any deadly weapon” and ordered that the “weapon involved in this case” be confiscated and destroyed, though the only mention of weapons in the record was that Respondent owned a pistol and shotgun and the victim expressed fear that he might use them. On November 25, 2009, acting on the domestic violence program’s recommendation, the court ordered Respondent to complete five Alcoholics Anonymous meetings per week for 11 weeks and complete 60 days of secure continuous remote alcohol monitoring. Respondent completed the domestic violence program, monitoring program and Alcoholics Anonymous meetings. The order to stay away from the victim is still in place, and the court records do not show that Respondent completed probation or that the conviction was expunged. The probation term would normally have ended July 28, 2011, but the court records in evidence end as of December 8, 2009, with a notation that there would be a “probation violation hearing” on January 12, 2010.

6. On March 12, 2010, in Los Angeles Superior Court case 9VY04309, Respondent was convicted in a court trial of leaving the scene of an accident, in violation of Vehicle Code section 20002, subdivision (a), a misdemeanor. The crime stemmed from a sidelong collision, involving property damage but no injury, on the westbound Ventura Freeway near Tampa Avenue on the night of July 19, 2009. When a California Highway Patrol officer interviewed him the following morning, Respondent first denied that he was Cesar Leonardo Herrera, and then denied that he had been driving the car when the accident happened. He told the CHP officer that a friend, whose last name he did not know, had borrowed the car, a Mercedes 500 SL. On July 30, 2009 (ten days later), after consulting his attorney, he went to a CHP station to report that he had been involved in the accident, and wrote out a statement saying he “freaked out and got out and went home” after the accident. In the Interview Information Statement he filed with the Department, he said the accident left him “somewhat dazed.” At hearing he testified that both tires on the collision side of the car were “popped.” Nonetheless, according to the CHP report, Respondent and the car were found the following morning at 15109 Vose Street in Van Nuys, more than eight miles from the accident site. Respondent’s version of what happened was not clear or credible.

7. Respondent was sentenced to three days of community service and 36 months of summary probation, and ordered to pay fines totaling \$581 and pay restitution to the victim in an amount to be determined at a later hearing. The evidence does not include a

record of that later hearing, so there is no evidence of any restitution order. Respondent testified that his insurance paid the ordered restitution. He has not completed probation.

Mitigation and Rehabilitation

8. Respondent has not continued with Alcoholics Anonymous or any other sobriety program, but has pursued sobriety through the Jehovah's Witnesses, a denomination in which he was raised, had rejected as an adult, and has rejoined in 2010. It forbids all use of alcohol.

9. The victim moved, with Respondent's child, to Las Vegas, where Respondent's parents live. Respondent financially supports, and periodically goes to Las Vegas to visit, the child, staying with his parents when he visits.

10. Respondent is now in a new domestic relationship with another woman; they live together with their child.

11. There have been no complaints filed against Respondent's license.

LEGAL CONCLUSIONS

1. Cause exists to revoke Respondent's license under Business and Professions Code sections 490 and 10177,¹ as alleged in paragraph 5 of the Accusation. Section 490, subdivision (a) allows a board to revoke a license if the licensee "has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued." Section 10177, subdivision (b), which applies specifically to the Department, similarly allows it to revoke a license if the licensee has been convicted of "a crime substantially related to the qualifications, functions, or duties of a real estate licensee[.]"

2. Under California Code of Regulations title 10, section 2910,² subdivision (a)(8), provides that doing "any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another" is substantially related to a licensee's qualifications, functions or duties. The physical assault for which Respondent was convicted is such a crime, because assault involves intent to injure another, and the victim of his assault was injured (Factual Findings 3 and 4). His leaving the scene of an accident (Factual Finding 6) similarly falls under subdivision (a)(8) because the purpose of fleeing an accident scene is to confer a financial benefit on the perpetrator by avoiding liability for the accident. Leaving the scene of an accident also meets the substantial relationship criteria of CCR section 2910, subdivision (a)(4) in that it involves "bribery, fraud, deceit, falsehood or misrepresentation to achieve an end." The act of fleeing the scene was inherently deceitful, as its purpose was to

¹ Further references to the Business and Professions Code are cited as sections.

² Further references to the California Code of Regulations are cited as "CCR."

conceal the identity of a person who might be responsible for damage or injury, and the day after leaving the scene Respondent attempted to deceive a law enforcement officer as to Respondent's identity and involvement in the accident.

3. Respondent has the burden of showing rehabilitation. He has met the some of the applicable criteria for rehabilitation set out in CCR section 2912. He has paid all restitution (subd. (b)), and all fines and other monetary penalties (subd. (g)) (Factual Findings 5 and 7). He is in a stable domestic relationship and is meeting "parental and familial responsibilities" (subd. (j)) (Factual Findings 9 and 10).

4. Respondent has met other criteria of rehabilitation set out in CCR section 2912 only partially or not at all:

(a) There has not been "passage of not less than two years since the most recent criminal conviction" as set out in section 2912, subdivision (a).

(b) His convictions have not been expunged (subd. (c)), he has not completed probation imposed for his second conviction (subd. (e)) (Factual Finding 7), and he has not shown that he has completed the probation imposed for his first conviction (Factual Finding 5).

(c) He has not demonstrated "[s]ignificant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems" (subd. (l)).

(d) He is abstaining from the use of alcohol (Factual Findings 5 and 8) but has not shown that he has abstained for "not less than two years," which subdivision (f) requires when a criminal conviction is attributable in part to alcohol use. He began the monitoring program and Alcoholics Anonymous meetings less than two years ago (Factual Finding 5).

(e) Respondent's recent conduct (Factual Findings 8-10) indicates a change in attitude from that which existed when he committed the crimes (subd. (m)), although his explanation of his conviction for leaving the scene of an accident (Factual Finding 6) may indicate an unwillingness to take responsibility for his actions.

5. The evidence of Respondent's rehabilitation, taken by itself, creates doubt that it would be in the public interest to allow him to retain a real estate license. But this evidence must also be viewed in light of Respondent's immaculate record in 14 years as a licensee, six of them as a broker (Factual Findings 2 and 11). The public interest is best served by allowing him to be licensed as a salesperson, rather than a broker, so that his work will be supervised by a responsible broker.

ORDER

All licenses and licensing rights of Respondent Cesar Leonardo Herrera under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license

not adopted

shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

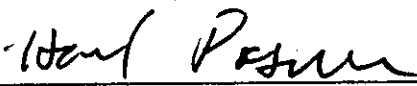
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or for removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

not adopted

DATED: September 6, 2011



HOWARD POSNER
Administrative Law Judge
Office of Administrative Hearings

FILED

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DEPARTMENT OF REAL ESTATE
BY: Jane B. Dem

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-36978-LA
)
12 CESAR LEONARDO HERRERA,) A C C U S A T I O N
)
13 Respondent.)
14)

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against CESAR LEONARDO HERRERA, ("Respondent") alleges as
follows:

1.

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

2.

Respondent is presently licensed and/or has license
rights under the Real Estate Law, Part 1 of Division 4 of the

1 California Business and Professions Code ("Code"), as a real
2 estate broker.

3 3.

4 On or about July 28, 2009, in the Superior Court of
5 California, County of Los Angeles, in Case No. 9PY02581,
6 Respondent was convicted of violating California Penal Code
7 Section 243(e)(1)(battery against a cohabitant), a misdemeanor.
8 The facts underlying said crime bear a substantial relationship
9 to the qualifications, functions or duties of a real estate
10 licensee under Section 2910, Title 10, Chapter 6, California
11 Code of Regulations.

12 4.

13 On or about March 12, 2010, in the Superior Court of
14 California, County of Los Angeles, in Case No. 9VY04309,
15 Respondent was convicted of violating California Vehicle Code
16 Section 20002(hit and run: property damage), a misdemeanor.
17 Said crime bears a substantial relationship to the
18 qualifications, functions or duties of a real estate licensee
19 under Section 2910, Title 10, Chapter 6, California Code of
20 Regulations.

21 5.

22 The crimes of which Respondent was convicted, as
23 described in Paragraphs 3 and 4 above, constitute cause under
24 Sections 490 and 10177(b) of the Code for the suspension or
25 revocation of the license and license rights of Respondent under
26 the Real Estate Law.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent, CESAR LEONARDO HERRERA, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 19 day of October, 2010.


Robin Trujillo
Deputy Real Estate Commissioner

cc: CESAR LEONARDO HERRERA
Robin Trujillo
Sacto.