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FILED

MAR -8 2013

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-38753 LA
DAMIAN HERRERA,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for cause of Accusation against DAMIAN HERRERA ("Respondent") 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 California Business and Professions Code ("Code"), as a real estate broker.

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(CRIMINAL CONVICTION)

2.

On or about June 21, 2011, in the Superior Court of California, County of Los Angeles, in Case No. KA091497, Respondent was convicted of violating Penal Code Section 530.5(a) (Identity Theft), a misdemeanor. This crime is substantially related to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

3.

The crime of which Respondent was convicted, as alleged above, constitutes cause under Sections 490 and 10177(b) of the Business & Professions Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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

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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, DAMIAN HERRERA, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the costs of investigation and enforcement as provided by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California, March 4, 2013.


Robin Trujillo
Deputy Real Estate Commissioner

cc: Damian Herrera
Robin Trujillo
Sacto.