# FILED

JUN 26 2019

By CONTRACT ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	) No. H-41393 LA
ERICA DALILA HERRERA,	) <u>ACCUSATION</u>
ž.	)
Respondent.	)
	)

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against ERICA DALILA HERRERA

("Respondent") alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

ACCUSATION

# LICENSE HISTORY

3.

a. 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, as a real
estate salesperson ("RES"), Department of Real Estate <sup>1</sup> ("Department") license ID 01387678.

- b. The Department originally issued Respondent's RES license on or about August 19, 2003.
- c. Respondent's license is scheduled to expire on August 18, 2019. Pursuant to Code Section 10201, Respondent retains renewal rights for two years.

### **CAUSE FOR DISCIPLINE**

(CRIMINAL CONVICTION)

4.

# September 27, 2017; Penal Code Section 245(a)(4) - Felony

- a. On September 27, 2017, in the Superior Court of California, County of San Bernardino, in Case No. SCS293149, The People of the State of California vs. Erica Herrera, Respondent pled guilty to and was convicted for violation of Penal Code Section 245(a)(4) (assault with force likely to produce great bodily injury), a felony.
- b. On January 29, 2018, Respondent was sentenced to 3 years formal probation, pay court fees and fines, and 180 days jail.

5.

The crime of which Respondent was convicted, by its facts and circumstances, bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee and constitutes cause under **Code Sections 490 and 10177(b)** for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

<sup>&</sup>lt;sup>1</sup> Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

# SECOND CAUSE FOR DISCIPLINE

(FAILURE TO REPORT)

6.

a. Respondent did not report in writing to the Department the SCS293149 felony complaint within thirty (30) days of the complaint being filed (September 27, 2017).

b. Respondent did not report in writing to the Department the SCS293149 felony conviction within thirty (30) days of the conviction date (January 29, 2018).

7.

Respondent's failure to report the felony complaint filed and the felony conviction constitutes cause for discipline under **Code Section 10186.2**<sup>2</sup> of the license and license rights of Respondent under the Real Estate Law.

#### **COSTS**

14.

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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<sup>&</sup>lt;sup>2</sup> Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government. (2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction, or the disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline.

# **PRAYER**

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2	WHEREFORE, Complainant prays that a hearing be conducted on the	
3	allegations of this Accusation and that upon proof thereof, a decision be rendered imposing	
4	disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of	
5	Division 4 of the California Business and Professions Code) of Respondent ERICA DALILA	
6	HERRERA, for the cost of investigation and enforcement as permitted by law, and for such	
7	other and further relief as may be proper under applicable provisions of law.	
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9	Dated at San Diego, California this, day of, 2019.	
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11	16.000	
12	Veronica Kilpatrick	
13	Supervising Special Investigator	
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15	cc: ERICA DALILA HERRERA	
16	Veronica Kilpatrick Sacto.	
17	Subtree.	
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