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FILED

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DEPT. OF REAL ESTATE
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9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-41692 LA
13)
14 ANDRONICO MALAGAR PELEN II,) ACCUSATION
15)
16 Respondent.)
17)

18 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
19 State of California, for cause of Accusation against ANDRONICO MALAGAR PELEN II
20 ("Respondent"), also known as Andro Pelen and Andronico Pelen, alleges as follows:

21 1.

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

24 2.

25 Respondent presently has license rights under the Real Estate Law, Part 1 of
26 Division 4 of the California Business and Professions Code ("Code"), as a real estate
27 salesperson (License ID 01981017). Respondent's license is set to expire on September 23,
2023.

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ACCUSATION

1 FIRST CAUSE OF ACCUSATION

2 (CRIMINAL CONVICTION)

3 3.

4 On or about October 10, 2018, in the Superior Court of California, County of
5 Riverside, Case No. INF1800931, Respondent was convicted on a plea of guilty for violation of
6 Penal Code section 368(c) (infliction of pain/mental suffering of elder/dependent adult), a
7 misdemeanor. On or about January 23, 2019, Respondent was sentenced. Respondent was
8 placed on summary probation for three years on certain terms and conditions, including, in part,
9 being committed to the custody of the Riverside County Sheriff for 60 days, with 55 days to be
10 served in the Work Release Program, pay victim restitution in an amount to be determined by
11 the Probation Department, and was ordered not to act in any capacity or provide any services
12 for elders or dependent adults in or for any RCFE skilled nursing facilities or other settings
13 other than direct family members.

14 4.

15 The conviction, as described in Paragraph 3 above, bears a substantial
16 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
17 qualifications, functions or duties of a real estate licensee.

18 5.

19 The crime of which Respondent was convicted, as described in Paragraph 3
20 above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or
21 revocation of the license and license rights of Respondent under the Real Estate Law.

22 SECOND CAUSE OF ACCUSATION

23 (FAILURE TO REPORT CONVICTIONS)

24 6.

25 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "the
26 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any
27 felony or misdemeanor" to the Department of Real Estate ("Department") within thirty (30)

ACCUSATION

1 days of the conviction. Respondent failed to report in writing to the Department the conviction
2 described in Paragraph 3 above, within thirty (30) days of the conviction date.

3 7.

4 Respondent's failure to timely report the conviction constitutes cause under
5 Section 10186.2 of the Code for the suspension or revocation of the license and license rights of
6 Respondent under the Real Estate Law.

7 (COSTS OF INVESTIGATION AND ENFORCEMENT)

8 8.

9 California Business and Professions Code section 10106, provides, in pertinent
10 part, that in any order issued in resolution of a disciplinary proceeding before the Bureau of
11 Real Estate, the Commissioner may request the administrative law judge to direct a licensee
12 found to have committed a violation of this part to pay a sum not to exceed the reasonable costs
13 of the 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 ANDRONICO
4 MALAGAR PELEN II under the Real Estate Law, for the costs 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.

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8 Dated at San Diego, California this 28 day of May, 2020.

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11 V. Kilpatrick
12 Veronica Kilpatrick
13 Supervising Special Investigator
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25 cc: ANDRONICO MALAGAR PELEN II
26 William Charles Taylor
27 Veronica Kilpatrick
Sacto.