FILED JUN 28 2022 DIANE LEE, Counsel (SBN 247222) DEPT. OF REAL ESTATE Department of Real Estate 320 West 4th Street, Suite 350 Los Angeles, California 90013 Telephone: (213) 576-6982 (Direct) (213) 576-6907 BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA * * * In the Matter of the Accusation of No. H-42289 LA RAFAEL ESPINOZA PIMENTEL, FIRST AMENDED ACCUSATION Respondent. This First Amended Accusation amends the Accusation filed on or about May 5, 2022. The Complainant, Jason Parson, a Supervising Special Investigator of the State of California for cause of Accusation against RAFAEL ESPINOZA PIMENTEL aka Rafael Espinosa Pimentel aka Rafael Espinosa aka Rafael Pimentel ("Respondent") alleges as follows: 1. The Complainant, Jason Parson, a Supervising Special Investigator of the State of California, makes this Accusation in his official capacity. 2. 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 (license no. 01869949). From on or about August 6, 2020 through the present, Respondent's sponsoring broker has been America's Moneyline, Inc. (license no. 02088717).

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1	(CRIMINAL CONVICTIONS)
2	3.
3	On or about May 4, 2021, in the Superior Court of California, County of
4	Orange, case no. 19NM13539, Respondent was convicted of violating California Vehicle Code
5	sections 23152(a) (driving under the influence of alcohol) and 23152(b) (driving with a blood
6	alcohol level of 0.08 percent or more), both misdemeanors. These convictions were made with
7	the admitted allegations that Respondent violated California Vehicle Code sections 23582(a)
8	(driving 30 miles per hour or more over the speed limit), 23103 (reckless driving, to wit:
9	driving on the sidewalk and hitting trash cans), and 23538(b)(2) (blood alcohol concentration of
10	0.20 percent or more). In part, Respondent was sentenced to pay restitution and various fines
11	and fees. These crimes are substantially related to the qualifications, functions, or duties of a
12	real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.
13	4.
14	On May 4, 2021, in the Superior Court of California, County of Orange, case no.
15	20HM04020, Respondent was convicted of violating California Vehicle Code sections
16	23152(a) (driving under the influence of alcohol), 23152(b) (driving with a blood alcohol level
17	of 0.08 percent or more), and 20002(a) (hit and run with property damage), all misdemeanors. ¹
18	Respondent's convictions pursuant to California Vehicle Code sections 23152(a) and 23152(b)
19	were made with the admitted allegation that Respondent violated California Vehicle Code
20	section 23538(b) (blood alcohol concentration of 0.20 percent or more). In part, Respondent
21	was sentenced to serve five (5) years of informal probation, serve 120 days in jail, attend and
22	complete 18 months of Multiple Offender Alcohol Program, pay restitution, and pay various
23	fines and fees. The underlying facts occurred on or about March 18, 2020. These crimes are
24	substantially related to the qualifications, functions, or duties of a real estate licensee under
25	Section 2910, Title 10, Chapter 6, California Code of Regulations.
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²⁷ Respondent was also convicted of violating California Vehicle Code section 16028(a) (failure to maintain insurance or proof of financial responsibility), an infraction.

1	5.
2	In aggravation, on or about April 24, 2007, in the Superior Court of California,
3	Respondent was convicted of violating California Vehicle Code section 23103(a) (reckless
4	driving), a misdemeanor.
5	6.
6	The crimes of which Respondent was convicted, as described in Paragraphs 3
7	and 4, above, constitute cause under California Business and Professions Code sections 490
8	and 10177(b) for the suspension or revocation of the license and license rights of Respondent
9	under the Real Estate Law.
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11	(FAILURE TO REPORT CONVICTIONS)
12	7.
13	As of September 21, 2021, Respondent had failed to report the convictions, as
14	described in Paragraphs 3 and 4, above, to the Department of Real Estate.
15	8.
16	Respondent's failure to report the convictions, as described in described in
17	Paragraphs 3 and 4, above, constitutes cause under California Business and Professions Code
18	section 10186.2 for the suspension or revocation of the license and license rights of Respondent
19	under the Real Estate Law.
20	9.
21	These proceedings are brought under the provisions of Section 10100, Division
22	4 of the Business and Professions Code of the State of California and Sections 11500 through
23	11528 of the California Government Code.
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1	(COSTS)
2	10.
3	California Business and Professions Code section 10106 provides, in pertinent
4	part, that in any order issued in resolution of a disciplinary proceeding before the department,
5	the Commissioner may request the administrative law judge to direct a licensee found to have
6	committed a violation of this part to pay a sum not to exceed the reasonable costs of
7	investigation and enforcement of the case.
8	WHEREFORE, Complainant prays that a hearing be conducted on the
9	allegations of this First Amended Accusation and that upon proof thereof, a decision be
10	rendered imposing disciplinary action against all licenses and/or license rights (including, but
11	not limited to, Mortgage Loan Originator ("MLO") license endorsement) under the Real Estate
12	Law (Part 1 of Division 4 of the California Business and Professions Code) of Respondent
13	RAFAEL ESPINOZA PIMENTEL, for penalties pursuant to Code section 10139, for the cost
14	of investigation and enforcement as permitted by law, and for such other and further relief as
15	may be proper under applicable provisions of law.
16	Dated at Los Angeles: June 27, 2022
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19	Jason Parson Supervising Special Investigator
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24	cc: RAFAEL ESPINOZA PIMENTEL America's Moneyline, Inc.
25	Jason Parson Sacto.
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LED MAY 0 5 2022 DIANE LEE, Counsel (SBN 247222) 1 OEPT. OF REAL ESTATE Department of Real Estate Bv 2 320 West 4th Street, Suite 350 Los Angeles, California 90013 3 Telephone: (213) 576-6982 4 (Direct) (213) 576-6907 5 6 7 BEFORE THE DEPARTMENT OF REAL ESTATE 8 STATE OF CALIFORNIA 9 * * * 10 In the Matter of the Accusation of No. H-42289 LA 11 RAFAEL ESPINOZA PIMENTEL, ACCUSATION) 12 13 Respondent. 14 15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the 16 State of California for cause of Accusation against RAFAEL ESPINOZA PIMENTEL aka 17 Rafael Espinosa Pimentel aka Rafael Espinosa aka Rafael Pimentel ("Respondent") alleges as 18 follows: 19 1. 20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the 21 State of California, makes this Accusation in her official capacity. 22 2. 23 24 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 25 salesperson (license no. 01869949). From on or about August 6, 2020 through the present, 26 Respondent's sponsoring broker has been America's Moneyline, Inc. (license no. 02088717). 27

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12	real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.
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20	section 23538(b) (blood alcohol concentration of 0.20 percent or more). In part, Respondent
21	was sentenced to serve five (5) years of informal probation, serve 120 days in jail, attend and
22	complete 18 months of Multiple Offender Alcohol Program, pay restitution, and pay various
23	fines and fees. The underlying facts occurred on or about March 18, 2020. These crimes are
24	substantially related to the qualifications, functions, or duties of a real estate licensee under
25	Section 2910, Title 10, Chapter 6, California Code of Regulations.
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27	¹ Respondent was also convicted of violating California Vehicle Code section 16028(a) (failure to maintain insurance or proof of financial responsibility), an infraction.

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10	7.
11	Respondent's failure to report the convictions, as described in described in
12	Paragraphs 3 and 4, above, constitutes cause under California Business and Professions Code
13	section 10186.2 for the suspension or revocation of the license and license rights of Respondent
14	under the Real Estate Law.
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16	These proceedings are brought under the provisions of Section 10100, Division
17	4 of the Business and Professions Code of the State of California and Sections 11500 through
18	11528 of the California Government Code.
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20	(COSTS)
21	9.
22	California Business and Professions Code section 10106 provides, in pertinent
23	part, that in any order issued in resolution of a disciplinary proceeding before the department,
24	the Commissioner may request the administrative law judge to direct a licensee found to have
25	committed a violation of this part to pay a sum not to exceed the reasonable costs of
26	investigation and enforcement of the case.
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- 3 -

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 licenses and/or license rights (including, but not limited to,
4	Mortgage Loan Originator ("MLO") license endorsement) under the Real Estate Law (Part 1 of
5	Division 4 of the California Business and Professions Code) of Respondent RAFAEL
6	ESPINOZA PIMENTEL, for penalties pursuant to Code section 10139, for the cost of
7	investigation and enforcement as permitted by law, and for such other and further relief as may
8	be proper under applicable provisions of law.
9	Dated at San Diego, California: <u>May 4, 2022</u> .
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12	V Kilpatrick Veronica Kilpatrick
13	Supervising Special Investigator
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25	cc: RAFAEL ESPINOZA PIMENTEL
26	America's Moneyline, Inc. Veronica Kilpatrick
27	Sacto.
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