

1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

AUG 17 2022

DEPT. OF REAL ESTATE

By *[Signature]*

8 STATE OF CALIFORNIA

9 DEPARTMENT OF REAL ESTATE

10 To:)
11 EMILIO RODRIGUEZ)
12)
13)
14)
15)

No. H-42426 LA

**ORDER TO
DESIST AND REFRAIN**
(Business and Professions Code §10086)

16 The Commissioner ("Commissioner") of the California Department of Real Estate
17 ("Department" or "DRE") caused an investigation to be made of the activities of EMILIO
18 RODRIGUEZ ("RODRIGUEZ"). Based on that investigation, the Commissioner has determined
19 that RODRIGUEZ and/or any other fictitious business name(s) used by RODRIGUEZ, has
20 engaged in, is engaging in, or is attempting to engage in, acts or practices constituting violations
21 of the California Business and Professions Code ("Code"), including violating Code Section
22 10130 by engaging in the business of, acting in the capacity of, and/or advertising or assuming to
23 act as a real estate broker or a real estate salesperson in the State of California within the
24 meaning of: (1) Code Section 10131(a), by selling or offering to sell, buying or offering to buy,
25 soliciting prospective sellers or buyers of, soliciting or obtaining listings of, or negotiating the

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1 purchase, sale or exchange of real property or a business opportunity. Based on the findings of
2 that investigation, as set forth below, the Commissioner hereby issues the following Findings of
3 Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of
4 the Code.

5 Whenever acts referred to below are attributed to RODRIGUEZ, those acts are
6 alleged to have been done by RODRIGUEZ, acting by himself, or by and/or through one or more
7 agents, associates, affiliates, and/or co-conspirators whose name(s) or fictitious name(s) are
8 unknown at this time.

9 **FINDINGS OF FACT**

10 **UNLICENSED EMILIO RODRIGUEZ**

11 1.

12 EMILIO RODRIGUEZ (“RODRIGUEZ”) is not now licensed by the Department
13 in any capacity and has no license rights under the Real Estate Law (Part 1 of Division 4 of the
14 Code) or any license endorsements attaching to any Department licenses.

15 2.

16 According to DRE records to date and publicly available:

- 17 a. RODRIGUEZ was originally licensed by the Department of Real
18 Estate (“DRE”) as a real estate salesperson (“RES”), DRE license ID
19 01920761, on or about December 13, 2012;
20 b. RODRIGUEZ’ RES license expired on December 12, 2016; and
21 c. on or about January 18, 2017, in DRE Case H-40374 LA (Accusation
22 of Emilio Rodriguez), RODRIGUEZ’ RES license rights were revoked for
23 his violation of Code Sections 490 and 10177(b).

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1 Dennise Patricia Ocampo Mosqueda

2 3.

3 Dennise Patricia Ocampo Moqueda (“Ocampo”) is not, and has never been,
4 licensed by the DRE in any capacity.

5 Kimberly Monique Rangell-Peleras

6 4.

7 Kimberley Monique Rangell-Peleras f.k.a. Kimberly Monique Rangell (“Rangell-
8 Peleras”), is presently licensed and/or has license rights under the Real Estate Law as a restricted
9 real estate broker (“RREB”), DRE license ID 00833696. Rangell-Peleras also holds a mortgage
10 loan originator (“MLO”) license endorsement, Nationwide Multistate Licensing
11 System/Nationwide Mortgage Licensing System and Registry (“NMLS”) ID 269414 and is
12 authorized to conduct business under said NMLS ID.

13 5.

14 According to DRE records to date and publicly available:

- 15 a. Rangell-Peleras was originally licensed by the DRE as a RES on or
- 16 about March 31, 1982 and as a REB on or about November 1, 1991;
- 17 b. Rangell-Peleras’ main address of record is 1499 Huntington Dr., Ste.
- 18 500, South Pasadena, CA 91030 and her mailing address of record is 316
- 19 District Ct., Fullerton, CA 92832;
- 20 c. Rangell-Peleras currently has one (1) DBA for Real Estate Mortgage
- 21 Planners (active as of June 29, 2007) and is a broker associate for Equity
- 22 Smart Home Loans, Inc. (DRE license ID 01906808); and
- 23 d. Rangell-Peleras has two licensed RES affiliated with her REB license.

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6.

According to DRE records, Rangell-Peleras was previously a broker associate for THE MORTGAGE GUY INC. from February 8, 2019 to September 16, 2021.

7.

According to DRE records to date and publicly available, Rangell-Peleras' DRE license will expire on October 13, 2022.

8.

Prior Discipline: Revocation and Restriction

According to DRE records to date and publicly available, on or about August 13, 1998, in DRE Case No. H-27566 LA (Accusation of Rangell Realty Corporation and Kimberly Monique Rangell, filed February 26, 1998), Rangell-Peleras' REB license was revoked and she was given the right to apply for and be granted a restricted REB ("RREB") license for her violation of Code Sections 10159.2 and 10177(h).

9.

Prior Discipline: Desist and Refrain Order

According to DRE records to date and publicly available, on or about March 16, 1998, in DRE Case No. H-27569 LA, a Desist and Refrain Order was issued to Rangell-Peleras.

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RODRIGUEZ' UNLICENSED ACTIVITIES

10.

At all times mentioned, in the State of California, Rangell-Peleras conducted licensed activities within the meaning of Code Section 10131¹ and performed real estate sales activities, which require a real estate license, including, but not limited to activities performed by her RES, employees and agents.

11.

On or about December 9, 2020, the DRE received an anonymous consumer complaint (“anonymous complaint”) regarding Ocampo conducting real estate activities without a DRE license. The anonymous complaint package included an allegation that unlicensed Ocampo worked alongside revoked/expired former RES RODRIGUEZ, and that Ocampo showed houses, met clients, and closed escrow under Rangell-Peleras’ license.

12.

On or about March 4, 2021, the DRE Special Investigator conducting the investigation triggered by the anonymous complaint telephoned Ocampo at the telephone number provided in the anonymous complaint, and indicated his interest in purchasing his first home, and in discovering what type of home loan(s) he might qualify to receive. When Ocampo returned

¹ Pursuant to Code Section 10131 Broker Defined, “A real estate broker within this meaning of this part is a person who, for a compensation or in expectation of a compensation, regardless of the form or time of payment, does or negotiates to do one or more of the following acts for another or others: (a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or exchange of real property or a business opportunity. (b) Leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collects rents from real property, or improvements thereon, or from business opportunities. (c) Assists or offers to assist in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the state or federal government. (d) Solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity. (e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a promissory note secured directly or collaterally by a lien on real property or on a business opportunity, and performs services for the holders thereof.”

1 the DRE Special Investigator's telephone call, she provided a phone number that she purported to
2 belong to her broker, and instructed that the Special Investigator would need to get pre-qualified
3 before she would show him any properties.

4 13.

5 The individual that Ocampo represented to be her broker called the DRE Special
6 Investigator from telephone number (562) 879-####, identified himself as "Emilio," provided the
7 e-mail address emilio@kimandjr.com, and instructed the Special Investigator to e-mail him with
8 copies of his pay stubs, I.D., and W-2 forms in order to get prequalified. "Emilio" texted the
9 Special Investigator his email address and a list of what documents to send to him, along with
10 what he represented as his website, "themortgageguys.com."

11 14.

12 On or about March 9, 2021, the DRE Special Investigator received a call from
13 Rangell-Peleras from (562) 5777-4326. Rangell-Peleras provided her DRE license number and
14 informed the Special Investigator that her assistant is her son Emilio.

15 15.

16 On February 28, 2022, the DRE completed a complaint-related audit examination
17 of the books and records of Rangell-Peleras pertaining to her real estate sales activities (Audit
18 LA210007), which require a real estate license. The audit examination covered a period of time
19 beginning on December 1, 2019 and ending on July 31, 2021 ("audit examination period" or
20 "audit period"), and the field work on the audit examination period records was performed
21 intermittently from August 19, 2021 to February 28, 2022.

22 16.

23 In completing its audit examination of the books and records of Rangell-Peleras,
24 the DRE auditor sampled Rangell-Peleras' sales transaction files.

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1 and under the section for “Other Terms and Conditions” is the notation, “Agent is owner of
2 property.” On the signature line for “Principal” is a signature adjacent to the printed name
3 “Emilio Rodriguez,” and email address socalrealtor8@gmail.com appears underneath the
4 signature, name and address of said Principal (RODRIGUEZ).

5 21.

6 12876 Sycamore Village Dr, Norwalk, CA 90650 – MLS Listing

7 In the MLS listing for 12876 Sycamore Village Dr, Norwalk, CA 90650 (list
8 contract date: November 23, 2019), under the section for “Showing Information,” “Emilio” was
9 listed as the “Agent, Other, Owner” with a contact phone number of (562) 879-#### and
10 instructions which read, “Agent is related to owner, owner is licensed realtor...Please text ONLY
11 Emilio at 562-879-#### to schedule showing...”

12 22.

13 12876 Sycamore Village Dr, Norwalk, CA 90650 – Residential Purchase Agreement

14 In the Residential Purchase Agreement (“RPA”) dated December 3, 2019 for
15 12876 Sycamore Village Dr, Norwalk, CA 90650, under the section for “Seller’s Brokerage Firm
16 Kimberly Rangell-Peleras, Broker” the contact phone number of (562) 879-#### was listed with
17 the email address socalrealtor8@gmail.com.

18 RODRIGUEZ’ Employment with Rangell-Peleras

19 23.

20 As part of the DRE audit, the DRE auditor received and examined a copy of the
21 Independent Contractor Agreement (“ICA”) dated July 1, 2014 between RODRIGUEZ and
22 Rangell-Peleras.

23 24.

24 Under the section “Licensing and Workers’ Compensation Coverage” of the ICA,
25 RODRIGUEZ, as the “Independent Contractor” agreed to promptly provide proof of the
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1 necessary licensing status required to perform the Scope of Work encompassed in the ICA.
2 Pursuant to the ICA, RODRIGUEZ' "Scope of Work" included tasks such as assisting the loan
3 processing team with loan submission and processing and broker MLS compliance and real
4 estate transactions and post-close compliance.

5 25.

6 At the time the ICA was executed in 2014, RODRIGUEZ was a licensed RES of
7 the DRE; however, by December 12, 2016, RODRIGUEZ RES license had expired, and by
8 January 18, 2017, RODRIGUEZ license rights [for renewal] had been revoked.

9 26.

10 Despite revocation of his RES license rights, and therefore an inability to maintain
11 the necessary licensing status required to perform his duties enumerated in the ICA,
12 RODRIGUEZ continued to be compensated. According to the 1099-NEC ("Nonemployee
13 Compensation") forms for 2020 that were examined by the DRE auditor, RODRIGUEZ was paid
14 \$83,343.16 by Rangell/Rangell-Peleras and \$84,942.01 by KimandJR Inc.

15 **CONCLUSIONS OF LAW**

16 27.

17 Based on the findings of fact contained in paragraphs 1 through 26, EMILIO
18 RODRIGUEZ, acting by himself or by and/or through one or more agents, associates,
19 representatives, and/or co-conspirators, whose names or fictitious names are unknown at this
20 time, engaged in the business of, acted in the capacity of, and/or advertised or assumed to act as a
21 real estate broker or a real estate salesperson in the State of California within the meaning of
22 Code Section 10131(a), by selling or offering to sell, buying or offering to buy, soliciting
23 prospective sellers or buyers of, soliciting or obtaining listings of, or negotiating the purchase,
24 sale or exchange of real property or a business opportunity. solicited borrowers or lenders for or
25 negotiated loans or collected payments or performed services for borrowers or lenders or note
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1 owners in connection with loans secured directly or collaterally by liens on real property or on a
2 business opportunity, which acts require a real estate broker license under Section 10130 of the
3 Code, during a period of time when EMILIO RODRIGUEZ was not licensed by the Department
4 in any capacity, in violation of Section 10130 of the Code.

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1 **DESIST AND REFRAIN ORDER**

2 Based upon the Findings of Fact and Conclusions of Law stated herein, **EMILIO**
3 **RODRIGUEZ**, whether doing business under his own name or any other name(s) or fictitious
4 name(s), IS HEREBY ORDERED to immediately desist and refrain from performing any acts
5 within the State of California for which a real estate license and/or mortgage loan originator
6 license endorsement is required. **EMILIO RODRIGUEZ is ORDERED TO DESIST AND**
7 **REFRAIN from:**

- 8 1. performing any acts within the State of California for which a real
9 estate broker license is required, unless and until he obtains the
10 required license from the Department and is in compliance with
11 Business and Professions Code Section 10130; and
12 2. performing any acts within the State of California for which a mortgage
13 loan originator license endorsement is required, unless and until he
14 obtains the required license endorsement from the Department and is in
15 compliance with Business and Professions Code Section 10166.03.

16 DATED: 8.17.22 2022

17 REAL ESTATE COMMISSIONER

18 
19 DOUGLAS R. McCAULEY

20 **Notice:** Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or
21 real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker
22 without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand
23 dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and
24 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000). If a Real
25 Estate Fraud Prosecution Trust Fund, as described in Section 27388 of the Government Code, exists in the county
26 where a person or corporation is convicted, any fine collected from the person in excess of ten thousand dollars
27 (\$10,000) or any fine collected from the corporation in excess of fifty thousand dollars (\$50,000) shall be deposited
in that Real Estate Fraud Prosecution Trust Fund."

cc: Emilio Rodriguez: 7755 Center Ave., Ste. #1100, Huntington, Beach, CA 92647

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