

1 Julie L. To (SBN 219482)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 (213) 559-5990 (Office)
6 (213) 443-9264 (Direct)
7 julie.to@dre.ca.gov
8 Department of Real Estate Counsel

FILED

APR 29 2026

DEPT. OF REAL ESTATE
By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation against) No. H-43256 LA
13)
14 EVELIN DAY ANDINO CASTELLANOS,) ACCUSATION
15)
16 Respondent.)
17)

18 The Complainant, Ray Dagnino, acting in his official capacity as a Supervising
19 Special Investigator of the State of California, for cause of Accusation against EVELIN DAY
20 ANDINO CASTELLANOS a.k.a. Evelin Andino (Respondent), is informed and alleges as
21 follows:

22 1.

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

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DRE Accusation against Evelin Day Andino Castellanos, H-43256 LA

1 **DEPARTMENT OF REAL ESTATE LICENSE HISTORY**

2 2.

3 According to DRE records to date and publicly accessible online at the
4 Department of Real Estate (DRE) website
5 (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=02033963), Respondent is
6 presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of
7 the Code) as a real estate salesperson (RES), DRE license ID 02033963.

8 3.

9 According to DRE records to date and publicly accessible online at the
10 aforementioned DRE website described in Paragraph 2, Respondent was originally licensed on
11 or about July 14, 2017, and her mailing address of record on file with the DRE is 7150 Olive
12 Ave., Long Beach, CA 90805. Respondent's current responsible broker (REB) of record is
13 Excellence RE Real Estate Inc. (DRE license ID 01914184)

14 4.

15 According to DRE records to date and publicly accessible online at the
16 aforementioned DRE website described in Paragraph 2, Respondent's RES license will expire
17 on July 13, 2026. Upon license expiration and pursuant to Code Section 10201, Respondent
18 will retain renewal rights, and pursuant to Code Section 10103, the DRE will retain
19 jurisdiction.

20 5.

21 According to DRE records to date and publicly accessible online at the
22 aforementioned DRE website described in Paragraph 2, Respondent's DRE license does not
23 have history of disciplinary action.

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1 **FACTS DISCOVERED BY THE DEPARTMENT**

2 **CRIMINAL CONVICTION**

3 6.

4 **11-15-24 Conviction for Violation of**

5 **Health and Safety Code Section 11379(A)**

6 **(State of California, Ventura County Case No. 2021028908)**

7 According to certified court records (certified on December 12, 2024), on or
8 about November 8, 2021, in the Superior Court of California, County of Ventura; in Case No.
9 2021028908, The People of the State of California vs. [co-defendant] and Evelin Andino, a
10 Felony Complaint was filed that charged Respondent with violation of:

- 11 a. [Count 3] Health and Safety (HS) Code Section 11379 (A)
12 (sale/transport/offer to sell a controlled substance), with special allegations
13 pursuant to:
14 (1) HS Section 11370.4(B)(3) for exceeding the substance 10 kilograms in
15 weight, and
16 (2) (2) Penal Code (PC) Section 781 with respect to jurisdiction in Ventura
17 County;
18 b. [Count 4] HS Section 11378 (possession for sale of a controlled substance,
19 to wit, methamphetamine), with special allegations pursuant to:
20 (1) HS Section 11370.4(B)(3)B), and
21 (2) PC Section 781.

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7.

According to the aforementioned certified court records described above in Paragraph 6, on or about July 25, 2024, Respondent pled guilty as to Count 3 (HS Section 11379(A)) with special allegations pursuant to HS Section 11370.4(B)(3) and PC 781.

8.

According to the aforementioned certified court records described above in Paragraph 6, on November 15, 2024, upon Respondent's guilty plea to Count 3, the court sentenced Respondent to Ventura County Jail for two years to be served in jail, with ten (10) years to be served on mandatory supervision upon completion of, or early release from, Ventura County Jail. In addition, Respondent was ordered to pay court fees and fines, and ordered to participate in any treatment program designated by their probation officer.

NON-REPORT OF THE CONVICTION TO THE DRE

(State of California, Ventura County Case No. 2021028907)

9.

According to DRE records to date, Respondent did not report in writing to the Department, the aforementioned conviction in Ventura County Case No. 2021028907, as described above in Paragraphs 6 through 8, within thirty (30) days of the November 15, 2024 conviction date.

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1 and regulations in question, resulting in potential harm to the consumers of California from
2 licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that
3 this section establishes an independent basis for a board to impose discipline upon a licensee,
4 and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not
5 constitute a change to, but rather are declaratory of, existing law.”

6 11.

7 Regulation 2910

8 (Substantial Relationship)

9 Pursuant to Regulation 2910 *Criteria of Substantial Relationship*:

10 “(a) When considering whether a license should be denied, suspended or
11 revoked on the basis of the conviction of a crime, or on the basis of an act described in Section
12 480(a)(2) or 480(a)(3) of the Code, the crime or act shall be deemed to be substantially related
13 to the qualifications, functions or duties of a licensee of the Bureau within the meaning of
14 Sections 480 and 490 of the Code if it involves:

- 15 (1) The fraudulent taking, obtaining, appropriating or retaining of funds
16 or property belonging to another person.
17 (2) Counterfeiting, forging or altering of an instrument or the uttering of
18 a false statement.
19 (3) Willfully attempting to derive a personal financial benefit through the
20 nonpayment or underpayment of taxes, assessments or levies duly
21 imposed upon the licensee or applicant by federal, state, or local
22 government.
23 (4) The employment of bribery, fraud, deceit, falsehood or
24 misrepresentation to achieve an end.
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1 (5) Sexually related conduct affecting a person who is an observer or
2 non-consenting participant in the conduct or convictions which require
3 registration pursuant to the provisions of Section 290 of the Penal Code.

4 (6) Willfully violating or failing to comply with a provision of Division 4
5 of the Business and Professions Code of the State of California.

6 (7) Willfully violating or failing to comply with a statutory requirement
7 that a license, permit or other entitlement be obtained from a duly
8 constituted public authority before engaging in a business or course of
9 conduct.

10 (8) Doing of any unlawful act with the intent of conferring a financial or
11 economic benefit upon the perpetrator or with the intent or threat of
12 doing substantial injury to the person or property of another.

13 (9) Contempt of court or willful failure to comply with a court order.

14 (10) Conduct which demonstrates a pattern of repeated and willful
15 disregard of law.

16 (11) Two or more convictions involving the consumption or use of
17 alcohol or drugs when at least one of the convictions involve driving and
18 the use or consumption of alcohol or drugs.

19 (b) The conviction of a crime constituting an attempt, solicitation or conspiracy
20 to commit any of the above enumerated acts or omissions is also deemed to be substantially
21 related to the qualifications, functions or duties of a licensee of the department.

22 (c) If the crime or act is substantially related to the qualifications, functions or
23 duties of a licensee of the department, the context in which the crime or acts were committed
24

1 shall go only to the question of the weight to be accorded to the crime or acts in considering the
2 action to be taken with respect to the applicant or licensee.”

3 12.

4 Code Section 10177

5 (Selected Portions)

6 Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action:*

7 “The commissioner may suspend or revoke the license of a real estate licensee,
8 delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an
9 applicant, who has done any of the following, or may suspend or revoke the license of a
10 corporation, delay the renewal of a license of a corporation, or deny the issuance of a license to
11 a corporation, if an officer, director, or person owning or controlling 10 percent or more of the
12 corporation’s stock has done any of the following:

13 (a) Procured, or attempted to procure, a real estate license or license
14 renewal, for themselves or a salesperson, by fraud, misrepresentation, or
15 deceit, or by making a material misstatement of fact in an application for
16 a real estate license, license renewal, or reinstatement.

17
18 (b) (1) Entered a plea of guilty or no contest to, or been found guilty of,
19 or been convicted of, a felony, or a crime substantially related to the
20 qualifications, functions, or duties of a real estate licensee, and the time
21 for appeal has elapsed or the judgment of conviction has been affirmed
22 on appeal, irrespective of an order granting probation following that
23 conviction, suspending the imposition of sentence, or of a subsequent
24 order under Section 1203.4 of the Penal Code allowing that licensee to

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1 withdraw that licensee's plea of guilty and to enter a plea of not guilty,
2 or dismissing the accusation or information.

3 (2) Notwithstanding paragraph (1), and with the recognition that
4 sentencing may not occur for months or years following the entry
5 of a guilty plea, the commissioner may suspend the license of a
6 real estate licensee upon the entry by the licensee of a guilty plea
7 to any of the crimes described in paragraph (1). If the guilty plea
8 is withdrawn, the suspension shall be rescinded and the license
9 reinstated to its status prior to the suspension. The department
10 shall notify a person whose license is subject to suspension
11 pursuant to this paragraph of that person's right to have the issue
12 of the suspension heard in accordance with Section 10100..."

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13.

Code Section 10186.2

(Reporting)

Pursuant to Code Section 10186.2 *Reporting of Convictions, Indictments and License Disciplinary Actions:*

“(a) (1) A licensee shall report any of the following to the department:

(A) The bringing of a criminal complaint, information, or indictment 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.”

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1 14.

2 Code Section 10106

3 (Costs)

4 Pursuant to Code Section 10106 *Cost Recovery of Investigations*:

5 “(a) Except as otherwise provided by law, in any order issued in resolution of a
6 disciplinary proceeding before the department, the commissioner may request the
7 administrative law judge to direct a licensee found to have committed a violation of this part to
8 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

9 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
10 order may be made against the licensed corporate entity or licensed partnership.

11 (c) A certified copy of the actual costs, or a good faith estimate of costs where
12 actual costs are not available, signed by the commissioner or the commissioner’s designated
13 representative, shall be prima facie evidence of reasonable costs of investigation and
14 prosecution of the case. The costs shall include the amount of investigative and enforcement
15 costs up to the date of the hearing, including, but not limited to, charges imposed by the
16 Attorney General.

17 (d) The administrative law judge shall make a proposed finding of the amount of
18 reasonable costs of investigation and prosecution of the case when requested pursuant to
19 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
20 reviewable by the commissioner to increase the cost award. The commissioner may reduce or
21 eliminate the cost award, or remand to the administrative law judge where the proposed
22 decision fails to make a finding on costs requested pursuant to subdivision (a).

23 (e) Where an order for recovery of costs is made and timely payment is not
24 made as directed in the commissioner’s decision, the commissioner may enforce the order for

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1 repayment in any appropriate court. This right of enforcement shall be in addition to any other
2 rights the commissioner may have as to any licensee to pay costs.

3 (f) In any action for recovery of costs, proof of the commissioner's decision
4 shall be conclusive proof of the validity of the order of payment and the terms for payment.

5 (g) (1) Except as provided in paragraph (2), the department shall not renew or
6 reinstate the license of any licensee who has failed to pay all of the costs ordered under this
7 section.

8 (2) The department may, in its discretion, conditionally renew or reinstate
9 for a maximum of one year the license of any licensee who demonstrates
10 financial hardship and who enters into a formal agreement with the
11 department to reimburse the department within that one-year period for the
12 unpaid costs.

13 (h) All costs recovered under this section shall be considered a reimbursement
14 for costs incurred and shall be deposited in the Real Estate Fund to be available,
15 notwithstanding Section 10451, upon appropriation by the Legislature.

16 (i) Nothing in this section shall preclude the department from including the
17 recovery of the costs of investigation and enforcement of a case in any stipulated settlement.”

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COSTS

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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.

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 licenses and/or license rights and/or associated license endorsements under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) of **EVELIN DAY ANDINO CASTELLANOS** for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles: April 28, 2020

Ray D
Superv



cc: Evelin Day Andino Castellanos
Excellence RE Real Estate Inc. (Attn: D.O. Miguel Contreras Oyoque and D.O. Ronald Ruiz Macias)
LA Enforcement – R. Dagnino
Sacto.

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