

FILED

FEB 23 2023

DEPT. OF REAL ESTATE

By 

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

5
6
7
8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of
12 **KIMBERLY CAMILLA HERRERA,**
13 Respondent.

No. H-42485-LA

**STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER**

14
15 It is hereby stipulated and agreed by and between Respondent KIMBERLY CAMILLA
16 HERRERA (“Respondent” or “HERRERA”) and her attorney of record, Adeline Tungate, Esq.,
17 and the Complainant, acting by and through Laurence D. Haveson, Counsel for the Department of
18 Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation
19 filed on November 7, 2022 (“Accusation”) in this matter:

20 1. All issues which were to be contested and all evidence which was to be presented by
21 Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held
22 in accordance with the provisions of the Administrative Procedure Act (“APA”), shall instead and
23 in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement
24 (“Stipulation”).

25 2. Respondent has received, read, and understands the Statement to Respondent, the
26 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this
27 proceeding.

28 ///

1 The conduct, acts or omissions of Respondent HERRERA, as set forth in the Accusation,
2 are a basis for discipline of Respondent's real estate license, mortgage loan originator ("MLO")
3 license endorsement, and license rights pursuant to the Real Estate Law, Part 1 of Division 4 of the
4 California Business and Professions Code ("Code") sections 10166.05(c), 10166.051(a),
5 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

6 ORDER

7 WHEREFORE, THE FOLLOWING ORDER is hereby made:

8 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

9 1. All MLO license endorsements and endorsement rights of Respondent under the
10 Real Estate Law are suspended for a period of ninety (90) days from the Effective Date of this
11 Decision and Order.

12 2. Respondent may submit a renewal application for an MLO license endorsement
13 through the National Mortgage Licensing System and Registry ("NMLS") during the renewal
14 and/or reinstatement periods occurring between November 1, 2022, and February 28, 2023, with
15 the understanding that the Department reserves the rights to fully investigate such renewal
16 application for MLO license endorsement and may either approve or deny such application
17 pursuant to the normal process for endorsement investigations.

18 3. Respondent understands that if Respondent fails to submit a renewal application
19 before March 1, 2023, Respondent must submit a new application through NMLS, and may be
20 subject to payment of filing fees, background and credit checks, fingerprinting, and other NMLS
21 requirements.

22 4. Respondent further agrees that Respondent must satisfy the Education and
23 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or
24 issuance of another MLO license endorsement.

25 II. MORTGAGE LOAN ORIGINATION EDUCATION

26 1. Respondent shall, within ninety (90) days from the Effective Date of this Decision
27 and Order, take and complete the following mortgage loan originator education requirements:

28 ///

1 a. Twenty (20) hours of NMLS approved pre-licensure education (“PE”),
2 which shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of
3 ethics curriculum, and three (3) hours of non-traditional mortgage lending curriculum.
4 None of these twenty (20) hours of PE may be state-specific curriculum;

5 b. Eight (8) hours of continuing education (“CE”), which shall consist of four
6 (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours
7 of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may
8 be state-specific curriculum.

9 2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this
10 Section in an online self-study format (“OSS”). Respondent may take the CE provided for in
11 Paragraph 1(b) in any format.

12 3. For a period of three (3) years from the Effective Date of this Order, Respondent
13 shall be required to complete any additional required PE and/or CE in a format other than OSS. If
14 Respondent fails to comply with this condition, the renewal application or new application of
15 Respondent will be deemed incomplete by the Department.

16 4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of
17 this section, Respondent’s MLO license endorsement shall remain suspended until Respondent
18 presents evidence satisfactory to the Commissioner of having taken and successfully completed
19 the education requirements.

20 5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in
21 addition to any NMLS education required for licensure under the SAFE Act. The CE provided for
22 in Paragraph 1 will not count toward satisfying 2023 or 2024 standard SAFE Act CE
23 requirements.

24 6. Respondent further agrees that the Department may exercise its examination or
25 investigative authority pursuant to the normal process for such authorized under the Real Estate
26 Law and Commissioner’s Regulations in the instance a determination is made wherein
27 Respondent is found to be in violation of the education requirements under this section.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

III. ADMINISTRATIVE PENALTY

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The payment must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the Effective Date of this Decision and Order.

IV. STAYED SUSPENSION OF REAL ESTATE LICENSE

All licenses and licensing rights of Respondent under the Real Estate Law, with the exception of the MLO license endorsement (NMLS ID 1712835) referenced in Section I above, are suspended for a period of ninety (90) days from the Effective Date of this Decision; provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

- 1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and
- 2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Decision and Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

V. INVESTIGATION AND ENFORCEMENT COSTS

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$781.10 for the Commissioner's reasonable costs of the investigation (\$445.10) and enforcement (\$336.00), which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The payment of the investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the Effective Date of this Decision and Order.

///

1 2/2/2023

2 DATED



Laurence D. Haveson,
Counsel for Complainant

3 * * *

4
5 EXECUTION OF THE STIPULATION

6 I have read the Stipulation and Agreement. I understand its terms and they are agreeable
7 and acceptable to me. I understand that I am waiving rights given to me by the California
8 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513
9 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including
10 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at
11 which I would have the right to cross-examine witnesses against me and to present evidence in
12 defense and mitigation of the charges.

13 Respondent can signify acceptance and approval of the terms and conditions of this
14 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
15 signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that
16 by electronically sending to the Department an electronic copy of Respondent's actual signature, as
17 it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding
18 on Respondent as if the Department had received the original signed Stipulation. By signing this
19 Stipulation, Respondent understands and agrees that Respondent may not withdraw her agreement
20 or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or
21 prior to the effective date of the Stipulation and Order.

22 MAILING

23 Respondent and her counsel shall, within five (5) business days from signing the
24 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
25 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
26 Angeles, California 90013-1105.

27 Respondent's signature below constitutes acceptance and approval of the terms and
28 conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing

1 this Stipulation Respondent is bound by its terms as of the date of such signature and that this
2 agreement is not subject to rescission or amendment at a later date except by a separate Decision
3 and Order of the Real Estate Commissioner.

4
5 DATED: Feb 2, 2023


Kimberly Herrera (Feb 2, 2023 14:33 PST)

Respondent KIMBERLY CAMILLA HERRERA

6
7
8 DATED: Feb 2, 2023



Adeline Tungate, Esq.
Attorney for Respondent
Approved as to Form

9
10
11 * * *

12
13 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
14 as my Decision in this matter and shall become effective at 12 o'clock noon on
15 March 15, 2023.

16 IT IS SO ORDERED 2. 14. 23.

17
18 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

19
20
21 
22
23
24
25
26
27
28