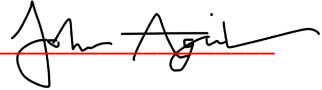


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FILED

January 9, 2024

Department of Real Estate

By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

11 In the Matter of the Accusation of) No. H-42753 LA
12)
12 MANUEL HIGUERA JR,) ACCUSATION
13)
13 Respondent.)
14)

15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
16 State of California, for cause of Accusation against MANUEL HIGUERA JR (“Respondent”)
17 alleges as follows:

18 1.

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

21 2.

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

24 LICENSE HISTORY

25 3.

26 a. At all times herein mentioned, Respondent was and still is licensed and/or has
27 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and

ACCUSATION

1 Professions Code, as a real estate salesperson (“RES”), Department of Real Estate¹
2 (“Department”) license ID 01956547.

3 b. The Department originally issued Respondent’s RES license on or about July
4 7, 2014.

5 c. Respondent’s RES license will expire on January 30, 2027, unless renewed.

6 d. Respondent is presently licensed and/or has license rights to Mortgage Loan
7 Originator (MLO) license endorsement with the Department with the assigned National
8 Mortgage Licensing System and Registry (“NMLS”) No. 1115621.

9 CAUSE FOR DISCIPLINE

10 (CRIMINAL CONVICTION)

11 4.

12 November 16, 2022; Vehicle Code (“VC”) Section 23152(a) - Misdemeanor

13 a. On or about November 16, 2022, in the Superior Court of California,
14 Riverside County, in Case No. **INM2006428**, entitled The People of the State of California v.
15 MANUEL HIGUERA JR, Respondent pled guilty to and was convicted for violation of VC
16 Section 23152(a) (driving under the influence of alcohol), a misdemeanor.

17 b. Also on or about November 16, 2022, the Court suspended the imposition of
18 sentence and placed Respondent on summary probation for 36 months under certain terms and
19 conditions, including, in part, 2 days jail and payment of fines and fees.

20 5.

21 November 16, 2022; VC Sections 20002(a) and 23152(a) - Misdemeanors

22 a. On or about November 16, 2022, in the Superior Court of California,
23 Riverside County, in Case No. **INM2204597**, entitled The People of the State of California v.
24 MANUEL HIGUERA JR, Respondent pled guilty to and was convicted for violation of VC

25
26
27 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 Section 23152(a) (driving under the influence of alcohol), a misdemeanor, and VC Section
2 20002(a) (hit and run), a misdemeanor.

3 b. Also on or about November 16, 2022, the Court suspended the imposition of
4 sentence and placed Respondent on summary probation for 60 months under certain terms and
5 conditions, including, in part, 10 days jail, payment of restitution, 18 month Offender Impaired
6 Driver Program, and payment of fines and fees. The sentence was to be served concurrent to
7 INM20006428.

8 6.

9 The crimes of which Respondent were convicted, in Paragraphs 4 and 5, by their
10 facts and circumstances, bear substantial relationship under Section 2910, Title 10, Chapter 6,
11 California Code of Regulations to the qualifications, functions or duties of a real estate licensee
12 and constitutes cause under **Code Sections 490 and 10177(b)** for the suspension or revocation
13 of the license and license rights of Respondent under the Real Estate Law.

14 SECOND CAUSE FOR DISCIPLINE

15 (FAILURE TO REPORT)

16 7.

17 Respondent did not report in writing to the Department of his convictions within
18 thirty (30) days of the conviction date (November 16, 2022).

19 8.

20 Respondent's failure to report his convictions constitutes causes for discipline
21 under **Code Section 10186.2²** of the license and license rights of Respondent under the Real
22 Estate Law.

23 ///

24 _____
25 ² Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the
26 department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The
27 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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9.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

COSTS

10.

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.

PRAYER

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 under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) of Respondent MANUEL HIGUERA JR, 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 San Diego, California, on Jan 3, 2024.

Veronica Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: MANUEL HIGUERA JR
Veronica Kilpatrick
Sacto.