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**FILED**

NOV 6 2024

DEPT. OF REAL ESTATE

By- 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation against ) No. H-42995 LA  
12 )  
13 KRISTINA PENALOZA, ) **ACCUSATION**  
14 )  
15 Respondent. )

16 The Complainant, Ray Dagnino, acting in his official capacity as a Supervising  
17 Special Investigator of the State of California, for cause of Accusation against KRISTINA  
18 PENALOZA (Respondent), is informed and alleges as follows:

19 1.

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

22 **DEPARTMENT OF REAL ESTATE (DRE) LICENSE HISTORY**

23 2.

24 According to DRE records to date and publicly accessible online at the DRE's  
25 website ([https://www2.dre.ca.gov/PublicASP/ppinfo.asp?License\\_id=01927864](https://www2.dre.ca.gov/PublicASP/ppinfo.asp?License_id=01927864)), Respondent  
26 is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4

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1 of the Code) as a real estate salesperson (RES), Department of Real Estate (DRE) license ID  
2 01927864.

3 3.

4 According to DRE records to date and publicly accessible online at the  
5 aforementioned DRE website, Respondent was originally licensed on or about September 15,  
6 2017.

7 4.

8 According to DRE records to date and publicly accessible online at the  
9 aforementioned DRE website, Respondent's mailing address of record is 24446 Valencia Blvd.  
10 7113, Valencia, California 91355, and Respondent's license is presently affiliated with  
11 responsible real estate broker (REB) of record Sandro Bononi, DRE license ID 01401037.

12 5.

13 According to DRE records to date and publicly accessible online at the  
14 aforementioned DRE website, Respondent's DRE license has no prior history of disciplinary  
15 action and will expire on September 14, 2025. Upon license expiration and pursuant to Code  
16 Section 10201, Respondent retains renewal rights, and pursuant to Code Section 10103, the  
17 DRE retains jurisdiction.

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2 **FACTS DISCOVERED BY THE DEPARTMENT**  
3 **CRIMINAL CONVICTION**

4 6.

5 February 20, 2024 Misdemeanor Conviction for

6 Violation of Penal Code Section 242

7 (Los Angeles County Case No. 3SC01815)

8 According to certified court records (certified on March 18, 2024), on or about  
9 November 1, 2023, in the Superior Court of California, Los Angeles County, in Case  
10 No. 3SC01815, The People of the State of California v. Kristina Penaloza, a single-count  
11 Misdemeanor Complaint was filed that charged Respondent with violation of California Penal  
12 Code (PC) Section 273.5(A) (injuring a spouse, cohabitant, fiancé, boyfriend, girlfriend or  
13 child's parent).

14 7.

15 According to the aforementioned certified court records, on or about February  
16 20, 2024, in Los Angeles County Case No. 3SC01815, upon an amendment of the  
17 Misdemeanor Complaint to add as Count 2 a violation of PC 242 (battery), Respondent pled no  
18 contest to Count 2.

19 8.

20 According to the aforementioned certified court records, also on or about  
21 February 20, 2024, in Los Angeles County Case No. 3SC01815, the court sentenced  
22 Respondent to twelve (12) months of summary probation and ordered Respondent to complete  
23 a 52-week domestic violence treatment program and attend 52 weeks of Alcoholics  
24 Anonymous meetings. In addition, Respondent was also ordered to pay: a restitution fine, case  
25 fines, and case fees. Also on the same day, the court issued a Criminal Protective Order –

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1 Domestic Violence (CLETS-CPO) to restrain Respondent until February 20, 2027 from coming  
2 within 100 yards of the victim.

3 **NON-REPORT OF SAID CONVICTION**

4 9.

5 According to DRE records to date, Respondent did not report in writing to the  
6 Department, the aforementioned conviction in Los Angeles County Case No. 3SC01815 as  
7 described above in Paragraph 8, within thirty (30) days of the February 20, 2024 conviction  
8 date.

9 **APPLICABLE SECTIONS OF THE REAL ESTATE LAW**

10 10.

11 **Code Section 490**

12 (Conviction of Crime)

13 Pursuant to Code Section 490 *Conviction of Crime – Relationship of Crime to*  
14 *Licensed Activity:*

15 “(a) In addition to any other action that a board is permitted to take against a  
16 licensee, a board may suspend or revoke a license on the ground that the licensee has been  
17 convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
18 duties of the business or profession for which the license was issued.

19 (b) Notwithstanding any other provision of law, a board may exercise any  
20 authority to discipline a licensee for conviction of a crime that is independent of the authority  
21 granted under subdivision (a) only if the crime is substantially related to the qualifications,  
22 functions, or duties of the business or profession for which the licensee’s license was issued.

23 (c) A conviction within the meaning of this section means a plea or verdict of  
24 guilty or a conviction following a plea of nolo contendere. An action that a board is permitted  
25 to take following the establishment of a conviction may be taken when the time for appeal has  
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1 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting  
2 probation is made suspending the imposition of sentence, irrespective of a subsequent order  
3 under Section 1203.4 of the Penal Code.

4 (d) The Legislature hereby finds and declares that the application of this section  
5 has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142  
6 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes  
7 and regulations in question, resulting in potential harm to the consumers of California from  
8 licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that  
9 this section establishes an independent basis for a board to impose discipline upon a licensee,  
10 and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
11 constitute a change to, but rather are declaratory of, existing law.”

12 11.

13 Regulation 2910

14 (Substantial Relationship)

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

16 “(a) When considering whether a license should be denied, suspended or  
17 revoked on the basis of the conviction of a crime, or on the basis of an act described in Section  
18 480(a)(2) or 480(a)(3) of the Code, the crime or act shall be deemed to be substantially related  
19 to the qualifications, functions or duties of a licensee of the Bureau within the meaning of  
20 Sections 480 and 490 of the Code if it involves:

- 21 (1) The fraudulent taking, obtaining, appropriating or retaining of funds  
22 or property belonging to another person.  
23 (2) Counterfeiting, forging or altering of an instrument or the uttering of  
24 a false statement.  
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(3) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state, or local government.

(4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.

(5) Sexually related conduct affecting a person who is an observer or non-consenting participant in the conduct or convictions which require registration pursuant to the provisions of Section 290 of the Penal Code.

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

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

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

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

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

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

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

4 (c) If the crime or act is substantially related to the qualifications, functions or  
5 duties of a licensee of the department, the context in which the crime or acts were committed  
6 shall go only to the question of the weight to be accorded to the crime or acts in considering the  
7 action to be taken with respect to the applicant or licensee.”

8 12.

9 Code Section 10177

10 (Selected Portions)

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

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

18 (a) Procured, or attempted to procure, a real estate license or license  
19 renewal, for themselves or a salesperson, by fraud, misrepresentation, or  
20 deceit, or by making a material misstatement of fact in an application for  
21 a real estate license, license renewal, or reinstatement.

22 (b) (1) Entered a plea of guilty or no contest to, or been found guilty of,  
23 or been convicted of, a felony, or a crime substantially related to the  
24 qualifications, functions, or duties of a real estate licensee, and the time  
25 for appeal has elapsed or the judgment of conviction has been affirmed  
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1 on appeal, irrespective of an order granting probation following that  
2 conviction, suspending the imposition of sentence, or of a subsequent  
3 order under Section 1203.4 of the Penal Code allowing that licensee to  
4 withdraw that licensee's plea of guilty and to enter a plea of not guilty,  
5 or dismissing the accusation or information.

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

16 13.

17 Code Section 10186.2

18 (Reporting)

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

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

22 (A) The bringing of a criminal complaint, information, or indictment  
23 charging a felony against the licensee.

24 (B) The conviction of the licensee, including any verdict of guilty, or  
25 plea of guilty or no contest, of any felony or misdemeanor.  
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(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.”

14.

Code Section 10106

(Costs)

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

“(a) Except as otherwise provided by law, 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 the investigation and enforcement of the case.

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

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

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to

1 subdivision (a). The finding of the administrative law judge with regard to costs shall not be  
2 reviewable by the commissioner to increase the cost award. The commissioner may reduce or  
3 eliminate the cost award, or remand to the administrative law judge where the proposed  
4 decision fails to make a finding on costs requested pursuant to subdivision (a).

5 (e) Where an order for recovery of costs is made and timely payment is not  
6 made as directed in the commissioner's decision, the commissioner may enforce the order for  
7 repayment in any appropriate court. This right of enforcement shall be in addition to any other  
8 rights the commissioner may have as to any licensee to pay costs.

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

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

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

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

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

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1 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the  
2 case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the  
4 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
5 disciplinary action against all licenses and/or license rights and/or associated license  
6 endorsements under the Real Estate Law (Part 1 of Division 4 of the California Business and  
7 Professions Code) of **KRISTINA PENALOZA** for the cost of investigation and enforcement  
8 as permitted by law, and for such other and further relief as may be proper under applicable  
9 provisions of law.

10 Dated at Los Angeles: November 5, 2024.

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Ray Dagnino  
Supervising Special Investigator

cc: Kristina Penaloza  
Sandro Bononi  
LA Enforcement – R. Dagnino  
Sacto.