

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 105843 / July 2, 2026

ADMINISTRATIVE PROCEEDING
File No. 3-22656

In the Matter of

FRANCISCO J. HERRERA,

Respondent.

**ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b)(6) OF
THE SECURITIES EXCHANGE ACT
OF 1934, MAKING FINDINGS, AND
IMPOSING REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b)(6) of the Securities Exchange Act of 1934 (“Exchange Act”) against Francisco J. Herrera (“Herrera” or “Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting the findings herein, except as to the Commission’s jurisdiction over him and the subject matter of these proceedings and the findings contained in paragraph III.2 below, which are admitted, Respondent consents to the entry of this Order Instituting Public Administrative Proceedings Pursuant to Section 15(b)(6) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

1. From March 2021 to November 2022, Herrera was a sales agent for Wells Real Estate Investment LLC ("Wells Real Estate"). Wells Real Estate and its principals, Janalie Bingham and her husband Jean Joseph, operated a Ponzi scheme which, from 2020 to at least April 2024, raised at least \$56 million from approximately 660 investors through a fraudulent, unregistered securities offering. Herrera acted as an unregistered broker by selling securities of Wells Real Estate, for which he received commissions. From March 2021 to November 2022, Herrera was not registered with the Commission as a broker-dealer or associated with a registered broker-dealer. Herrera, 56 years old, is a resident of San Jose, California.

2. On July 1, 2026, a judgment was entered by consent against Herrera, permanently enjoining him from future violations of Sections 5(a) and 5(c) of the Securities Act of 1933 ("Securities Act"), and Section 15(a)(1) of the Exchange Act, as set forth in the judgment entered in the civil action entitled Securities and Exchange Commission v. Francisco J. Herrera, Civil Action Number 1:26-cv-24369, in the United States District Court for the Southern District of Florida.

3. The Commission's complaint alleged that, among other things, from March 2021 to November 2022, Herrera personally, and through his team of sales agents, solicited and raised at least \$10 million from approximately 190 investors through the sale of Wells Real Estate's securities in the form of promissory notes. The complaint alleged that Wells Real Estate's offering was not registered with the Commission, and that there was no applicable exemption from registration. The complaint further alleged that Herrera promoted Wells Real Estate's promissory notes – described as safe investments – on social media accounts and a Spanish-language radio show. The complaint alleged that Herrera told investors that Wells Real Estate would use their money to acquire, renovate, lease and sell commercial and residential properties to generate returns for investors. The complaint alleged that Herrera received commissions from Wells Real Estate based on the sales of its securities. Furthermore, the complaint alleged that at no point was Herrera licensed to sell securities, nor was he registered with the Commission as a broker-dealer or associated with a broker-dealer.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Herrera's Offer.

Accordingly, it is hereby ORDERED pursuant to Section 15(b)(6) of the Exchange Act that Respondent Herrera be, and hereby is:

barred from association with any broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization, with the right to apply for reentry after five (5) years.

Any application for reentry by the Respondent will be made to the appropriate self-regulatory organization, or if there is none, to the Commission by contacting the Division of Enforcement's Office of Chief Counsel at ENF-Reentry@sec.gov, and will be subject to the applicable laws and regulations governing the reentry process. Reentry may be conditioned upon a number of factors, including, but not limited to, compliance with the Commission's order and payment of any or all of the following: (a) any disgorgement or civil penalties ordered by a Court against the Respondent in any action brought by the Commission; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Vanessa A. Countryman
Secretary