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10 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
11 OF THE STATE OF CALIFORNIA

12 In the Matter of)
13) CFLI Application No.: 60DBO-44681
14 GREGORY DANIEL BEHRMANN, dba)
GOLDEN GATE MORTGAGE) CONSENT ORDER
15)
16 Respondent.)
17 _____

18 This Consent Order (“Consent Order”) is entered into between the Commissioner of Business
19 Oversight (“Commissioner”) and GREGORY DANIEL BEHRMANN, dba GOLDEN GATE
20 MORTGAGE (“Behrmann”), and is made with respect to the following facts:

21 RECITALS

- 22 A. The Commissioner has jurisdiction over the licensing and regulation of persons and entities
23 engaged in the business of lending pursuant to the California Finance Lenders Law (“CFLI”) (Fin.
24 Code § 22000 et seq.).
25 B. Behrmann applied for a CFLI license on or about May 6, 2015 (CFLI application no.
26 60DBO-44681) through the Nationwide Mortgage Licensing System.
27 C. Behrmann stated in his application that a regulatory agency had entered an order concerning
28 him in connection with license or registration. Public records available from the California Bureau

1 of Real Estate (“BRE”) verify this.

2 D. On November 1, 2011, the BRE filed a Statement of Issues against Behrmann in support of
3 a denial of his application for a real estate salesperson license. The Statement references
4 Behrmann’s misdemeanor and felony convictions from 2006 and 1995, respectively, as the basis for
5 denial of the license. The BRE found these convictions to be crimes that bear a substantial
6 relationship to the qualifications, functions, or duties of a real estate licensee, and therefore violated
7 the California Code of Regulations, title 10, section 2910.

8 E. Behrmann challenged the license denial and on February 20, 2013, the Administrative Law
9 Judge (ALJ) entered a decision (“Decision”) to grant Behrmann a restricted real estate salesperson
10 license. The ALJ found that Behrmann’s convictions were grounds for denying him an unrestricted
11 real estate salesperson license. However, the ALJ found that Behrmann met certain Criteria of
12 Rehabilitation utilized by the BRE in such cases, which would allow the BRE to grant him a
13 restricted license.

14 F. The BRE license restrictions allow Behrmann to engage in lending but only under
15 supervision. If the DBO approved Behrmann’s finance lender application, his CFLL license would
16 enable him to engage in lending activities without supervision, thereby rendering moot the
17 restrictions imposed by BRE.

18 G. The CFLL states that the Commissioner may deny the application of a finance lender if the
19 applicant has violated any provision of the CFLL, any of the rules thereunder, or any similar
20 regulatory scheme.

21 H. BRE found that Behrmann’s convictions, which led to the issuance of a restricted license,
22 violated their consumer protection regulatory scheme. Consequently, under the CFLL, Financial
23 Code section 22019, subdivision (a), Behrmann violated a similar consumer protection regulatory
24 scheme of the State of California.

25 I. On or about June 22, 2016, the Commissioner issued a Statement of Issues in Support of
26 Denial of California Finance Lenders License and a Notice of Intention to Deny California Lenders
27 License (“Order”) to Behrmann.

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1 J. On or about July 8, 2016, Behrmann requested an administrative hearing to challenge the
2 Commissioner’s intent to deny his CFLL license application.

3 K. It is the intention and desire of the parties to resolve this matter without the necessity of a
4 hearing and/or other litigation.

5 L. The Commissioner finds that this action is appropriate, in the public interest, and consistent
6 with the purposes fairly intended by the policy and provisions of the CFLL.

7 NOW, THEREFORE, in consideration of the foregoing, and the terms and conditions set forth
8 herein, the parties agree as follows:

9 TERMS AND CONDITIONS

10 1. Purpose

11 The purpose of this Consent Order is to resolve Behrmann’s challenge of the Commissioner’s
12 license application denial in a manner that avoids the expense of court proceedings and a hearing, is
13 in the public interest, protects consumers, and is consistent with the purposes, policies, and
14 provisions of the CFLL.

15 2. Finality of Order

16 Behrmann hereby withdraws his request for a hearing to challenge the Order and consents to this
17 order denying his CFLL license application number 60DBO-44681 (“Denial”). Behrmann agrees to
18 comply with this Consent Order and, further, stipulates that this Consent Order, which includes the
19 Denial, is hereby deemed a final and enforceable order issued pursuant to the Commissioner’s
20 authority under Financial Code sections 22109 and 22150.

21 3. Waiver of Hearing Rights

22 Behrmann acknowledges that the Commissioner is ready, willing, and able to proceed with the an
23 administrative hearing based on the facts contained in this Consent Order, and Behrmann hereby
24 waives the right to a hearing, and to any reconsideration, appeal, or other right to review which may
25 be afforded pursuant to the CFLL. Behrmann further expressly waives any requirement for the
26 filing of an Accusation that may be afforded by Government Code section 11415.60 (b), the
27 California Administrative Procedure Act, the California Code of Civil Procedure, or any other
28 provision of law; and by waiving such rights, Behrmann effectively consents to this Consent Order

1 becoming final.

2 4. Effect of Consent Order on Future License Applications

3 In consideration of Behrmann's agreement to consent to the Denial, to hereby withdraw his request
4 for a hearing to challenge the Denial, and to consent to the entry of this Consent Order, the
5 Commissioner hereby agrees that she shall not deny future CFLL license applications of
6 Behrmann's because of this Denial or Consent Order.

7 5. Order Denying CFLL License

8 The Commissioner hereby orders that the CFLL license application for GREGORY DANIEL
9 BEHRMANN, dba GOLDEN GATE MORTGAGE, application number 60DBO-44681, be denied.

10 This order is effective as of the date this Consent Order is executed by all parties. Behrmann hereby
11 waives any notice and hearing rights to contest this Denial that may be afforded under the California
12 Financial Code, the California Administrative Procedure Act, the California Code of Civil
13 Procedure, or any other legal provisions.

14 6. Full and Final Settlement

15 The parties hereby acknowledge and agree that this Consent Order is intended to constitute a full,
16 final, and complete resolution of the Denial identified in this Consent Order, and that no further
17 proceedings or actions will be brought by the Commissioner in connection with these matters either
18 under the CFLL, or any other provision of law, excepting therefrom any proceeding to enforce
19 compliance with the terms of this Consent Order, or action if such proceeding or action is based
20 upon discovery of violations of the CFLL which do not form the basis for this Consent Order or
21 which were knowingly concealed from the Commissioner by Behrmann.

22 7. Binding

23 This Consent Order is binding on all heirs, assigns, and/or successors in interest.

24 8. Commissioner's Duties

25 The parties further acknowledge and agree that nothing contained in this Consent Order shall
26 operate to limit the Commissioner's ability to assist any other agency (city, county, state or federal)
27 with any prosecution, administrative, civil or criminal, brought by any such agency against
28 Behrmann or any other person based upon any of the activities alleged in these matters or otherwise.

1 9. Third Party Actions

2 It is the intent and understanding between the parties that this Consent Order does not create any
3 private rights or remedies against Behrmann, create any liability for Behrmann, or limit defenses of
4 Behrmann for any person or entity not a party to this Consent Order.

5 10. Future Actions by Commissioner

6 The Commissioner may pursue any and all remedies available under law against Behrmann if the
7 Commissioner later discovers that Behrmann knowingly or willfully withheld information used for
8 and relied upon in this Consent Order. Further, Behrmann agrees that this Consent Order does not
9 resolve any penalties that may be assessed by the Commissioner upon discovery of violations of the
10 CFLL.

11 11. Independent Legal Advice

12 Each of the parties represents, warrants, and agrees that it has received independent advice from its
13 attorney(s) and/or representatives with respect to the advisability of executing this Consent Order.

14 12. Counterparts

15 The parties agree that this Consent Order may be executed in one or more separate counterparts,
16 each of which when so executed, shall be deemed an original. Such counterparts shall together
17 constitute and be one and the same instrument.

18 13. Waiver, Modification, and Qualified Integration

19 The waiver of any provision of this Consent Order shall not operate to waive any other provision set
20 forth herein. No waiver, amendment, or modification of this Consent Order shall be valid or
21 binding to any extent unless it is in writing and signed by all of the parties affected by it.

22 14. Headings and Governing Law

23 The headings to the paragraphs of this Consent Order are inserted for convenience only and will not
24 be deemed a part hereof or affect the construction or interpretation of the provisions hereof. This
25 Consent Order shall be construed and enforced in accordance with and governed by California law.

26 15. Full Integration

27 Each of the parties represents, warrants, and agrees that in executing this Consent Order it has relied
28 solely on the statements set forth herein and the advice of its own counsel. Each of the parties

1 further represents, warrants, and agrees that in executing this Consent Order it has placed no
2 reliance on any statement, representation, or promise of any other party, or any other person or
3 entity not expressly set forth herein, or upon the failure of any party or any other person or entity to
4 make any statement, representation or disclosure of anything whatsoever. The parties have included
5 this clause: (1) to preclude any claim that any party was in any way fraudulently induced to execute
6 this Consent Order; and (2) to preclude the introduction of parol evidence to vary, interpret,
7 supplement, or contradict the terms of this Consent Order.

8 16. Presumption from Drafting

9 In that the parties have had the opportunity to draft, review and edit the language of this Consent
10 Order, no presumption for or against any party arising out of drafting all or any part of this Consent
11 Order will be applied in any action relating to, connected to, or involving this Consent Order.
12 Accordingly, the parties waive the benefit of Civil Code section 1654 and any successor or
13 amended statute, providing that in cases of uncertainty, language of a contract should be interpreted
14 most strongly against the party who caused the uncertainty to exist.

15 17. Voluntary Agreement

16 Behrmann enters into this Consent Order voluntarily and without coercion and acknowledges that
17 no promises, threats or assurances have been made by the Commissioner or any officer, or agent
18 thereof, about this Consent Order.

19 18. Effective Date

20 This Consent Order shall not become effective until signed by all parties and delivered by the
21 Commissioner's counsel by email to Behrmann at Greg@mhhl.net.

22 19. Public Record

23 Behrmann acknowledges that this Consent Order is a public record.

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20. Authority to Execute

Each signatory hereto covenants that he/she possesses all necessary capacity and authority to sign and enter into this Consent Order.

Dated: 10/10/16

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

Dated: 10/7/16

GREGORY DANIEL BEHRMANN,
dba GOLDEN GATE MORTGAGE
