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BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA

In the Matter of:)	CFL FILE NO. 60DBO-35973
)	
THE COMMISSIONER OF BUSINESS OVERSIGHT,)	
)	ORDER DENYING FINANCE LENDER LICENSE APPLICATION
Complainant,)	
v.)	
)	
BOONRATE, INC.,)	
)	
Respondent.)	

The Commissioner of Business Oversight (“Commissioner”) finds that:

1. On or about June 9, 2014, BoonRate, a Delaware corporation, filed an application for a finance lender license with the Commissioner (CFL File No. 60DBO-35973; hereinafter "application") through the Nationwide Mortgage Licensing System (“NMLS”). Rick B. Lien (“Lien”) verified the application of BoonRate under penalty of perjury. The application identified Lien as the president and 100% owner of BoonRate.

2. In response to the Item K in the Disclosure Questions on Lien’s Form MU2 (filed through the NMLS), Lien stated that no regulatory agency has ever suspended or revoked his license. However, public records available from the California Bureau of Real Estate (“BRE;” formerly the Department of Real Estate) show that the BRE suspended Lien’s BRE salesperson

1 license on January 8, 1995, and revoked it on July 10, 1997. Lien’s BRE license was suspended
2 and revoked for violations of the Real Estate Law, Cal. Bus. & Prof. Code § 10000 et seq.

3 3. In response to Item F in the Disclosure Questions on Lien’s Form MU2, Lien
4 disclosed that he had pleaded nolo contendere on May 14, 2004, in a felony criminal matter
5 involving grand theft.

6 4. California Financial Code section 22170, subdivision (b), provides:

7 It is unlawful for any person to knowingly make an untrue statement to the
8 commissioner during the course of licensing, investigation, or examination, with
9 the intent to impede, obstruct, or influence the administration or enforcement of
10 any provision of this division.

11 5. California Financial Code section 22109, subdivision (a), provides, in pertinent
12 part:

13 Upon reasonable notice and opportunity to be heard, the commissioner may deny
14 the application for a finance lender or broker license for any of the following
15 reasons:

16 (1) A false statement of a material fact has been made in the application.

17 (2) The applicant or an officer, director, general partner, person responsible for the
18 applicant’s lending activities in this state, or person owning or controlling, directly
19 or indirectly, 10 percent or more of the outstanding interests or equity securities of
20 the applicant has, within the last 10 years, been convicted of or pleaded nolo
21 contendere to a crime, or committed an act involving dishonesty, fraud, or deceit, if
22 the crime or act is substantially related to the qualifications, functions, or duties of
23 a person engaged in business in accordance with this division.

24 (3) The applicant or an officer, director, general partner, person responsible for the
25 applicant’s lending activities in this state, or person owning or controlling, directly
26 or indirectly, 10 percent or more of the outstanding interests or equity securities of
27 the applicant has violated any provision of this division or the rules thereunder or
28 any similar regulatory scheme of the State of California or a foreign jurisdiction.

6. On March 18, 2014, the Commissioner granted Lien’s application for a mortgage
loan originator license (“MLO”) pursuant to the California Residential Mortgage Lending Act
(Fin. Code § 50000 et seq.). On his application for an MLO license filed through the NMLS, Lien
did not disclose his suspension and revocation by the BRE. The Commissioner only learned of the

1 suspension and revocation after Lien’s MLO license had been granted.

2 7. On December 17, 2014, the Commissioner issued a Notice of Intention to Issue
3 Order Denying Finance Lender License; Statement of Issues; Statement to Respondent; Notice of
4 Defense; and Government Code Sections 11507.5, 11507.6 and 11507.7 to BoonRate. BoonRate
5 was served with these documents on December 18, 2014, by mailing a copy of the documents via
6 certified mail to the mailing address BoonRate provided on its consent to service of process.

7 8. BoonRate has not requested a hearing and the time to request a hearing has expired.

8 NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the finance
9 lender license application filed by BoonRate, Inc. on June 9, 2014, is denied. This order is
10 effective as of the date hereof.

11 Dated: March 3, 2015

JAN LYNN OWEN
Commissioner of Business Oversight

13 By: _____
14 Mary Ann Smith
15 Deputy Commissioner
16 Enforcement Division
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