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BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA

In the Matter of:)	CRMLA LICENSE NO.: 413-0987
)	
THE COMMISSIONER OF BUSINESS)	ACCUSATION
OVERSIGHT,)	
)	
Complainant,)	
)	
v.)	
)	
CALIBER FUNDING LLC,)	
)	
Respondent.)	
)	
)	

The Complainant is informed and believes, and based upon such information and belief, alleges and charges Respondent as follows:

I

Introduction

1. Caliber Funding LLC ("Caliber") is licensed by the Commissioner of Business Oversight ("Commissioner" or "Complainant") as a residential mortgage lender and servicer pursuant to the California Residential Mortgage Lending Act ("CRMLA") (Fin. Code §50000 et seq.). Caliber had its principal place of business located at 6031 Connection Drive, Suite 200, Irving, Texas 75039.

II**Failure to File Annual Audit Reports****2013 Annual Audit Report**

2. Pursuant to Financial Code section 50200, all licensees under the CRMLA are required to file an annual audit report containing audited financial statements (“audit report”) within 105 days after the close of their fiscal year. CRMLA licensees are directed to file their audit reports with the Commissioner by uploading them into the National Mortgage Licensing System (“NMLS”). The fiscal year end for Caliber is December 31.

3. On or about December 10, 2013, Caliber was notified in writing by the Complainant that its audit report for the fiscal year end December 31, 2013 was due April 15, 2014. Caliber failed to submit the 2013 audit report by April 15, 2014.

4. On or about April 1, 2014, Caliber was notified through NMLS that it had not yet filed its 2013 audit report.

5. Caliber has yet to submit the 2013 audit report as required by Financial Code section 50200 either by uploading the audit report into NMLS or providing it directly to Complainant.

2014 Annual Audit Report

6. On or about December 16, 2014, Caliber was notified in writing by the Complainant that its audit report for the fiscal year end December 31, 2014 was due April 15, 2015. Caliber failed to submit the 2014 audit report by April 15, 2015.

7. On or about April 1, 2015, Caliber was notified through NMLS that it had not filed its 2014 audit report as required.

8. Caliber has yet to submit the 2014 audit report as required by Financial Code section 50200 either by uploading the audit report into NMLS or providing it directly to Complainant.

2015 Annual Audit Report

9. On or about December 2, 2015, Caliber was notified in writing by the Complainant that its audit report for the fiscal year end December 31, 2015 was due April 15, 2016. Caliber failed to submit the 2015 audit report by April 15, 2016.

11. Caliber has yet to submit the 2015 audit report as required by Financial Code section 50200 either by uploading the audit report into NMLS or providing it directly to Complainant.

III

Failure to File Annual Loan Reports

2013 Loan Report

12. Pursuant to Financial Code sections 50307 and 50401, all licensees under the CRMLA are required to file an annual Report of Principal Amount of Loans and Aggregate Amount of Loans Serviced, Report on Non-Traditional, Adjustable Rate and Mortgage Loan Products, and Mortgage Loan Survey, and Non-Traditional, Adjustable Rate and Mortgage Loan Survey (“Loan Reports”) on or before March 1 of each year for the preceding 12 month period ended December 31.

13. On or about February 24, 2014, Loan Report forms for the calendar year 2013 were sent to Caliber with a notice that the Loan Reports were due on April 4, 2014. Caliber failed to submit the Loan Reports by the April 4, 2014 deadline.

14. On or about September 3, 2014, Caliber was notified in writing that it had not filed its Loan Reports for 2013. A further set of Loan Report forms was included with the letter to Caliber.

15. On or about September 23, 2014, Caliber was again notified, this time through NMLS, that it had not filed its 2013 Loan Reports.

16.	Caliber has yet to submit the 2013 Loan Reports as by Financial Code sections 50307 and 50401.
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2014 Loan Report

17. On or about February 2, 2015, Loan Report forms for the calendar year 2014 were sent to Caliber with a notice that the Loan Reports were due on March 1, 2015. Caliber failed to submit the Loan Reports by the March 1, 2015 deadline.

18. On or about June 12, 2015, Caliber was notified in writing that it had not filed its Loan Reports for 2014 and Caliber was assessed a \$1,000.00 penalty pursuant to Financial Code section 50326 for failing to timely file its 2014 Loan Reports.

19. Caliber has yet to submit the 2014 Loan Reports as by Financial Code sections 50307 and 50401 or pay the penalty assessed pursuant to Financial Code section 50326.

2015 Loan Reports

20. On or about January 20, 2016, Loan Report forms for the calendar year 2015 were sent to Caliber with a notice that the Loan Reports were due on March 1, 2016. Caliber failed to submit the Loan Reports by the March 1, 2016 deadline.

21. On or about August 16, 2013, Caliber was notified through NMLS that it had not filed its 2015 Loan Reports.

22. Caliber has yet to submit the 2015 Loan Reports as by Financial Code sections 50307 and 50401.

IV

Failure to Pay Annual Assessments

2015/2016 Annual Assessment

23. On or about September 30, 2015, Caliber, through NMLS, was notified that its 2015/2016 annual assessment of \$1,000.00 was due on or before October 20, 2015.

24. Caliber has not paid the 2015/2016 annual assessment as required by Financial Code section 50401.

2016/2017 Annual Assessment

25. On or about September 28, 2016, Caliber, through NMLS, was notified that its 2016/2017 annual assessment of \$1,000.00 was due on or before October 19, 2016.

26. Caliber has not paid the 2016/2017 annual assessment as required by Financial Code section 50401.

V

Surrender Attempt

27. On or about August 1, 2013, Caliber requested surrender of its license through NMLS.

28. On or about August 2, 2013, Complainant notified Caliber by posting a license item in NMLS that Caliber must submit all the items noted in the Surrender Checklist located on the

NMLS Resource Center. Caliber failed to submit to Complainant any of the items set forth in the Surrender Checklist.

29. On or about March 18, 2014, Caliber again requested surrender of its license through NMLS.

30. On or about March 18, 2014, Complainant notified Caliber again by posting a license item in NMLS that Caliber must submit all the items noted in the Surrender Checklist in order to surrender its license. To date, Caliber has failed to submit to Complainant any of the items set forth in the Surrender Checklist.

VI

Revocation Statute

30. Financial Code section 50327 provides in pertinent part:

(a) The commissioner may, after notice and a reasonable opportunity to be heard, suspend or revoke any license, if the commissioner finds that:

(1) the licensee has violated any provision of this division or rule or order of the commissioner thereunder; or (2) any fact or condition exists that, if it had existed at the time of the original application for license, reasonably would have warranted the commissioner in refusing to issue the license originally.

VII

Conclusion

31 The Commissioner finds that, by reason of the foregoing, Caliber has repeatedly violated Financial Code sections 50200, 50307, and 50401, and based thereon, grounds exist to revoke the residential mortgage lender and servicer license of Caliber pursuant to Financial Code section 50327.

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VIII

Prayer

WHEREFORE, IT IS PRAYED that:

Pursuant to Financial Code section 50327, the residential mortgage lender and servicer
license of Respondent Caliber Funding LLC be revoked.

Dated: December 19, 2016
Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
Judy L. Hartley
Senior Counsel
Enforcement Division