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

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|----|------------------------------|---|------------------------------------|
| 12 | In the Matter of: |) | CFL FILE NO.: 60DBO-59316 |
| 13 | |) | |
| 14 | THE COMMISSIONER OF BUSINESS |) | |
| 15 | OVERSIGHT, |) | ACCUSATION IN SUPPORT OF NOTICE OF |
| 16 | |) | INTENT TO BAR RODGER PHILIP DOYLE |
| 17 | Complainant, |) | FROM EMPLOYMENT, MANAGEMENT OR |
| 18 | |) | CONTROL OF ANY FINANCE LENDER, |
| 19 | v. |) | BROKER, OR MORTGAGE LOAN |
| 20 | |) | ORIGINATOR PURSUANT TO |
| 21 | RODGER PHILIP DOYLE, |) | CORPORATIONS CODE SECTION 22169 |
| | |) | |
| | Respondent. |) | |
| | |) | |
| | |) | |

22 Complainant, the Commissioner of Business Oversight (Commissioner) alleges and charges
23 Respondent Rodger Philip Doyle as follows:

24 **I.**
INTRODUCTION

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26 1. The Commissioner seeks to bar Rodger Philip Doyle (Doyle) from any position of
27 employment, management or control with any finance lender, broker or mortgage loan originator
28 pursuant to section 22169 of the California Finance Lenders Law (CFLL) (Fin. Code, § 22000 et

1 seq.).¹ Grounds exist to bar Doyle because he: committed or caused a violation of Financial Code
2 section 22109 by making a false statement of material fact in a finance broker license application in
3 violation of section 22109, subdivision (a)(1); committed an act of dishonesty by making a false
4 statement on the application in violation of section 22109, subdivision (a)(2); and violated a similar
5 regulatory scheme of the State of California (i.e., the Real Estate Law) in violation of section 22109,
6 subdivision (a)(3). Additional grounds for a bar exist based on Doyle’s act of filing a false
7 application in violation of Financial Code section 22170, subdivision (b). Further, grounds for a bar
8 exist based on Doyle’s criminal conviction (i.e., grand theft) and Doyle’s past administrative
9 judgments suspending, revoking, and denying his petition for a real estate broker license --all of
10 which involved dishonesty, fraud or deceit, or were reasonably related to the qualifications, functions,
11 or duties of a person engaged in business under the CFLL.

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13 **II.**
14 **THE APPLICATION**

15 2. On or about July 27, 2016, Doyle filed an application for a finance broker license with
16 the Commissioner (File No. 60DBO-59316; hereinafter “application”) on behalf of Innova Lending
17 LLC (Innova), a Nevada limited liability company. Doyle verified the application of Innova under
18 penalty of perjury, and the application identified Doyle as the manager.

19 3. In response to Item 3a in the Statement of Identity and Questionnaire (Exhibit C of the
20 application), Doyle responded “No” to the following question:

21 Have you ever been named in any order, judgment or decree of any
22 court or any governmental agency or administrator, temporarily or
23 permanently restraining or enjoining you from engaging in or
continuing any conduct, practice or employment?

24 4. In addition, for Item 4b, Doyle responded “No” to the following question:

25 Have you ever been refused a license to engage in any business in
26 this state or any other state, or has any such license ever been
27 suspended, revoked, or surrendered subject to a settlement, or any

28 ¹ All further statutory references are to the Financial Code unless otherwise indicated.

1 other similar action?

2 5. For Item 5 of the Statement of Identity and Questionnaire, Doyle answered “No” to the
3 following question:

4 Have you ever been convicted of or pleaded nolo contendere to a
5 misdemeanor or felony other than minor traffic citations that do
6 not constitute a misdemeanor or felony offense?

7 6. Contrary to Doyle’s answer of “No,” Doyle’s records with the Department of Real
8 Estate (now known as the Bureau of Real Estate) show that his real estate broker license was revoked
9 (Case No. H-7148SF) and a restricted license was granted on that same day, effective July 27, 1995.
10 This initial action was based, in part, on Doyle’s arrangement of a personal loan from client funds.

11 7. On July 23, 1996, Doyle’s restricted license was suspended indefinitely for failure to
12 comply with continuing education requirements as required in Case No. H-7148SF.

13 8. On February 6, 1997, a default decision was rendered in Case No. H-7362SF revoking
14 Doyle’s restricted real estate broker license, effective March 6, 1997.

15 9. On November 16, 2010, Doyle also petitioned for reinstatement of his real estate
16 broker license. On May 8, 2015, Doyle’s petition for reinstatement was denied because he failed to
17 demonstrate that he had undergone sufficient rehabilitation to warrant reinstatement of the license. In
18 reaching his decision, the Real Estate Commissioner noted that Doyle, in his petition application,
19 failed to disclose his felony grand theft conviction which occurred in March 1997.

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21 **III.**
22 **GROUNDS TO BAR**

23 10. Financial Code section 22170, subdivision (b), provides:

24 It is unlawful for any person to knowingly make an untrue statement to the
25 commissioner or the Nationwide Mortgage Licensing System and Registry
26 during the course of licensing, investigation, or examination, with the
27 intent to impede, obstruct, or influence the administration or enforcement
28 of any provision of this division.

11. Financial Code section 22109, subdivision (a), describes various violations upon

1 which the commissioner may deny an application. That section provides, in pertinent part:

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

- 5 (1) A false statement of a material fact has been made in the application.
- 6 (2) The applicant or an officer, director, general partner, person responsible for
7 the applicant's lending activities in this state, or person owning or
8 controlling, directly or indirectly, 10 percent or more of the outstanding
9 interests or equity securities of the applicant has, within the last 10 years,
10 been convicted of or pleaded nolo contendere to a crime, or committed an
11 act involving dishonesty, fraud, or deceit, if the crime or act is substantially
12 related to the qualifications, functions, or duties of a person engaged in
13 business in accordance with this division.
- 14 (3) The applicant or an officer, director, general partner, person responsible for
15 the applicant's lending activities in this state, or person owning or
16 controlling, directly or indirectly, 10 percent or more of the outstanding
17 interests or equity securities of the applicant has violated any provision of
18 this division or the rules thereunder or any similar regulatory scheme of the
19 State of California or a foreign jurisdiction.

20 12. Financial Code section 22169 provides, in pertinent part:

- 21 (a) The commissioner may, after appropriate notice and opportunity for
22 hearing, by order, censure or suspend for a period not exceeding 12
23 months, or bar from any position of employment, management or control
24 any finance lender, broker, mortgage loan originator, or any other person, if
25 the commissioner finds either of the following:
- 26 (1) That the censure, suspension or bar is in the public interest and that the
27 person committed or caused a violation of this division or rule or order of
28 the commissioner, which violation was either known or should have been
known by the person committing or causing it or has caused material
damage to the finance lender, broker, mortgage loan originator, or to the
public.
- (2) That the person has been convicted of or pleaded nolo contendere to any
crime, or has been held liable in a civil action by final judgment, or any
administrative judgment by any public agency, if that crime or civil or
administrative judgment involved any offense involving dishonesty, fraud,
or deceit, or any other offense reasonably related to the qualifications,
functions, or duties of a person engaged in the business in accordance with
the provisions of this division.

1 13. Under Financial Code section 22169, subdivision (a)(1), the Commissioner finds that a
2 bar is in the public interest given the multiple violations of law including Financial Code section
3 22109, subdivision (a), based on Doyle’s false statements, made under penalty of perjury, which were
4 known or should have been known by Doyle, as manager of the applicant, Innova. Doyle responded
5 “No” when asked about prior administrative judgments, prior actions against a license, and prior
6 criminal convictions. By answering “No” to those questions, Doyle made a false statement of
7 material fact on a finance broker license application and committed an act of dishonesty by making a
8 false statement on that license application, in violation of section 22109, subdivision (a)(1) and (2).

9 14. Similarly, Doyle violated Financial Code section 22170, subdivision (b), when making
10 a false statement on that license application to influence the Commissioner’s decision thereby
11 violating section 22109, subdivision (a)(3) and section 22169, subdivision (a)(1).

12 15. In addition, the Bureau of Real Estate suspended, revoked and denied a petition to
13 reinstate, Doyle’s real estate broker license. Doyle also violated a similar regulatory scheme
14 administered by the Bureau of Real Estate. Therefore, Doyle violated Financial Code section 22109,
15 subdivision (a)(3).

16 16. With respect to Financial Code section 22169, subdivision (a)(2), further grounds exist
17 to bar Doyle. Doyle was subject to administrative actions by the Bureau of Real Estate suspending,
18 revoking and denying his petition for, a real estate broker license, with these actions taking place
19 between 1995 and 2015. Moreover, Doyle was convicted of felony grand theft in 1997. These
20 administrative judgments, and the criminal conviction, involve dishonesty, fraud or deceit, or are
21 reasonably related to the qualifications, functions, or duties of a person engaged in the business under
22 the CPLL.

23 17. The findings set forth above constitute grounds under Financial Code section 22169,
24 subdivisions (a) (1) and (a)(2), to bar Rodger Philip Doyle from any position of employment,
25 management, or control of a finance lender, broker, or mortgage loan originator, and the
26 Commissioner provides notice of her intention to do so.

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**IV.
CONCLUSION**

WHEREFORE, based on the foregoing, the Commissioner prays for an order barring Rodger Philip Doyle from any position of employment, management or control of a finance lender, broker, or mortgage loan originator.

Dated: May 16, 2017

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
TIMOTHY L. Le BAS
Senior Counsel
Enforcement Division