

1 MARY ANN SMITH
Deputy Commissioner
2 SEAN M. ROONEY
Assistant Chief Counsel
3 JUDY L. HARTLEY (CA BAR NO. 110628)
Senior Corporations Counsel
4 Department of Business Oversight
320 West 4th Street, Ste. 750
5 Los Angeles, California 90013-2344
Telephone: (213) 576-7604 Fax: (213) 576-7181

6 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA

10
11 In the Matter of the Statement of Issues of THE) NMLS No: 516007
COMMISSIONER OF BUSINESS)
12 OVERSIGHT,) Sponsor File No.: 603-8780
13)
Complainant,) STATEMENT OF ISSUES
14)
vs.)
15)
16 DEANDRE DEWAYNE HUGHES,)
Respondent.)
17)
18)
19)

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

22 I
23 INTRODUCTION

24 The proposed order seeks to deny the issuance of a mortgage loan originator license to
25 DeAndre Dewayne Hughes ("Hughes") pursuant to Financial Code section 22109.1 in that Hughes
26 has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud,
27 dishonesty, or a breach of trust, or money laundering.
28

II

THE APPLICATION

On or about March 22, 2013, Respondent filed an application for a mortgage loan originator license with the Commissioner of Business Oversight (“Complainant” or “Commissioner”) pursuant to the California Finance Lenders Law (“CFL”) (Fin. Code § 22000 et. seq.), in particular, Financial Code section 22105.1. Hughes was not employed at the time of the application. The application was submitted to the Commissioner by filing Form MU4 through the Nationwide Mortgage Licensing System (“NMLS”). Hughes later amended his application on or about June 10, 2013 to note that he was now employed by CashCall, Inc. as a mortgage loan originator. CashCall, Inc. is a lender licensed by the Commissioner under the CFL. Hughes is no longer employed with CashCall, Inc.

Form MU4 under Disclosure Questions at (F)(1) specifically asked: “Have you been convicted of or pled nolo contendere (“no contest”) in a domestic, foreign, or military court to any felony? Hughes answered “yes”. In providing details about the felony case, Hughes stated that it was “Grand theft auto – driving vehicle more than law limit of 15 feet. Was convicted of auto theft after moving a vehicle that was not owned by me more than legal limit of 15 feet. I drove the vehicle in question from one side of the block to the other, to allow some room for my cousin to move his vehicle from a parked position. I NEVER ACTUALLY STOLE ANY VEHICLE. District attorney pressed charges. 3 years probation, community service, \$500 fine. Was released from jail after serving 26 days in custody, and while working, attempted to complete 142 days of community service unsuccessfully. . . “ Hughes signed the Form MU4 swearing that the answers were true and complete to the best of his knowledge.

III

CRIMINAL CONVICTION

Hughes stated in the Form MU4 that he had been convicted of felony grand theft auto in March 2002. The documentation obtained by the Commissioner during the application process disclosed that Hughes on or about March 22, 2002 in Los Angeles County Superior Court pled guilty to violating Penal Code 487(d); felony grand theft auto.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Financial Code section 22109.1 provides in relevant part:

(a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes, at a minimum, the following findings:

...

(2) (A) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensing and registration, or at any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

IV

CONCLUSION

Complainant finds, by reason of the foregoing, that Hughes has been convicted of or pled guilty to Penal Code section 487(d); Grand Theft Auto, which constitutes a felony involving an act of dishonesty.

THEREFORE, Complainant asserts that she is mandated under Financial Code section 22109.1 to deny Hughes' mortgage loan originator application.

WHEREFORE IT IS PRAYED that the mortgage loan originator application filed by Hughes on or about March 22, 2013 be denied.

Dated: October 22, 2014
Los Angeles, CA

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
Judy L. Hartley
Senior Corporations Counsel