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

12)
13 In the Matter of the Statement of Issues) NMLS ID NO.: 485567
THE COMMISSIONER OF BUSINESS)
14 OVERSIGHT,) STATEMENT OF ISSUES
15)
Complainant,)
16)
vs.)
17)
18 ORY RAMIREZ,)
Respondent.)
19)
20)

21 The Commissioner of Business Oversight (Commissioner) proposes to issue an order
22 denying the Mortgage Loan Originator (MLO) application of Respondent Ory Ramirez (NMLS ID
23 No. 485567) (Ramirez) under the California Residential Mortgage Lending Act (Fin. Code §
24 50000 et seq.) (CRMLA). The Commissioner’s investigation of Ramirez’s application revealed
25 that Mr. Ramirez was convicted of felony fraud, and as such, the Commissioner intends to deny
26 Ramirez’s MLO application under Financial Code section 50141, subdivision (a)(2)(a).

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I.
Facts

The Commissioner of Business Oversight is informed and believes, and based upon such information and belief, alleges and charges Ramirez as follows:

1. On or about September 1, 1994, the United States District Court for the Central District of California entered a judgment against Ramirez for mail fraud, in violation of Title 18, United States Code section 1341.

2. The judgment ordered Ramirez to serve forty-six months in the Federal Bureau of Prisons.

3. On or about November 27, 2017, Ramirez applied for an MLO license.

4. During the application process, Ramirez disclosed to the Commissioner that he had been convicted of or plead guilty to a felony.

5. Ramirez further disclosed to the Department that for a period of six months in 1989 and 1990, he submitted inflated bills to the Medi-Cal program, and that it was for this conduct that the September 2, 1994 judgment was entered against him.

6. Ramirez also noted in his submission to the Department that he “knew it was wrong” to submit inflated bills to the Medi-Cal program.

II.
Law

Financial Code section 50141, subdivision (a)(2)(a) provides that the Commissioner “shall deny an application for a mortgage loan originator license unless” the Commissioner finds that the applicant “has not... been convicted of... a felony in a domestic... court... at any time preceding the date of application, if such felony involved an act of fraud” or “dishonesty.”

As discussed above, Ramirez was convicted of mail fraud under Title 18, United States Code section 1341, which prohibits using the U.S. Postal Service for “any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises...” A violation of section 1341 carries a maximum sentence of twenty

1 years. (*Id.*) Under Title 18, United States Code section 3559(a)(3), an offense with a maximum
2 prison term of less than twenty-five years but ten or more years is a Class C felony.

3 The Commissioner finds, by reason of the foregoing, that Ramirez was convicted of an act
4 of “fraud” within the meaning of Financial Code section 50141, subdivision (a)(2)(a), because he
5 committed fraud by submitting inflated bills to the Medi-Cal program. These acts also involved
6 “dishonesty” within the meaning of Financial Code section 50141, subdivision (a)(2)(a), because
7 Mr. Ramirez stated to the Department that he submitted inflated bills even though he knew it was
8 wrong to do so. Ramirez was convicted of a felony for these fraudulent and dishonest acts on
9 September 1, 2012, and therefore, under Financial Code section 50141, subdivision (a)(2)(a), the
10 Commissioner must deny Ramirez’s MLO license application.

11 **III.**
12 **Conclusion**

13 WHEREFORE IT IS PRAYED that an order issue denying Respondent Ory Ramirez’s
14 application for an MLO license.

15 Dated: July 2, 2018
16 San Francisco, California

JAN LYNN OWEN
Commissioner of Business Oversight

17 By _____
18 Charles Carriere
19 Counsel
20 Enforcement Division