

1 PRESTON DUFAUCHARD  
California Corporations Commissioner  
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Deputy Commissioner  
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8 BEFORE THE DEPARTMENT OF CORPORATIONS  
9 OF THE STATE OF CALIFORNIA

10 THE CALIFORNIA CORPORATIONS ) File No.: 4130950  
COMMISSIONER, )  
11 Complainant, ) **ORDER REVOKING RESIDENTIAL**  
12 ) **MORTGAGE LENDER AND MORTGAGE**  
13 v. ) **SERVICER LICENSE**  
14 SUNSHINE MORTGAGE CORPORATION )  
15 Respondent. )  
16 )  
17 )

18 The California Corporations Commissioner finds:

19 1. Respondent SUNSHINE MORTGAGE CORPORATION ("SMC") is a residential  
20 mortgage lender and mortgage loan servicer licensed by the Commissioner pursuant to the California  
21 Residential Mortgage Lending Act (California Financial Code, § 50000 *et seq.*) ("CRMLA"). SMC  
22 has its principal place of business located at 2401 Lake Park Drive, Suite 300, Smyrna, Georgia,  
23 30080.

24 2. Pursuant to California Financial Code sections 50307 and 50401 and California Code  
25 of Regulations, title 10, section 1950.314.8, all licensees under the CRMLA are required to file the  
26 following annual reports with the Commissioner: (1) Report of Principal Amount of Loans and  
27 Aggregate Amount of Loans Serviced ("Activity Report"); (2) Report on Non-traditional, Adjustable  
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1 Rate and Mortgage Loan Products (“Non-traditional Report”); and (3) Non-traditional, Adjustable  
2 Rate and Mortgage Loan Survey (“Survey”). The Activity Report, Non-traditional Report, and  
3 Survey must be filed with the Commissioner on or before March 1st of each year for the preceding  
4 twelve (12) month period ending December 31.

5 3. On or about January 23, 2009, an Activity Report form, Non-traditional Report form  
6 and Survey were sent to all CRMLA licensees, including SMC, with a notice stating that these  
7 reports were due on or before March 1, 2009. The Commissioner assessed a penalty of \$1000.00 for  
8 the failure to submit these reports on or about May 22, 2009. To date, SMC has not submitted the  
9 Activity Report, the Non-traditional Report or the Survey to the Commissioner and paid the assessed  
10 penalty.

11 4. To date, SMC has not submitted the Activity Report, the Non-traditional Report, and  
12 the Survey to the Commissioner, and paid the assessed penalty.

13 5. Pursuant to California Financial Code section 50200, all licensees under the CRMLA  
14 are required to file audited financial statements (“Audited Report”) with the Commissioner. SMC  
15 was required to submit its Audited Report for its fiscal year ending December 31, 2008 to the  
16 Commissioner.

17 6. On or about December 23, 2008 and April 20, 2009, a reminder notice was issued to  
18 SMC reminding SMC that these reports were due to be filed with the Commissioner on or before  
19 April 15, 2009. SMC did not submit the Audited Report to the Commissioner, despite this reminder  
20 notice.

21 7. On or about June 10, 2009, the Commissioner assessed a penalty of \$1000.00 for  
22 failure to submit the Audited Report pursuant to California Financial Code section 50326. To date,  
23 SMC has not submitted the Audited Report to the Commissioner and paid the assessed penalty.

24 8. California Financial Code section 50205(a) states “[a] licensee shall maintain a surety  
25 bond in accordance with this subdivision.” SMC has failed to maintain its surety bond as required by  
26 that section. On or about January 12, 2009, the Commissioner received a Notice of Cancellation  
27 Non-Renewal of SMC’s surety bond from Hartford Insurance Company. The date of cancellation of  
28 the surety bond was February 25, 2009.

1           9.       On or about April 13, 2009, the Commissioner issued an Order To Discontinue  
2 Residential Mortgage Lending And/Or Servicing Activities Pursuant California Financial Code  
3 section 50319 to SMC. To date, the surety bond has not been reinstated or replaced, and the Order To  
4 Discontinue Residential Mortgage Lending And/Or Servicing Activities Pursuant California  
5 Financial Code section 50319 remains in effect.

6           10.       Failure to file the Activity Report, Non-traditional Report, Survey, Audit Report and  
7 Report on Internal Controls, maintain a valid surety bond and/or pay assessed penalties are grounds  
8 under California Financial Code section 50327 for the revocation of a license issued under the  
9 CRMLA.

10          11.       On September 1, 2009, the Commissioner issued a Notice of Intention to Issue Order  
11 Revoking Residential Mortgage Lender License, Accusation and accompanying documents against  
12 SMC based upon the above, and SMC was served with those documents on September 1, 2009, at its  
13 licensed location on file with the California Department of Corporations. The Department has not  
14 received a request for hearing from SMC and the time to request a hearing has expired.

15               NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the residential  
16 mortgage lender and mortgage servicer license issued by the Commissioner to SUNSHINE  
17 MORTGAGE CORPORATION, is hereby revoked. This order is effective as of the date hereof.  
18 Pursuant to California Financial Code section 50311, SUNSHINE MORTGAGE CORPORATION,  
19 has sixty (60) days within which to complete any loans for which it had commitments.

20 DATED: October 14, 2009  
21 Sacramento, CA

PRESTON DuFAUCHARD  
California Corporations Commissioner

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23  
24 By \_\_\_\_\_  
25 Alan S. Weinger  
26 Deputy Commissioner  
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