

1 MARY ANN SMITH
Deputy Commissioner
2 MIRANDA LEKANDER
Assistant Chief Counsel
3 TIMOTHY L. Le BAS (State Bar No. 135565)
Senior Counsel
4 Department of Business Oversight
1515 K Street, Suite 200
5 Sacramento, California 95814
Telephone: (916) 322-2050
6 Facsimile: (916) 455-6985

7 Attorneys for Complainant

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

11 In the Matter of:) NMLS NO. 156125
12)
13 THE COMMISSIONER OF BUSINESS) ACCUSATION TO BAR ROBIN TALIA
14 OVERSIGHT,) FROM EMPLOYMENT, MANAGEMENT
15) OR CONTROL OF ANY RESIDENTIAL
16) MORTGAGE LENDER, RESIDENTIAL
17) MORTGAGE LOAN SERVICER, OR
18) MORTGAGE LOAN ORIGINATOR
19) PURSUANT TO FINANCIAL CODE
20) SECTION 50318
21)
22)
23)
24)
25)
26)
27)
28)

19 The Complainant, the Commissioner of Business Oversight (Commissioner), files this
20 Accusation to bar Robin Talia (Talia) from any position of employment, management or control of
21 any residential mortgage lender, residential mortgage servicer, or mortgage loan originator pursuant
22 to Financial Code section 50318. The Commissioner alleges and charges as follows:

23 **I.**

24 **STATEMENT OF FACTS**

25 1. The Commissioner licenses and regulates mortgage loan originators, residential
26 mortgage lenders, and residential mortgage servicers under the California Residential Mortgage
27 Lending Act (CRMLA) (Fin. Code, § 50000 et seq.). To become licensed by the Commissioner as a
28

ACCUSATION TO BAR ROBIN TALIA FROM EMPLOYMENT, MANAGEMENT OR
CONTROL OF RESIDENTIAL MORTGAGE LENDER, RESIDENTIAL MORTGAGE LOAN
SERVICER, OR MORTGAGE LOAN ORIGINATOR PURSUANT TO FINANCIAL CODE
SECTION 50318

1 mortgage loan originator, an individual must submit a uniform application form (known as the MU2
2 or MU4 form) through the Nationwide Mortgage Licensing System & Registry (NMLS). Persons
3 applying for a license as residential mortgage lender or residential mortgage servicer must submit a
4 form known as the MU1. The NMLS contains a detailed set of instructions for filing license
5 applications, including a checklist of items to be completed by the applicant. That checklist states:

6 THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE
7 REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING.
8 THE AGENCY SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR
9 GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH THE NMLS.
10 SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

11 2. As stated in the application instructions, the applicant is responsible for the
12 requirements of an application including its contents. Despite instructions designed to facilitate the
13 application process for an individual, Talia failed to file a complete application through the NMLS
14 that would enable him to operate as a MLO, or as a residential mortgage lender or residential
15 mortgage servicer. Instead, Talia has engaged in a pattern of conduct intended to impede, obstruct
16 or influence the Commissioner’s administration of the licensing process in violation of Financial
17 Code section 50512. Talia has also engaged in unlicensed activity in violation of Financial Code
18 section 50002.

19 **II.**

20 **THE MLO LICENSE APPLICATION**

21 3. Talia applied to the Department of Business Oversight (Department) for an MLO
22 license on September 8, 2016. From September 8, 2016 to October 11, 2016, Talia submitted 24
23 amended application filings through the NMLS.

24 4. On October 12, 2016, the Commissioner approved his license application as
25 “Approved - Inactive,” in accordance with the NMLS guidelines, because Talia was not yet
26 employed (or sponsored) by a residential mortgage lender or residential mortgage servicer. On that
27 same date, the NMLS system notified Talia that he would need to complete his continuing education
28 requirements.

1 5. On or about October 14, 2016, Talia telephoned a staff person employed by the
2 Department (Employee 1). Talia requested Employee 1 to remove the two application deficiencies,
3 or “license items,” that prevented him from obtaining active status; these deficiencies were: (1)
4 failing to be employed by a residential mortgage lender or residential mortgage servicer, and (2)
5 failing to complete continuing education.

6 6. When Employee 1 informed Talia that the license items would be removed from the
7 NMLS once he completed both requirements, Talia stated, “I and my licensing department will
8 continue to create application amendments, make phone calls, and send e-mails until all phone and
9 computer inboxes are flooded . . . and you don’t want that, do you?” When Employee 1 offered to
10 help him, Talia responded by yelling. As a result of Talia’s threatening tone, Employee 1
11 disconnected the call.

12 7. After threatening to flood the NMLS with application filings, Talia made 188 filings
13 under the NMLS identification number of 156125 from October 12, 2016 to January 26, 2017. Of
14 those 188 filings, 157 of them (84 percent of the filings) contained no new application information.
15 In one day alone (October 12, 2016), Talia submitted 45 filings of which 41 (91 percent of the
16 filings) contained no new application information. Under his more recent application (number
17 1583783), Talia made six filings between December 31, 2016 and January 10, 2017; two of which
18 contained no new application information.

19 8. In addition to flooding the NMLS with multiple filings, Talia failed to file true and
20 accurate information contrary to his attestation. Talia attested under penalty of perjury that
21 application information was current, true, and correct. On December 31, 2016, Talia made a filing
22 (number 1583783) using a social security number that was different from the social security number
23 used under identification number 156125. Moreover, on his MLO filings (number 156125), Talia
24 provided five different first names using different spelling and font size: ROB TALIA, ROBIN
25 TALIA, Rob R Talia, Rob Talia, and Robin Talia. Talia’s MLO filing (number 156125) dated
26 January 26, 2017, still does not contain his full legal name but states “Rob R Talia.”
27
28

1 9. Since October 12, 2016, when his application was designated as “Approved -
2 Inactive,” Talia has not identified on any filing an employing entity that is exempt from or licensed
3 under the CRMLA. Talia’s MLO license expired on December 31, 2016.

4 **III.**

5 **EXEMPT COMPANY APPLICATION**

6 10. To be approved to operate as an MLO in this state, an applicant must be employed (or
7 sponsored) by a licensed residential mortgage lender, a licensed residential mortgage servicer, or a
8 person that is exempt from licensing. Persons that are exempt from the CRMLA may register with
9 the Commissioner as an exempt company for the purpose of sponsoring an MLO. (Fin. Code, §
10 50002.) Exempt companies include, but are not limited to, state-chartered banks and trust
11 companies. The requirements for obtaining exempt status are set forth on the NMLS website, which
12 provides detailed instructions including a checklist of items to complete. Among these items, the
13 applicant must obtain a letter from the Department’s legal division, confirming the exemption status.

14 11. On October 3, 2016, Talia applied for exempt company status through the NMLS,
15 using identification number 1529775. From October 3, 2016 to October 11, 2016, Talia made 10
16 filings on behalf of non-exempt entities including Home Base Home Loans, Inc., Homebase
17 Brokerage, and Home Base Home Loans, Inc. D/B/A Homebase Holdings. On October 11, 2016,
18 another Department staff person, Employee 2, provided notice on the NMLS that Talia’s application
19 filings were deficient and did not include a letter to address whether Homebase Brokerage was an
20 exempt entity.

21 12. On October 14, 2016, Talia used privately obtained information to contact Employee
22 2 during hours outside of employment. Although Employee 2 did not provide her personal cell
23 phone number to him, Talia called Employee 2 on her personal cell after work on October 14, 2016.
24 Talia called Employee 2 approximately 18 times during non work hours. Employee 2 took only one
25 call from Talia, who complained, in a forceful tone, about his inability to become registered as an
26 exempt entity.

27 ///

28 ///

1 13. From 11:20 a.m. to 2:30 p.m. on Saturday, October 15, 2016, Talia called Employee
2 2 on her personal cell phone approximately 118 times. Talia also called Employee 2 on her home
3 landline as well as the personal cell phone of Employee 2's daughter. Talia's intimidating conduct
4 compelled Employee 2 to purchase a new cell phone, and block Talia's phone number on her
5 landline. Employee 2's daughter also found it necessary to block Talia's number from her personal
6 phone. After Employee 2 filed a police report with the Anaheim Police Department. Talia was
7 warned by law enforcement that he could be arrested if he continued to victimize Employee 2 and
8 her daughter.

9 14. In addition to harassing Employee 2 at home, Talia harassed this same employee
10 while she was working for the Department during business hours. For example, on October 17,
11 2016, Talia called the state telephone number of Employee 2 multiple times in an attempt to contact
12 her. Between October 14, 2016 and October 17, 2016, he also sent several electronic mail messages
13 (e-mails) to Employee 2, concerning the exempt company application. These e-mails were often
14 forwarded transcripts of previous e-mails that provided no information required for the application.
15 In one episode, Talia sent the same electronic mail messages to Employee 2 and other staff 35 times
16 between 11:41 a.m. and 11:48 a.m. on October 17, 2016. Talia's e-mails contained no new
17 application information.

18 15. From October 4, 2016 to October 13, 2016, Talia called and e-mailed Department
19 staff member Employee 3 numerous times concerning his pending applications. For example, on
20 October 13, 2016, Employee 3 received over 20 copies of the same e-mail from Talia in her in-box.
21 None of these telephone calls (including voice mails) or e-mails from Talia contained new
22 information relevant to his pending application forms.

23 16. Talia's communications with Department employees during and outside of work
24 hours, conveyed through hundreds of telephone calls and e-mails, were so frequent and disruptive
25 that the Department was compelled to direct Talia to make any and all future inquiries through its
26 legal counsel as a single point of contact.

27 ///

28 ///

1 uploaded this document in NMLS, so as to disclose the disapproved license status of Homebase
2 Trust Company.

3 22. On November 10, 2016, Talia uploaded into the NMLS a letter from the Nevada
4 Secretary of State granting a license to use the name of “Homebase Trust Company.” However, on
5 November 29, 2016, Talia received a follow-up letter from the Nevada Secretary of State
6 disapproving the proposed company name. Yet, Talia never submitted this disapproval letter to the
7 Department or through the NMLS system, to disclose the disapproved name of Homebase Trust
8 Company.

9 23. On November 10, 2016, the Department issued a letter to Talia concluding that
10 Homebase Trust Company was not a state-chartered trust company and, therefore, not an exempt
11 company under the CRMLA. Due to Talia’s failure to completely disclose information (including
12 letters of disapproval), the Department conducted its own investigation as to how Homebase Trust
13 Company obtained a license from the Nevada Secretary of State.

14 24. On November 14, 2016, Talia also uploaded in NMLS a request to the California
15 Secretary of State to use the name of Homebase Trust Company in California. However, on
16 November 21, 2016, the California Secretary of State issued a follow-up letter to Talia disapproving
17 the use of the name Homebase Trust Company in California. Yet, Talia never submitted this letter
18 to the Department or to the NMLS to set the record straight as to the company’s name status in
19 California.

20 ///

21 ///

22 ///

23

24

25

26

27

28

V.

THE CRMLA APPLICATIONS

25. From October 4, 2016 to December 31, 2016, Talia submitted six applications through the NMLS to become licensed as a residential mortgage lender or servicer. All of these applications were deficient. Of the six applications, Talia failed to either pay the application fee or file the correct application form as follows:

NMLS Nos.	Application For	Application Filed	Deficiency
1551498	Branch	10/4/16	Missing main company application form
1551920	Branch	10/7/16	Missing main company application form
1553681	Branch	10/7/16	Missing main company application form
1555305	Branch	11/10/16	Missing main company application form and failed to pay filing fee
1577225	Branch	12/31/16	Failed to pay filing fee
1569249	Main	12/31/16	Failed to pay filing fee

Again, Talia made multiple filings for the above applications, without providing any new information. For example, for application numbers 1551498 and 1551920, Talia made 35 filings of which 16 filings (46 percent) contained no new application information. For application 1551920, 12 of 18 filings (66 percent) set forth no new information.

VI.

UNLICENSED ACTIVITY

26. Financial Code section 50002, subdivision (a) provides:

No person shall engage in the business of making residential mortgage loans or servicing residential mortgage loans, in this state, without first obtaining a license

...

Engage in the business, under Financial Code section 50003(g), includes dissemination to the public by means of any communication of any information relating to the making or services of residential mortgage loans, or specified.

1 27. On or about August 9, 2016, Talia established another company, Homebase
2 Brokerage, a company of unknown origin. Although Homebase Brokerage is not licensed by the
3 Department, Talia has held the company out as being engaged in the business of making loans. A
4 public Facebook page for Homebase Brokerage stated that it is a finance company, mortgage broker,
5 and residential real estate lender/broker. A review of the Facebook page of Homebase Brokerage
6 shows Talia as a Branch Manager. The Yellow Pages' webpage for Homebase Brokerage also
7 discloses mortgage services and provides contact information including a phone number, address,
8 and hours of business.

9 VII.

10 GROUNDS TO BAR

11 28. Financial Code section 50318, subdivision (a)(1), gives the Commissioner authority
12 to bar individuals from any position of employment, management, or control of any residential
13 mortgage lender, residential mortgage servicer, or mortgage loan originator and provides in relevant
14 part:

15 (a) The commissioner may, after appropriate notice and opportunity for hearing,
16 by order censure or suspend for a period not exceeding 12 months, or bar from
17 any position of employment, management, or control any residential mortgage
18 lender, residential mortgage loan servicer, or mortgage loan originator, or any
19 other person, if the commissioner finds either of the following:

18 (1) That the censure, suspension, or bar is in the public interest and that the person
19 has committed or caused a violation of this division or rule or order of the
20 commissioner, and (A) the violation was either known or should have been
21 known by the person committing or causing it....

21 VIII.

22 TALIA'S VIOLATIONS OF FINANCIAL CODE SECTIONS 50512 AND 50002

23 29. Financial Code section 50512, states:

24 (a) It is unlawful for any person to knowingly alter, destroy, mutilate, conceal,
25 cover up, falsify, or make a false entry in any record, document, or tangible object
26 with the intent to impede, obstruct, or influence the administration or enforcement
27 of any provision of this division.

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

(b) It is unlawful for any person to knowingly make an untrue statement to the commissioner during the course of licensing, investigation, or examination, with the intent to impede, obstruct or influence the administration or enforcement of any provision of this division.

30. With respect to Talia’s MLO application (number 156125), Talia threatened the Department that he would file amended applications to inundate the computer inboxes of staff. He carried out his threat by making 188 filings of which 157 contained no new application information. On one day alone, he submitted 45 filings of which 41 contained no new information. These numerous NMLS records contain false entries because they do not set forth additional information. These false entries by Talia, given their frequent nature, were intended to impede or obstruct or “flood” the electronic licensing system with a series of nuisance filings, and thereby prevent the Department’s staff from efficiently reviewing applications in accordance with Financial Code section 50141. Moreover, Talia used different social security numbers to create two separate applications; thus, he made another false entry in an NMLS record. He also failed to submit a correct legal first name on his most recent MLO application, and used various first names on the MLO filings.

31. Regarding his exempt company application (number 1529775), Talia further carried out his threat to saturate the electronic licensing system with amended application forms by making 58 filings of which 30 set forth no new information. These numerous filings contain false entries because they do not set forth additional information. Given their frequency, the filings were also intended to impede or obstruct the Department’s licensing process, including its ability to investigate and act on the application in accordance with Financial Code section 50141.

32. In addition, from October 4, 2016 to December 31, 2016, Talia applied six times for a residential mortgage lender or servicer license through the NMLS, without filing the correct application forms or paying the requisite filing fee. Filing multiple applications with insufficient information or lack of payment shows a pattern and practice of impeding and obstructing the Department’s ability to review and investigate the applications under Financial Code section 50126.

///
///

1 33. After filing an exempt company application, Talia carried out his threat to “flood” the
2 Department’s staff with multiple phone calls and e-mails. He harassed one staff member by calling
3 her after hours and on personal phones. As an example, on Saturday October 15, 2016, Talia called
4 the staff’s personal cell phone 118 times over a two-hour period. He subsequently bombarded her
5 state e-mail system, upon her return to work, with a large volume of e-mails. In one instance, Talia
6 sent 35 e-mail messages to Employee 2 in just eight minutes. These e-mails and telephone calls
7 provided no new information concerning the exempt company application. In fact, the first and only
8 call taken by that staff member disclosed that Talia was calling to complain about the lack of
9 application approval. Talia harassed another staff member using similar tactics to bury her with a
10 landslide of telephone calls and e-mails. Because Talia provided no new information on the pending
11 applications, his e-mails and telephone calls constitute false entries in a state record and an effort to
12 impede, obstruct, or otherwise influence the application approval process under Financial Code
13 section 50002.

14 34. In Talia’s request for exempt status on behalf of Homebase Trust Company, he
15 represented to the Commissioner and through NMLS that this entity was a state-chartered trust
16 company, a financial institution, and a bank holding company. He also uploaded this request on the
17 NMLS and attested under penalty of perjury to its accuracy. To the contrary, and inconsistent with
18 Talia’s representations, Homebase Trust Company is not and never has been a state-chartered trust
19 company, a financial institution, or a bank holding company. Accordingly, these false entries in
20 documents and untrue statements were intended to impede, obstruct, or influence the
21 Commissioner’s decision on whether to grant the exempt company registration to Talia under
22 Financial Code section 50002.

23 35. Talia also concealed documents during the exemption request process, which is
24 contrary to his NMLS attestation to provide complete and accurate information on a timely basis.
25 For example, at no time did Talia ever disclose that he merely applied for (but had not yet received
26 approval for) a trust company license and name in the State of Nevada. Although the exemption
27 request to the Department was made and filed through NMLS on October 19, 2016, Talia never
28

1 disclosed (to the Department or in NMLS system) a letter dated that same date from the Nevada
2 Department of Business and Industry which denied Talia's license as a trust company. Thus, Talia
3 concealed a record with the intent of impeding, obstructing, or in influencing the Commissioner's
4 decision on whether to grant the request for exempt company status to Talia under section 50002 of
5 the CRMLA.

6 36. On November 10, 2016, Talia uploaded in NMLS a letter from the Nevada Secretary
7 of State approving his trust company name. Yet, he never disclosed (to the Department or through
8 NMLS system) a follow-up letter dated November 24, 2016, from the Nevada Secretary of State
9 denying the use of the trust company name. Again, Talia concealed a record with the intent of
10 impeding, obstructing, or influencing the Commissioner's decision as to whether Homebase Trust
11 Company is an exempt company under Financial Code section 50002.

12 IX.

13 IT IS IN THE PUBLIC INTEREST TO BAR TALIA

14 37. Based on the foregoing, the Commissioner finds that Talia cannot be trusted to
15 provide complete, true, and accurate information on a timely basis to the Department. Talia
16 concealed key documents from the Commissioner, and made untrue statements, by claiming that
17 Homebase Trust Company was a state-chartered trust company in Nevada. Talia has also held
18 himself out as a mortgage lender or broker without being licensed by the Department, in violation of
19 Financial Code section 50002.

20 38. The Commissioner is of the further opinion that Talia engaged in obstructive behavior
21 with respect to the current licensing system and processes of the Department. Talia has failed to file
22 bona fide application forms or to act efficiently through the NMLS system and the Department's
23 application process. Talia filed 188 separate forms over a three-month period of which 157
24 contained no new application information. On one day alone, Talia submitted 45 filings to the
25 Department of which 41 contained no new information. He also failed to provide a correct legal first
26 name on his most recent MLO application, and used multiple social security numbers on two
27 separate applications. Talia also failed to file the correct filing forms and to pay filing fees on
28 multiple occasions.

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

39. Finally, the Commissioner finds that Talia engaged in abusive treatment of Department staff by harassing multiple employees during business and non-business hours and threatening to “flood” the Department with filings, e-mails, and phone calls. Talia continued to harass other staff after he was provided notice of additional information needed for his exempt company filing. For example, Talia called Employee 2’s personal cell phone 118 times over a two-hour period of time on a Saturday. He subsequently deluged her state e-mail system, upon her return to work, with multiple messages. In one instance, Talia sent 35 e-mails to a single Department employee in just eight minutes.

X.
CONCLUSION

The Commissioner’s action to bar Robin Talia pursuant to Financial Code section 50318 is in the public interest. Talia has knowingly committed or caused multiple violations of the CRMLA, including holding himself out as a residential mortgage lender without a license and harassing and threatening the Department’s staff in attempt to impede, obstruct or influence the processes administered by the Department.

WHEREFORE, the Commissioner informs Robin Talia of her intent to issue an order barring him from any position of employment, management or control of a residential mortgage lender, residential mortgage servicer, or mortgage loan originator.

Dated: March 9, 2017

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
TIMOTHY L. Le BAS
Senior Counsel
Enforcement Division