

1 ALAN S. WEINGER  
Deputy Commissioner  
2 TIMOTHY L. Le BAS (BAR NO. 135565)  
Senior Corporations Counsel  
3 Department of Corporations  
1515 K Street, Suite 200  
4 Sacramento, CA 95814  
5 Telephone (916) 322-2050 Fax (916) 445-6985

6 Attorneys for Complainant

7 BEFORE THE DEPARTMENT OF CORPORATIONS  
8 OF THE STATE OF CALIFORNIA

9  
10 In the Matter of the Statement of Issues of THE ) NMLS No.: 382845  
11 CALIFORNIA CORPORATIONS )  
12 COMMISSIONER, )  
13 Complainant, ) **ORDER DENYING MORTGAGE LOAN**  
14 vs. ) **ORIGINATOR LICENSE APPLICATION**  
15 BARRY TIKOTIN, )  
16 Respondent. )  
17 )

18  
19 The California Corporations Commissioner (“Commissioner”) finds that:

20 **I.**  
21 **INTRODUCTION**

22 On December 27, 2011, Complainant did not issue a mortgage loan originator license to  
23 Barry Tikotin ("Respondent" and/or “Tikotin”) pursuant to Financial Code section 50141 in that  
24 Tikotin pled guilty to a felony involving an act of fraud, dishonesty, a breach of trust, or money  
25 laundering. Financial Code section 50141 provides in relevant part:

26 The commissioner shall not issue a mortgage loan originator license  
27 unless the commissioner makes at a minimum the following findings:

28 (b) The applicant has not been convicted of, or pled guilty or nolo  
contendere to, a felony in a domestic, foreign, or military court

1 during the seven-year period preceding the date of the application  
2 for licensing and registration, **or at any time preceding the date of**  
3 **application, if such felony involved an act of fraud, dishonesty, a**  
4 **breach of trust, or money laundering.** . . .[Emphasis added.]

## 5 II.

### 6 THE APPLICATION

7 On November 24, 2010, Respondent filed an application for a mortgage loan originator  
8 license with the California Corporations Commissioner (“Complainant” or “Commissioner”)  
9 pursuant to the California Residential Mortgage Lending Act (“CRMLA”) (Financial Code, §§  
10 50000 et. seq.), in particular, Financial Code section 50140. The application was for  
11 employment on behalf of Maverick Funding Corp as a mortgage loan originator, which has its  
12 principal place of business located at 20501 Ventura Boulevard, Woodland Hills, California  
13 91364. Tikotin submitted his application to the Commissioner by filing Form MU4 through the  
14 Nationwide Mortgage Licensing System (“NMLS”). Form MU4 at Question 8 (D)(1)  
15 specifically asked: “Have you ever been convicted of or pled guilty or nolo contendere (“no  
16 contest”) in a domestic, foreign, or military court to any felony?” Respondent answered “yes.”  
17 In providing details about his felony conviction, Respondent provided a two-page statement in  
18 which he admits to pleading guilty for providing false information in two loan applications and  
19 admits to making restitution for his crimes. The Respondent provided a copy of his Judgment  
20 and Probation/Commitment Order, Docket No. CR-94-1071-HLH, for the case of *United States*  
21 *of America vs. Barry Tikotin*. This order shows that on June 12, 1995, Respondent pled guilty to  
22 making false statements in a loan application, aiding and abetting, and causing an act to be done  
23 in violation of Title 18 United States Code (USC) Sections 1014 and 18 USC 2 (a) and 2 (b).  
24 Respondent signed the Form MU4 swearing that the answers were true and complete to the best  
25 of Respondent’s knowledge.

## 26 III.

### 27 CRIMINAL CONVICTION

28 As set forth above in section II, Respondent stated in his Form MU4 that he pled guilty to a  
felony on June 12, 1995. The documentation received by the Commissioner during the application

1 process disclosed that Respondent pled guilty to two counts of Title 18 USC Sections 1014 and 2 (a)  
2 and 2 (b) which make it unlawful to provide false information to influence action on a loan  
3 application, as specified, and aiding and abetting and acting as a principal in violation of the law, as  
4 specified. Tikotin was sentenced to 37 months on each count which are classified as felonies under  
5 Title 18 USC Section 3559. He was ordered to make restitution of \$579, 463.29, with Harold  
6 Tikotin, to Union Savings Bank in the amount of \$422,393.29 and United Savings Bank in the  
7 amount of \$157,070.00. Respondent was also placed on probation for a term of 5 years on each  
8 count under terms and conditions, as specified. Among the terms and conditions was a provision  
9 that prohibited Tikotin from being employed by, affiliated with, owning or controlling, or otherwise  
10 participating, directly or indirectly, in the conduct of the affairs of any financial institution insured  
11 by the Federal Deposit Insurance Corporation.

12 Complainant finds, by reason of the foregoing, that Respondent pled guilty to Title 18 USC  
13 Sections 1014 and 2 (a) and 2(b), making false statements in loan applications and aiding and  
14 abetting and acting as a principal in the violations of law, which constitute a felony involving an act  
15 of fraud or dishonesty.

16 **IV.**

17 **NOTICE OF INTENTION TO ISSUE ORDER**

18 On May 14, 2012, the Commissioner issued a Notice of Intention to Issue Order Denying  
19 Mortgage Loan Originator License Application and accompanying documents based on the above  
20 findings. Respondent was served with those documents on June 1, 2012 through personal service.  
21 The Commissioner has received no request for a hearing and the time to request a hearing has  
22 expired.

23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

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

**V.**

**CONCLUSION**

NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the mortgage loan originator license application of Barry Tikotin, as described above, is denied. This order is effective as of the date hereof.

Dated: June 22, 2012  
Sacramento, CA

JAN LYNN OWEN  
California Corporations Commissioner

By \_\_\_\_\_  
ALAN S. WEINGER  
Deputy Commissioner  
Enforcement Division

1 ALAN S. WEINGER  
Deputy Commissioner  
2 TIMOTHY L. Le BAS (BAR NO. 135565)  
Senior Corporations Counsel  
3 Department of Corporations  
1515 K Street, Suite 200  
4 Sacramento, CA 95814  
5 Telephone (916) 322-2050 Fax (916) 445-6985

6 Attorneys for Complainant

7 BEFORE THE DEPARTMENT OF CORPORATIONS  
8 OF THE STATE OF CALIFORNIA

9  
10 In the Matter of the Statement of Issues of THE ) NMLS No.: 382845  
11 CALIFORNIA CORPORATIONS )  
12 COMMISSIONER, )  
13 Complainant, ) **STATEMENT OF ISSUES IN SUPPORT OF**  
14 vs. ) **NON-ISSUANCE OF MORTGAGE LOAN**  
15 BARRY TIKOTIN, ) **ORIGINATOR LICENSE**  
16 Respondent. )  
17 )

18  
19 The Complainant is informed and believes, and based upon such information and belief,  
20 alleges and charges Respondent as follows:

21 **I.**

22 **INTRODUCTION**

23 On December 27, 2011, Complainant did not issue a mortgage loan originator license to  
24 Barry Tikotin ("Respondent" and/or "Tikotin") pursuant to Financial Code section 50141 in that  
25 Tikotin pled guilty to a felony involving an act of fraud, dishonesty, a breach of trust, or money  
26 laundering. Financial Code section 50141 provides in relevant part:

27 The commissioner shall not issue a mortgage loan originator license  
28 unless the commissioner makes at a minimum the following findings:

...

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

5  
6 **II.**  
7 **THE APPLICATION**

8 On November 24, 2010, Respondent filed an application for a mortgage loan originator  
9 license with the California Corporations Commissioner (“Complainant” or “Commissioner”)  
10 pursuant to the California Residential Mortgage Lending Act (“CRMLA”) (Financial Code, §§  
11 50000 et. seq.), in particular, Financial Code section 50140. The application was for  
12 employment on behalf of Maverick Funding Corp as a mortgage loan originator, which has its  
13 principal place of business located at 20501 Ventura Boulevard, Woodland Hills, California  
14 91364. Tikotin submitted his application to the Commissioner by filing Form MU4 through the  
15 Nationwide Mortgage Licensing System (“NMLS”). Form MU4 at Question 8 (D)(1)  
16 specifically asked: “Have you ever been convicted of or pled guilty or nolo contendere (“no  
17 contest”) in a domestic, foreign, or military court to any felony?” Respondent answered “yes.”  
18 In providing details about his felony conviction, Respondent provided a two-page statement in  
19 which he admits to pleading guilty for providing false information in two loan applications and  
20 admits to making restitution for his crimes. The Respondent provided a copy of his Judgment  
21 and Probation/Commitment Order, Docket No. CR-94-1071-HLH, for the case of *United States*  
22 *of America vs. Barry Tikotin*. This order shows that on June 12, 1995, Respondent pled guilty to  
23 making false statement in a loan application, aiding and abetting, causing an act to be done in  
24 violation of Title 18 United States Code (USC) Sections 1014 and 18 USC 2 (a) and 2 (b).  
25 Respondent signed the Form MU4 swearing that the answers were true and complete to the best  
26 of Respondent’s knowledge.

27 ///

28 ///

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

**III.**

**CRIMINAL CONVICTION**

As set forth above in section II, Respondent stated in his Form MU4 that he pled guilty to a felony on June 12, 1995. The documentation received by the Commissioner during the application process disclosed that Respondent pled guilty to two counts of Title 18 USC Sections 1014 and 2 (a) and 2 (b) which make it unlawful to provide false information to influence action on a loan application, as specified, and aiding and abetting and acting as a principal in violation of the law, as specified. Tikotin was sentenced to 37 months on each count which are classified as felonies under Title 18 USC Section 3559. He was ordered to make restitution of \$579, 463.29, with Harold Tikotin, to Union Savings Bank in the amount of \$422,393.29 and United Savings Bank in the amount of \$157,070.00. Respondent was also placed on probation for a term of 5 years on each count under terms and conditions, as specified. Among the terms and conditions was a provision that prohibited Tikotin from being employed by, affiliated with, owning or controlling, or otherwise participating, directly or indirectly, in the conduct of the affairs of any financial institution insured by the Federal Deposit Insurance Corporation.

**IV.**

**CONCLUSION**

Complainant finds, by reason of the foregoing, that Respondent pled guilty to Title 18 USC Sections 1014 and 2 (a) and 2(b), making false statements in loan applications and aiding and abetting and acting as a principal in the violations of law, which constitute a felony involving an act of fraud or dishonesty .

THEREFORE, Complainant asserts that Financial Code section 50141 mandates that Complainant not issue a mortgage loan originator license to Respondent under the CRMLA.

///  
///  
///  
///  
///

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

WHEREFORE IT IS PRAYED that the determination of Complainant to not issue a mortgage loan originator license to Respondent in connection with Respondent’s November 24, 2010 application be upheld.

Dated: May 14, 2012  
Sacramento, CA

JAN LYNN OWEN  
California Corporations Commissioner

By \_\_\_\_\_  
TIMOTHY L. Le BAS  
Senior Corporations Counsel  
Enforcement Division