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

12	In the Matter of:	)	MLO NO.: CA-DBO341867
13	THE COMMISSIONER OF BUSINESS	)	ACCUSATION TO REVOKE MORTGAGE
14	OVERSIGHT,	)	LOAN ORIGINATOR LICENSE PURSUANT
15	Complainant,	)	TO FINANCIAL CODE SECTION 22714
16	v.	)	
17	ROBERTO GONZALEZ VIRAMONTES also	)	
18	known as ROBERT GONZALEZ, JR.,	)	
19	ROBERT GONZALEZ VIRAMONTES. JR.,	)	
20	ROBERTO GONZALEZ VIRAMONTES, JR.,	)	
21	and ROBERT GONZALEZ-VIRAMONTES,	)	
	Respondent.	)	

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23 **I.**

24 **INTRODUCTION**

25 Manuel P. Alvarez, the Commissioner of Business Oversight (Commissioner), alleges and  
26 charges as follows:

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**II.**

**THE APPLICATION AND LICENSE**

1. The Commissioner seeks to revoke the mortgage loan originator (MLO) license of Roberto Gonzalez Viramontes also known as Robert Gonzalez, Jr., Robert Gonzalez Viramontes, Jr., Roberto Gonzalez Viramontes, Jr., and Robert Gonzalez-Viramontes (Gonzalez) pursuant to section 22714, subdivision (a)(3) of the California Financing Law (CFL) (Fin. Code, § 22000 et. seq.) on the grounds that Gonzalez was the subject of a disciplinary action by the State of California, failed to disclose a regulatory action entered against him, and failed to disclose a bankruptcy filing.
2. On May 25, 2017, Gonzalez filed an application for a MLO license with the Commissioner pursuant to section 22105.1 of the CFL (MLO Application). Gonzalez submitted his MLO Application to the Commissioner by filing Form MU4 through the Nationwide Mortgage Licensing System & Registry (NMLS).
3. On June 7, 2017, the Commissioner issued a MLO license to Gonzalez.

**III.**

**DISCIPLINARY ACTION TAKEN BY STATE OF CALIFORNIA**

4. Financial Code section 22705.1, subdivision (a) provides:
  - (a) For any licensee, a disciplinary action taken by the State of California, another state, an agency of the federal government, or another country for an action substantially related to the activity regulated under this division may be ground for disciplinary action by the commissioner. A certified copy of the record of the disciplinary action taken against the licensee by the State of California, other state, agency of the federal government, or other country shall be conclusive evidence of the events related therein.
5. On November 19, 2015, the California Department of Real Estate (DRE) issued an Accusation against Robert Gonzalez, Jr., also known as Roberto Gonzalez Viramontes, Jr. and his real estate corporation, Rokitto Enterprises, alleging several violations of the Real Estate Law, including failure to retain or produce records, conversion of trust funds of at least three customers, and suspension of corporation status. The conversion of trust funds involved issuing at least five checks for consumer proceeds on bank accounts that had insufficient funds to cover the checks. In at least one instance, Gonzalez placed the proceeds of loan refinances in a non-trust account, and the funds were seized by

1 tax authorities. Further, Gonzalez took an advance fee for loan costs for a refinance transaction; he  
2 never refinanced the loan and he refused to refund the fees to the consumer.

3 6. On October 13, 2016 the Real Estate Commissioner issued its decision on the matters  
4 contained in the Accusation. DRE revoked Gonzalez's real estate broker license and the corporate real  
5 estate license of his business, Rokitto Enterprises. The Revocations became effective November 10,  
6 2016 (DRE Order).

7 7. The DRE Order is a disciplinary action taken by the State of California within the meaning of  
8 Financial Code section 22705.1.

9 **IV.**

10 **FAILURE TO DISCLOSE REGULATORY ACTION AND BANKRUPTCY**

11 8. California Code of Regulations, title 10, section 1409.1 provides, in relevant part:

12 (a) Each licensed mortgage lender, mortgage broker, mortgage lender and  
13 broker, and mortgage loan originator shall, upon any change in the information  
14 contained in its license application (other than financial information contained  
15 therein) promptly file an amendment to such application setting forth the  
16 changed information.

17 ...

18 (c) A mortgage loan originator shall file changed information contained in its  
19 Form MU4, and any exhibits thereto, through NMLS in accordance with its  
20 procedures for transmission to the Commissioner within twenty (20) days of  
21 changes to the information as provided in Section 1422.6 of Subchapter 6 of  
22 these rules. Any change that cannot be submitted through NMLS shall be filed  
23 directly with the Commissioner. A mortgage loan originator may not renew his  
24 or her license under Section 1422.6.3 of Subchapter 6 of these rules until all  
25 changes to the information contained in his or her Form MU4 are filed with the  
26 Commissioner as provided in this section.

27 9. Gonzalez failed to disclose the DRE Order on his MU4 at the time of his MLO Application  
28 and failed to disclose the DRE Order on subsequent MU2 and MU4 filings. Gonzalez indicated "No"  
to:

(K) Has any State or federal regulatory agency or foreign financial regulatory authority or self-  
regulatory organization (SRO) ever:

(1) found you to have made a false statement or omission or been dishonest, unfair or

- 1 unethical?
- 2 (2) found you to have been involved in a violation of a financial services-related business
- 3 regulation(s) or statute(s)?
- 4 (3) found you to have been a cause of a financial services-related business having its
- 5 authorization to do business denied, suspended, revoked or restricted?
- 6 (4) entered an order against you in connection with a financial services-related activity?
- 7 (5) revoked your registration or license?
- 8 (6) denied or suspended your registration or license or application for licensure, disciplined
- 9 you, or otherwise by order, prevented you from associating with a financial services-related
- 10 business or restricted your activities?
- 11 (7) barred you from association with an entity regulated by such commissions, authority,
- 12 agency, or officer, or from engaging in a financial services-related business?
- 13 (8) issued a final order against you based on violations of any law or regulations that prohibit
- 14 fraudulent, manipulative, or deceptive conduct?
- 15 10. Gonzalez indicated “Yes” to Item K(9), “Has any State or federal regulatory agency or foreign
- 16 financial regulatory authority or self-regulatory organization (SRO) ever: (9) entered an order
- 17 concerning you in connection with any license or registration?” but did not provide the required
- 18 explanation or supporting documents as required and failed to disclose the order revoking his real
- 19 estate broker’s license issued by the DRE on November 10, 2016.
- 20 11. Gonzalez indicated “No” to Item M, “Based upon activities that occurred while you exercised
- 21 control over an organization, has any State or federal regulatory agency or foreign financial regulatory
- 22 authority or self-regulatory organization (SRO) ever taken any of the actions listed in (K) through (L)
- 23 above against any organization?” Based on Gonzalez’s violations of the Business and Professions
- 24 Code, DRE revoked the corporate real estate license of Gonzalez’s real estate company Rokitto
- 25 Enterprises.
- 26 12. All of these disclosure questions are under items K and M of his MLO Application MU4,
- 27 which Gonzalez submitted as required by California Code of Regulations, title 10, section 1422.6.
- 28 13. Gonzalez’s failure to disclose the DRE Order constitutes a violation of California Code of

1 Regulations, title 10, section 1409.1, subdivisions (a) and (c).

2 14. Gonzalez also failed to disclose that he filed a Chapter 7 Bankruptcy petition and received a  
3 bankruptcy discharge in 2015 (2015 Bankruptcy) on his MU4 at the time of his MLO Application and  
4 failed to disclose the 2015 Bankruptcy on subsequent MU2 and MU4 filings. Gonzalez indicated  
5 “Yes” to Item A(1), disclosing two dismissed Bankruptcy filings in 2012 and 2013, but did not  
6 disclose the 2015 Bankruptcy.

7 15. Gonzalez’s failure to disclose the 2015 Bankruptcy constitutes a violation of California Code  
8 of Regulations, title 10, section 1409.1, subdivisions (a) and (c).

9 **V.**

10 **REVOCAION OF LICENSE**

11 16. Financial Code section 22714, subdivision (a)(2) and (3) provides:

12 (a) The commissioner shall suspend or revoke any license, upon notice and  
13 reasonable opportunity to be heard, if the commissioner finds any of the  
14 following:

15 (2) The licensee has violated any provision of this division or any rule or  
16 regulation made by the commissioner under and within the authority of this  
17 division.

18 (3) A fact or condition exists that, if it had existed at the time of the original  
19 application for the license, reasonably would have warranted the commissioner  
20 in refusing to issue the license originally.

21 17. The Commissioner finds that Gonzalez failed to disclose the DRE Order and the 2015  
22 Bankruptcy in violation of California Code of Regulations, title 10, section 1409.1, subdivision (a) and  
23 (c), which is grounds under Financial Code section 22714, subdivision (a)(2) to revoke Gonzalez’s  
24 MLO license.

25 18. Financial Code section 22109.1, subdivision (a)(3) states:

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

28 (3) The applicant has demonstrated such financial responsibility, character, and  
general fitness as to command the confidence of the community and to warrant  
a determination that the mortgage loan originator will operate honestly, fairly,  
and efficiently within the purposes of this division.

1 19. The DRE Order is evidence that Gonzalez has not demonstrated such financial responsibility,  
2 character, and general fitness as to command the confidence of the community and to warrant a  
3 determination that the mortgage loan originator will operate honestly, fairly, and efficiently with the  
4 purposes of the CFL. Consequently, the Commissioner would have refused to issue the MLO license  
5 originally.

6 20. The Commissioner finds that the DRE Order is a disciplinary action taken by the State of  
7 California within the meaning of Financial Code section 22705.1, subdivision (a), and constitutes a  
8 fact or condition that had it existed at the time of the original application for the MLO license,  
9 reasonably would have warranted the Commissioner in refusing to issue the license originally, and is  
10 therefore grounds for revocation of Gonzalez’s MLO license under Financial Code section 22714,  
11 subdivision (a)(3).

12 **IV.**  
13 **CONCLUSION**

14 The foregoing findings constitute grounds under Financial Code section 22714 for the  
15 Commissioner to revoke the mortgage loan originator license of Roberto Gonzalez Viramontes, also  
16 known as Robert Gonzalez, Jr., Robert Gonzalez Viramontes, Jr., Roberto Gonzalez Viramontes, Jr.,  
17 and Robert Gonzalez-Viramontes.

18 WHEREFORE the Commissioner prays that the mortgage loan originator license of Roberto  
19 Gonzalez Viramontes, also known as Robert Gonzalez, Jr., Robert Gonzalez Viramontes, Jr., Roberto  
20 Gonzalez Viramontes, Jr., and Robert Gonzalez-Viramontes be revoked.

21 DATED: December 30, 2019  
22 Sacramento, California

MANUEL P. ALVAREZ  
Commissioner of Business Oversight

23  
24 By \_\_\_\_\_  
25 JOANNE ROSS  
26 Senior Counsel  
27 Enforcement Division  
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