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

12 In the Matter of:) CFL NO.: 60DBO-72891
13)
14 THE COMMISSIONER OF BUSINESS) STATEMENT OF ISSUES IN SUPPORT OF
OVERSIGHT,) DENIAL OF CALIFORNIA FINANCING LAW
15) LICENSE APPLICATION PURSUANT TO
Complainant,) FINANCIAL CODE SECTION 22109
16)
v.)
17)
18 ROBERT GONZALEZ, JR., also known as)
ROBERTO GONZALEZ VIRAMONTES,)
19 ROBERT GONZALEZ VIRAMONTES, JR.,)
ROBERTO GONZALEZ VIRAMONTES, JR.)
20 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

1. The Commissioner seeks to deny the issuance of a financing law license to Robert Gonzalez, Jr., also known as Roberto Gonzalez Viramontes, Robert Gonzalez Viramontes, Jr., Roberto Gonzalez Viramontes, Jr., and Robert Gonzalez-Viramontes (Gonzalez or Applicant), pursuant to section 22109 of the California Financing Law (CFL) (Fin. Code, § 22000 et. seq.) on the grounds that Gonzalez made a false statement of material fact in its application, has committed an act involving dishonesty, fraud, or deceit, substantially related to the qualifications, functions or duties of a person engaged in business under the CFL, and has violated a similar regulatory scheme of the State of California.

2. On June 19, 2017, Gonzalez filed an incomplete application for a finance lending license with the Commissioner (hereafter “Application”) pursuant to section 22101 of the CFL. Gonzalez submitted his Application to the Commissioner by filing Form MU1 through the Nationwide Mortgage Licensing System & Registry (NMLS). The application stated that the Applicant has its principal place of business at 650 Coral Harbor, San Antonio, Texas 78251.

3. Gonzalez listed sole proprietorship as the legal status of the Applicant on his MU1; he has 100 percent ownership of the Applicant.

III.

FALSE STATEMENT OF MATERIAL FACT

4. Financial Code section 22109, subdivision (a)(1) provides:

(a) Upon reasonable notice and opportunity to be heard, the commissioner may deny the application for a finance lender or broker license for any of the following reasons:

(1) A false statement of a material fact has been made in the application.

5. Gonzalez indicated “No” to all five of the regulatory disclosure questions under Item C of the MU1 and failed to disclose an order revoking his real estate broker’s license issued by the California Department of Real Estate on November 10, 2016 (DRE Order). All five of the questions under the Regulatory Action Disclosure section of the MU1 should have indicated a “Yes” answer.

6. Gonzalez indicated “No” to Item H under the Financial Disclosures section of the MU1, which

1 reads “In the past ten years has the entity or a control affiliate been the subject of a bankruptcy
2 petition?” In fact, Gonzalez had initiated bankruptcy proceedings in 2012, 2013 and 2015, and had
3 received a Chapter 7 discharge in 2015.

4 7. The Commissioner finds that Gonzalez made false statements of a material fact in his
5 Application for a financing lender license by failing to disclose the DRE Order and bankruptcy filings.

6 **III.**

7 **COMMITTED AN ACT INVOLVING DISHONESTY, FRAUD OR DECIET**

8 8. Financial Code section 22109, subdivision (a)(2) provides:

9 (a) Upon reasonable notice and opportunity to be heard, the commissioner may
10 deny the application for a finance lender or broker license for any of the
11 following reasons:

12 . . .(2) The applicant or an officer, director, general partner, person responsible
13 for the applicant’s lending activities in this state, or person owning or
14 controlling, directly or indirectly, 10 percent or more of the outstanding
15 interests or equity securities of the applicant has, within the last 10 years, been
16 convicted of or pleaded nolo contendere to a crime, or committed an act
involving dishonesty, fraud, or deceit, if the crime or act is substantially related
to the qualifications, functions, or duties of a person engaged in business in
accordance with this division.

17 9. On November 19, 2015, the DRE issued an Accusation against Gonzalez and his real estate
18 corporation, Rokitto Enterprises, alleging several violations of the Real Estate Law, including failure
19 to retain or produce records, conversion of trust funds of at least three customers, and suspension of
20 corporation status. On October 13, 2016, the Real Estate Commissioner issued its Decision (DRE
21 Order) revoking Gonzalez’s real estate broker’s license, and the corporate real estate license of his
22 business, Rokitto Enterprises, effective November 10, 2016.

23 10. The conversion of trust funds found in the DRE Order involved issuing at least five checks for
24 consumer proceeds on bank accounts that had insufficient funds to cover the checks. In at least one
25 instance, Gonzalez placed the proceeds of loan refinances in a non-trust account and the funds were
26 seized by tax authorities. Further, Gonzalez took an advance fee for loan costs for a refinance
27 transaction; he never refinanced the loan and he refused to refund the fees to the consumer.

28 11. The Commissioner finds that Gonzalez, by way of the DRE Order, committed an act involving

1 dishonesty, fraud, or deceit, which is substantially related to the qualifications, functions or duties of a
2 person engaged as a California Finance Lender.

3 **IV.**

4 **VIOLATION OF SIMILAR REGULATORY SCHEME**

5 12. Financial Code section 22109, subdivision (a)(3) provides:

6 (a) Upon reasonable notice and opportunity to be heard, the commissioner may
7 deny the application for a finance lender or broker license for any of the
8 following reasons:

9 . . . (3) The applicant or an officer, director, general partner, person responsible
10 for the applicant’s lending activities in this state, or person owning or
11 controlling, directly or indirectly, 10 percent or more of the outstanding
12 interests or equity securities of the applicant has violated any provision of this
13 division or the rules thereunder or any similar regulatory scheme of the State of
14 California or a foreign jurisdiction.

13 13. Information obtained by the Commissioner during the application process revealed that
14 Gonzalez, an “officer” or “person responsible for the applicant’s lending activities in this state,”
15 violated a regulatory scheme of the State of California similar to that provided by the CFL.

16 14. In the DRE Order, the Real Estate Commissioner found violations of several Business and
17 Professions code sections relating to Gonzalez’s handling of client funds in real estate transactions and
18 his failure to cooperate and comply with regulatory requirements to retain and provide records to the
19 state regulator.

20 15. Gonzalez is identified on the finance lender Application as the “sole proprietor” holding 100
21 percent ownership, thus, is “a person owning or controlling, directly or indirectly, 10 percent or more
22 of the outstanding interests or equity securities of the applicant” and is the “person responsible for the
23 applicant’s lending activities” under the meaning of Financial Code section 22109, subdivision (a)(3).

24 19. The provisions of the Business and Professions Code regulating real estate license holders,
25 particularly sections 10145, 10148, 10176 and 10177, constitute a similar regulatory scheme of the
26 State of California within the meaning of Financial Code section 22109, subdivision (a)(3).

27 20. Accordingly, the Commissioner finds that Gonzalez violated a “similar regulatory scheme of
28 the State of California” when he engaged in the activities that violated Business and Professions Code

1 sections 10145, 10148, 10176 and 10177, and that, therefore were the basis of the DRE Order that
2 revoked his real estate broker's license.

3 **IV.**

4 **CONCLUSION**

5 The foregoing findings constitute grounds under Financial Code section 22109 for the
6 Commissioner to deny the issuance of a finance lender license to Robert Gonzalez, Jr., also known as
7 Roberto Gonzalez Viramontes, Robert Gonzalez Viramontes, Jr., Roberto Gonzalez Viramontes, Jr.
8 and Robert Gonzalez-Viramontes.

9 WHEREFORE the Commissioner prays that the finance lender license application filed by
10 Robert Gonzalez, Jr., also known as Roberto Gonzalez Viramontes, Robert Gonzalez Viramontes, Jr.,
11 Roberto Gonzales Viramontes, Jr. and Robert Gonzalez-Viramontes on June 19, 2017 be denied.

12 DATED: December 30, 2019
13 Sacramento, California

MANUEL P. ALVAREZ
Commissioner of Business Oversight

15 By _____
16 JOANNE ROSS
17 Senior Counsel
18 Enforcement Division
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