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

11	In the Matter of:)	NMLS ID: 1371952
12	THE COMMISSIONER OF BUSINESS)	
13	OVERSIGHT,)	STATEMENT OF ISSUES IN SUPPORT OF
14	Complainant,)	ORDER DENYING MORTGAGE LOAN
15	v.)	ORIGINATOR LICENSE APPLICATION
16)	
17	SANDRA CARMEN MEZA,)	
18	Respondent.)	
19)	
20)	

21 The Commissioner of Business Oversight (Commissioner) alleges and charges Respondent
22 as follows:

23 **I.**
24 **Introduction**

25 1. The Commissioner seeks to deny the issuance of a mortgage loan originator (MLO)
26 license to Sandra Carmen Meza (Meza) under Financial Code section 22109.1, subdivision (a)(3), of
27 the California Financing Law (Fin. Code, § 22000 et seq.) (CFL), and Financial Code section 50141,
28 subdivision (a)(3), of the California Residential Mortgage Lending Act (Fin. Code, § 50000 et seq.)

1 (CRMLA) in that Meza has not demonstrated such financial responsibility, character, and general
2 fitness as to command the confidence of the community and to warrant a determination that Meza
3 will operate honestly, fairly, and efficiently within the purposes of the CFL and CRMLA.

4
5 **II.**
6 **Application**

7 2. On or around October 4, 2019, Meza filed an application for an MLO license with the
8 Commissioner by submitting a Form MU4 (Application) through the Nationwide Mortgage
9 Licensing System (NMLS) under Financial Code section 50140.

10 3. Meza answered “Yes” to Question H(1), which ask, in pertinent part:
11 (H)(1) Have you ever been convicted of or pled guilty or nolo
12 contendere (“no contest”) . . . to a misdemeanor involving: (i) financial
13 services or a financial services-related business, (ii) fraud, . . . (v)
bribery . . . ?

14 4. Meza provided the following response to Question H(1): “I was convicted of a
15 misdemeanor. This happened back on 2010 and has been resolved.”

16 5. Meza answered “Yes” to Question K(5), which ask, in pertinent part:
17 (K) Has any State or federal regulatory agency or foreign financial
18 regulatory authority or self-regulatory organization (SRO) ever:
19 . . .
(5) revoked your registration or license?

20 6. Meza provided the following response to Question K(5): “My DRE license was
21 revoked on 2012 for the incident related to the misdemeanor. I got my license reinstatement 2013.
22 Now I have my broker license since 2018.”

23 7. Meza signed her Application on October 4, 2019 under penalty of perjury, attesting
24 that “the information and statements contained herein, including exhibits attached hereto, and other
25 information filed herewith, all of which are made a part of this application are current, true, accurate
26 and complete[.]” The attestation contains the following admonition to which Meza agreed: “If an
27 Applicant has made a false statement of material fact in this application or in any documentation
28 provided to support the foregoing application, then the foregoing application may be denied.”

1 8. On or around October 7, 2019, Meza filed a First Amended Application through
2 NMLS where she uploaded her Statement of Citizenship documents. Meza’s responses were
3 identical to Meza’s October 4, 2019 Application.

4 9. On or around October 29, 2019, Meza filed a Second Amended Application through
5 NMLS which was identical to her First Amended Application.

6 10. On or around October 29, 2019, the Commissioner created a license item in NMLS
7 instructing Meza to submit an amended application with “detailed explanations of the circumstances
8 and upload applicable legal documents” for Questions H(1) and K(5).

9 11. On or around November 6, 2019, Meza filed a Fourth Amended Application through
10 NMLS where she uploaded disclosure letters for Questions H(1) and K(5) and included reference
11 letters. Meza provided copies of her signed plea agreement, judgment and probation/commitment
12 order, and proof of satisfaction of debt from the matter of *United States of America v. Sandra Meza*
13 (*U.S. v. Meza*), Case Number 2:10-cf-00638-CAS, U.S. District Court, Central District of California.

14 12. The Commissioner’s investigation of Meza revealed that on or around June 11, 2010,
15 the United States Attorney filed an Information in the matter of *U.S. v. Meza*, Case Number 2:10-cf-
16 00638-CAS, U.S. District Court, Central District of California. The United States Attorney charged
17 Meza with one count of bribing a bank official under 18 United States Code (U.S.C.) section 215,
18 subdivision (a)(1).

19 13. On or around May 17, 2010, Meza pled guilty to the misdemeanor violation of Title
20 18 U.S.C. section 215, subdivision (a)(1), and stipulated to the following statement of facts:

21 In or about November 2009, Cubillas asked [Meza] for \$1,700 in order
22 to expedite the approval for one of the short sale transactions that
23 [Meza] had submitted to Bank of America. Because her commission
24 from the short sale would have been far less than \$1,700, [Meza]
25 instead offered to pay Cubillas \$850 to expedite the approval of the
26 short sale. After Cubillas agreed, [Meza] met with Cubillas in front of
27 Bank of America’s office in Simi Valley, California and paid him
28 \$850 in cash to expedite the approval of the short sale.

14 14. On or around November 8, 2010, the U.S. District Judge sentenced Meza to one-year
15 probation, required Meza to pay a special assessment of \$25, and to pay a fine of \$500.

1 15. On or around February 11, 2011, the Commissioner of the Department of Real Estate
2 (DRE) filed an accusation against Meza – *In the Matter of the Accusation of Sandra Meza (DRE v.*
3 *Meza)*, Case No. H-37068-LA, because her misdemeanor conviction of bribing a bank official “bears
4 a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to
5 the qualifications, functions or duties of a real estate licensee.”

6 16. On or around November 29, 2011, Administrative Law Judge N. Gregory Taylor
7 (Judge Taylor) issued a proposed decision in the matter of *DRE v. Meza*, Case No. H-37068-LA.
8 Judge Taylor found that under Title 10, CCR, section 2910, subdivision (a)(8), Meza’s conviction
9 was substantially related to the qualifications, functions and duties of a DRE licensee – “it involved
10 doing an unlawful act with the intent of conferring a financial or economic benefit upon [Meza].”
11 Judge Taylor issued an Order Revoking Meza’s DRE License.

12 17. On or around January 9, 2012, the Commissioner of DRE issued an Order Adopting
13 the Proposed Decision dated November 29, 2011 (Final Decision) in the matter of *DRE v. Meza*,
14 Case No. H-37068-LA. The Final Decision became effective on February 6, 2012.

15 18. On or around February 3, 2012, Meza filed a Petition for Reconsideration contesting
16 the Final Decision. On or around February 23, 2012, the Commissioner of DRE issued an Order
17 Denying Reconsideration in the matter of *DRE v. Meza*, Case No. H-37068-LA.

18 19. On or around April 26, 2013, Meza petitioned for reinstatement of her salesperson
19 license with DRE.

20 20. On or around November 22, 2013, the Commissioner of DRE issued an Order
21 Granting Reinstatement of Salesperson License to Meza.

22 21. On or around June 27, 2018, the Commissioner of DRE issued a broker license to
23 Meza.

24 22. Meza’s October 4, 2019 Application and her Fourth Amended Application provided
25 “No” responses to the following regulatory disclosure questions:

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

28 (1) found you to have . . . been dishonest, unfair or unethical?

- 1 (2) found you to have been involved in a violation of a financial
2 services-related business regulation(s)?
3 ...
4 (4) entered an order against you in connection with a financial
5 services-related activity?
6 ...
7 (6) denied or suspended your registration or license or application for
8 licensure, disciplined you, or otherwise by order, prevented you from
9 associating with a financial services-related business or restricted your
10 activities?
11 ...
12 (8) issued a final order against you based on violations of any law or
13 regulations that prohibit fraudulent, manipulative, or deceptive
14 conduct?
15 (9) entered an order concerning you in connection with any license or
16 registration?

17 23. Meza should have answered “Yes” to Questions K(1)-(2), K(4), K(6), and K(8)-(9)
18 since the Commissioner of DRE issued a Final Decision in the matter of *DRE v. Meza*, Case No. H-
19 37068-LA, finding that Meza’s conviction of 18 U.S.C. section 215, subdivision (a)(1) – bribing a
20 bank official – was substantially related to the qualifications, functions and duties of a DRE licensee
21 pursuant to Title 10, CCR, section 2910, subdivision (a)(8).

22 24. On or around February 6, 2012, DRE issued an Order Revoking Meza’s Salesperson
23 License pursuant to the provisions of Business and Profession Code sections 490 and 10177,
24 subdivision (b), as Meza’s conviction involved an “unlawful act with the intent of conferring a
25 financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial
26 injury to the person or property of another.” (Title 10, CCR, section 2910 (a)(8).)

27 25. On or around February 23, 2012, the Commissioner of DRE issued an Order Denying
28 Reconsideration, which affirmed the Final Decision in the matter of *DRE v. Meza*, Case No. H-
37068-LA.

III.
Applicable Law

26 26. Paragraphs 1-25 are hereby realleged and incorporated herein by reference as if set
27 forth in their entirety.
28

1 27. Section 22109.1 of the CFL and section 50141 of the CRMLA provide in relevant
2 part:

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

6 . . .
7 (3) The applicant has demonstrated such financial responsibility,
8 character, and general fitness as to command the confidence of the
9 community and to warrant a determination that the mortgage loan
10 originator will operate honestly, fairly, and efficiently within the
11 purposes of this division.

12 (Fin. Code, §§ 22109.1 and 50141)

13 28. Financial Code section 50513, provides in relevant part:

14 (a) The commissioner may do one or more of the following:

15 . . .
16 (2) Deny, suspend, revoke, condition, or decline to renew a mortgage
17 loan originator license if an applicant or licensee fails at any time to
18 meet the requirements of Section 50141 or 50144, or withholds
19 information or makes a material misstatement in an application for a
20 license or license renewal.

21 (Fin. Code, § 50513, subdivision (a)(2))

22 **IV.**

23 **Failure to Demonstrate Requisite Financial Responsibility, Character, and General Fitness**

24 29. Paragraphs 1- 28 are hereby realleged and incorporated herein by reference as if set
25 forth in their entirety.

26 30. In *Condes v. Immigration and Naturalization Service*, the court ruled that petitioner’s
27 conviction – bribery of a bank official – was a crime of moral turpitude. (*Condes v. INS*, (1994)
28 28F.3d 105, 1.) The Court affirmed the decision of the Board of Immigration Appeals and the
Immigration Judge that “found Condes deportable under 8 U.S.C. section 1251 (a)(2)(A(ii), because
he was convicted of two crimes of moral turpitude.” (*Condes v. INS*, (1994) 28F.3d 105, 1.)

31. Like the petitioner in *Condes v. INS*, the Judgment and Probation/Commitment Order
from the matter of *U.S. v. Meza*, Case Number 2:10-cf-00638-CAS, U.S. District Court, Central
District of California, shows that Meza pled guilty to bribery of a bank official on or around

1 November 8, 2010.

2 32. As referenced in paragraphs 12-18, Meza’s misdemeanor conviction of bribery of a
3 bank official under 18 U.S.C. section 215, subdivision (a)(1), is a crime involving moral turpitude,
4 and thus, Meza fails to demonstrate the requisite financial responsibility, character, and general
5 fitness required under Financial code sections 22109.1, subdivision (a)(3), 50513, and 50141,
6 subdivision (a)(3).

7 33. The California Supreme Court observed when discussing the qualifications of real
8 estate professionals:

9 Where the occupation is one wherein those following it act as the
10 agents and representatives of others and in a more or less confidential
11 and fiduciary capacity, it certainly can be fairly said that those
12 pursuing it should have in a particular degree the qualifications of
13 honesty, truthfulness, and good reputation. (*Riley v. Chambers* (1919)
14 181 Cal. 589, 594 [185 P. 855]; accord, *Golde v. Fox* (1979) 98
15 Cal.App.3d 167, 176 [“(T)here is more to being a licensed professional
16 than mere knowledge and ability. Honesty and integrity are deeply and
17 daily involved in various aspects of the practice.”].)

18 34. Even if Meza argues that her failure to respond “Yes” to Questions K(1)-(2), K(4),
19 K(6), and K(8)-(9) in her October 4, 2019 Application and her Fourth Amended Application resulted
20 from negligence, ignorance or mistake – Meza’s conduct with respect to her completion of her
21 Applications evidences her unfitness for the mortgage loan industry. (See *Corporations*
22 *Commissioner v. Maspero* (2003) OAH Case L2002090534, p.8¹ [denial of an escrow officer
23 application] citing *Handeland v. Department of Real Estate* (1976) 58 Cal.App.3d 513, 518.)

24 35. As a prospective mortgage loan originator, Meza will act as the agent and representative
25 of others, namely, consumers seeking mortgage loans. Meza, in her capacity as an MLO, will receive

26 ¹ Designated as a “Precedent Decision” by the Department, under Government Code section 11425.60. In *Maspero*, the
27 Respondent failed to disclose in her Application that she pled guilty to violation of Health and Safety Code section
28 11352 (transport for sale of a narcotic/controlled substance) and the Respondent claimed her failure to disclose her
conviction was a mistake. (*Corporations Commissioner v. Maspero* (2003) OAH Case L200209053, p.4.) The *Maspero*
Court concluded that “even assuming the truth of Respondent’s explanation that her mistake on the Statement of Identity
and Employment Application was one of ‘negligence’ and ‘ignorance’ triggered by her failure to read the question
carefully, Respondent’s conduct with respect to her completion of the application evidences her unfitness for the
employment she seeks.” (*Id.* at p. 8.)

1 consumers’ confidential information and negotiate loan transactions on their behalf “in a more or
2 less confidential and fiduciary capacity.”

3
4 **VI.**
Conclusion

5 The Commissioner finds Meza fails to demonstrate the requisite financial responsibility,
6 character and general fitness required under Financial Code sections 50141, 50513, and 22109.1
7 based on Meza’s conviction of bribery of a bank official pursuant to 18 U.S.C. section 215,
8 subdivision (a)(1). The findings set forth above constitute grounds to deny the issuance of a MLO
9 license to Sandra Carmen Meza.

10 WHEREFORE IT IS PRAYED, by reason by the foregoing, under Financial Code sections
11 22109.1, 50513, and 50141 that the MLO application filed by Sandra Carmen Meza be denied.

12
13
14 Dated: March 23, 2020
San Diego, California

MANUEL P. ALVAREZ
Commissioner of Business Oversight

15
16 By _____
Vanessa T. Lu
17 Counsel
18 Enforcement Division
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