

1 MARY ANN SMITH
Deputy Commissioner
2 SEAN ROONEY
Assistant Chief Counsel
3 BLAINE A. NOBLETT (State Bar No. 235612)
4 Senior Counsel
5 Department of Financial Protection and Innovation
6 320 W. 4th Street, Suite 750
7 Los Angeles, California 90013-2344
8 Telephone: (213) 576-1396
9 Facsimile: (213) 576-7181
10 Email: blaine.noblett@dfpi.ca.gov
11 Attorneys for Complainant

12 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
13 OF THE STATE OF CALIFORNIA

14 In the Matter of:) NMLS LICENSE NO.: 284404
15)
16 THE COMMISSIONER OF FINANCIAL) STATEMENT OF ISSUES
17 PROTECTION AND INNOVATION,)
18)
19 Complainant,)
20)
21 v.)
22)
23 BYUNG HYUN YE,)
24)
25 Respondent.)
26)
27)
28)

29 Manuel P. Alvarez, the Commissioner of Financial Protection and Innovation
(Commissioner), is informed and believes, and based on such information and belief, alleges and
30 charges Respondent Byung Hyun Ye (Ye) as follows.

31 **I.**

32 **Jurisdiction**

33 1. The Commissioner has jurisdiction over the licensing and regulation of persons
34 engaged in the business of making or brokering or servicing residential mortgage loans, including
35

1 System and Registry (the NMLS).

2 11. On March 31, 2010, Ye first applied for an MLO license with the Commissioner by
3 filing a Form MU4 through the NMLS. Ye’s application was sponsored by Cash Call Inc., a
4 residential mortgage lender licensed under the CFL.

5 12. Ye failed to truthfully answer Question 9(D)(1) of the MU4, which asked Ye if he had
6 ever “been convicted of or pled nolo contendere . . . in a domestic, foreign, or military court to any
7 felony?” Ye responded, “No.” But a review of Ye’s criminal background disclosed the burglary
8 conviction and Ye should have answered “Yes” in response to Question 9(D)(1).

9 13. In light of the burglary conviction and Ye’s failure to disclose the burglary conviction
10 in his 2010 application, on April 16, 2012, the Commissioner denied Ye’s 2010 application by
11 adopted decision (OAH Case number 20110905855).

12 *2012 Washington State Denial*

13 14. On May 15, 2012, the state of Washington denied Ye’s MLO license application by
14 final decision and order.

15 *2020 California Application*

16 15. On July 9, 2020, Ye again applied for an MLO license by filing a Form MU4 through
17 the NMLS. Ye’s 2020 application lacks a sponsor licensed under the CFL or CRMLA.

18 16. Ye disclosed the burglary conviction in his 2020 application.

19 **III.**

20 **Failure to Meet Minimum Criteria for License**

21 17. The Commissioner must deny an MLO license if the licensee fails to meet the
22 minimum criteria for licensure, which includes a requirement that the applicant has not been
23 convicted of felony involving an act of dishonesty at any time preceding the date of application. (Fin.
24 Code, § 22109.1, subd. (a)(2)(A) and Fin. Code, § 50141, subd. (a)(2)(A).)

25 18. As described in paragraph 4., above, on September 25, 1992, Ye pleaded guilty to and
26 was convicted of first degree felony burglary in California state court. The burglary conviction is a
27 felony involving an act of dishonesty.

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

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

(2) Deny, suspend, revoke, condition, or decline to renew a mortgage loan originator license if an applicant or licensee fails at any time to meet the requirements of Section 50141[.]

V.

Prayer

For the reasons set forth above, the Commissioner finds that Ye does not meet the minimum requirements for the issuance of an MLO license as provided by Financial Code sections 22109.1, subdivision (a)(2)(A) and 50141, subdivision (a)(2)(A), when Ye pleaded guilty to and was convicted of a felony involving an act of dishonesty. Under Financial Code sections 22172, subdivision (a)(2) and 50513, subdivision (a)(2), the Commissioner shall deny Ye’s MLO application pursuant to Financial Code sections 22109, subdivision (a)(2)(A) and 50141, subdivision (a)(2)(A).

WHEREFORE IT IS PRAYED that the MLO license application filed by Byung Hyun Ye be denied.

Dated: December 10, 2020
Los Angeles, California

MANUEL P. ALVAREZ
Commissioner of Financial Protection
and Innovation

By: _____
Blaine A. Noblett
Senior Counsel
Enforcement Division