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10 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
11 OF THE STATE OF CALIFORNIA

12 In the Matter of:) NMLS LICENSE NO.: 242719
)
13 THE COMMISSIONER OF FINANCIAL)
PROTECTION AND INNOVATION,)
14) ACCUSATION
Complainant,)
15)
16 v.)
)
17 PETER JOHN TRESSA,)
18)
Respondent.)
19)
20)

21 The Commissioner of Financial Protection and Innovation (Commissioner), is informed and
22 believes, and based on such information and belief, alleges and charges Respondent Peter John
23 Tressa (Tressa) as follows:

24 **I.**
Jurisdiction

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26 1. The Commissioner has jurisdiction over the licensing and regulation of persons
27 engaged in the business of making, servicing, or brokering residential mortgage loans, including
28 mortgage loan originators, under the California Financing Law (CFL) (Fin. Code, § 22000 et seq.).

1 The Commissioner is authorized to administer the CFL and the rules and regulations promulgated in
2 title 10 of the California Code of Regulations (CCR).

3 2. Tressa applied for and received a mortgage loan originator (MLO) license from the
4 Commissioner on July 7, 2010.

5 3. Tressa is currently sponsored by Bay-Valley Mortgage Group, a CFL Licensee.

6 4. Tressa was at one time employed and sponsored by OnY Glo, Inc., dba OGI
7 Mortgage Bankers, Capitalend Home loans, LoanLock (OnY Glo), a CFL licensee. OnY Glo's
8 sponsorship of Tressa was removed on or about April 20, 2020.

9 5. The Commissioner has continuous authority to exercise the powers set forth in the
10 CFL over persons subject to the CFL, including MLOs. (Fin. Code, § 22705.)

11 6. After having granted Tressa the MLO license, the Commissioner subsequently learned
12 that Tressa offered to give money, kickback or other thing of value to at least two former clients to
13 refer him new clients for federally related loans.

14 7. Under the provisions of Financial Code sections 22109.1, 22172, and CCR section
15 1422.6.2, the Commissioner brings this action to revoke Tressa's MLO license because Tressa has
16 not demonstrated such financial responsibility, character and general fitness as to command the
17 confidence of the community and to warrant a determination that he will operate honestly, fairly, and
18 efficiently as an MLO by offering to pay and paying prohibited referral fees or kickback in
19 connection with loans under the Real Estate Settlement Procedures Act of 1974, as amended, 12
20 U.S.C. §§ 2601 et seq. (RESPA). (12 C.F.R. § 1024.14.)

21 **II.**

22 **Financial Responsibility, Character and General Fitness**

23 8. The Commissioner may revoke an MLO license if a licensee fails at any time to
24 demonstrate such financial responsibility, character, and general fitness as to command the
25 confidence of the community and to warrant a determination that the MLO will operate honestly,
26 fairly, and efficiently. (Fin. Code, § 22172, subd. (a)(2), and Fin. Code, § 22109.1, subd. (a)(3); see
27 also Cal. Code Regs. tit. 10, § 1422.6.2, subd. (c)(1).)

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1 9. Section 8 of RESPA prohibits certain referral fees and provides: “No person shall give
2 and no person shall accept any fee, kickback or other thing of value pursuant to any agreement or
3 understanding, oral or otherwise, that business incident to or part of a settlement service involving a
4 federally related mortgage loan shall be referred to any person.” (12 C.F.R. § 1024.14, subd. (a), and
5 12 C.F.R. § 1024.14, subd. (b).)

6 10. Beginning in or about 2017, Tressa told at least two former clients that he would pay
7 them \$500.00 to \$1,000.00 for referring or sending him new clients.

8 11. The former clients were to receive \$500.00 to \$1,000.00 for each referred client who
9 used Tressa as a loan officer and closed on a mortgage loan.

10 12. One of the former clients referred a new client to Tressa. After the new client closed
11 on a mortgage loan, Tressa paid the former client only \$425.00 – not the agreed \$1,000.00 referral
12 fee.

13 13. The RESPA violations by Tressa demonstrate a lack of the required qualifications of
14 character and general fitness to carry out the functions and duties of an MLO.

15 14. The Commissioner may revoke an MLO license if a licensee fails at any time to meet
16 the requirements of Financial Code section 22109.1. (Fin. Code, § 22172, subd. (a)(2).)

17 15. As described in paragraphs 8 through 14, above, Tressa has not demonstrated such
18 character and general fitness as to command the confidence of the community and to warrant a
19 determination that he will operate honestly, fairly, and efficiently as an MLO for offering to pay or
20 paying prohibited referral fees or kickbacks in violation of RESPA.

21 16. Thus, under Financial Code sections 22172, subdivision (a)(2), 22109.1, subdivision
22 (a)(3), and CCR section 1422.6.2, subdivision (c)(1), Tressa’s MLO license must be revoked.

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III.

Applicable Statutes

- 17. Financial Code section 22172 provides in pertinent part:
 - (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 22109.1 or 22109.4, or withholds information or makes a material misstatement in an application for a license or license renewal.

- 18. Financial Code section 22109.1 provides in pertinent part:
 - (a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes, at a minimum, the following findings:
 - ...
 - (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[.]

- 19. CCR section 1422.6.2 provides in pertinent part:
 - (a) The Commissioner’s finding required by Section 22109.1[(a)(3)] of the [CFL] relates to any matter, personal or professional, that may impact upon an applicant’s propensity to operate honestly, fairly, and efficiently when engaging in the role of a mortgage loan originator.
 - (c) An applicant may be precluded from obtaining a mortgage loan originator license where his or her personal history includes:
 - (1) Any liens or judgments for fraud, misrepresentation, dishonest dealing, and/or mishandling of trust funds, or

IV.

Prayer

For the reasons set forth above and under Financial Code section 22172, the Commissioner finds that Peter John Tressa has not demonstrated the financial responsibility, character, or general fitness required under Financial Code section 22109.1, subdivision (a)(3), and CCR section 1422.6.2,

1 subdivision (c)(1).

2 Accordingly, the Commissioner has grounds to revoke Peter John Tressa's MLO license.

3 WHEREFORE IT IS PRAYED that the mortgage loan originator license of Peter John Tressa
4 be revoked.

5 Dated: July 22, 2021
6 San Diego, California

CHRISTOPHER S. SHULTZ
Acting Commissioner of Financial Protection and
Innovation

8 By: _____
9 AFSANEH EGHBALDARI
10 Senior Counsel
11 Enforcement Division
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