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Attorneys for Complainant

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

In the Matter of:	)	NMLS NO.: 1062796
THE COMMISSIONER OF FINANCIAL PROTECTION AND INNOVATION,	)	
Complainant,	)	CONSENT ORDER
v.	)	
RODRIGO ALDRETE,	)	
Respondent.	)	

This Consent Order is entered into between the Commissioner of Financial Protection and Innovation (Commissioner) and Rodrigo Aldrete (Aldrete), and is made with respect to the following facts:

**I.**

**Recitals**

A. The Commissioner has jurisdiction over the licensing and regulation of persons engaged in the business of making or brokering residential mortgage loans, including mortgage loan originators, under the California Financing Law (CFL) (Fin. Code, § 22000 et seq.). The Commissioner also has jurisdiction over the licensing and regulation of persons engaged in the business of making or servicing residential mortgage loans, including mortgage loan originators, under the California Residential Mortgage Lending Act (CRMLA) (Fin. Code, § 50000 et seq.).

B. Aldrete previously held an MLO license from 2014 through 2020. He failed to renew

1 his license for the year 2021. As a result, his license was terminated and his status changed to  
2 “Terminated-Expired.” As of January 1, 2021.

3 C. On March 24, 2021, Aldrete submitted an MU4 reapplying for his MLO license.  
4 MU4 Criminal Disclosure Question (F)(1) on the license application asks the applicant: “Have you  
5 ever been convicted of or pled guilty or nolo contendere (“no contest”) in a domestic, foreign, or  
6 military court to any felony?” Aldrete answered “No” in his response.

7 D. Review of Aldrete’s criminal background check revealed prior arrests and  
8 misdemeanors involving driving under the influence (DUI). The Commissioner asked for additional  
9 documentation for the final disposition of these cases. On August 16, 2021, and August 19, 2021,  
10 Aldrete provided additional documentation relating to the misdemeanors.

11 E. The documentation revealed that on April 17, 2018, Aldrete was convicted on one  
12 count of felony child endanger in connection with a DUI arrest. Aldrete completed court ordered  
13 probation and the court reduced the felony to a misdemeanor on October 29, 2020.

14 F. On August 20, 2021, the Commissioner created a deficiency license item requiring  
15 Aldrete to provide a “Yes” response to MU4 Question (F)(1) and submit a detailed explanation of  
16 his conviction. Aldrete filed an amendment on August 24, 2021, to update his response to Question  
17 (F)(1). Aldrete further explained that he completed substance abuse training and currently attends  
18 counseling.

19 G. The Commissioner finds that entering into this Consent Order is in the public interest  
20 and consistent with the purposes fairly intended by the policy and provisions of the CFL and  
21 CRMLA.

22 NOW, THEREFORE, in consideration of the foregoing and the terms and conditions set  
23 forth herein, the parties agree as follows.

24 **II.**

25 **Terms and Conditions**

26 1. Purpose. This Consent Order resolves the issues before the Commissioner in a  
27 manner that avoids the expense of a hearing and other possible court proceedings, protects  
28 consumers, is in the public interest, and is consistent with the purposes and provisions of the CFL

1 and CRMLA.

2           2.       Waiver of Hearing Rights. Aldrete acknowledges that the Commissioner is ready,  
3 willing, and able to proceed with the filing of an administrative enforcement action on the findings  
4 described in the recitals above. Aldrete hereby waives the right to any hearings and to any  
5 reconsideration, appeal, or other right to review which may be afforded by the CFL and CRMLA,  
6 the California Administrative Procedure Act (APA), the California Code of Civil Procedure (CCP),  
7 or any other provision of law. By waiving such rights, Aldrete effectively consents to the finality of  
8 this Consent Order.

9           3.       Probationary Period. Aldrete agrees that during the 24-month period from the  
10 Effective Date of this Consent Order as defined in paragraph 23 (Probationary Period), if the  
11 Commissioner finds that Aldrete has violated or is violating any provision of the CFL or CRMLA or  
12 any rule, regulation, or law under the jurisdiction of the Commissioner, the state of California, the  
13 United States of America, or any state or foreign government or political subdivision thereof, the  
14 Commissioner may summarily revoke or deny any license held by or applied for by Aldrete. Aldrete  
15 hereby waives any notice and hearing rights to contest any such revocation or denial which may be  
16 afforded under the CFL, CRMLA, APA, CCP, or any other provision of law. Aldrete further waives  
17 any requirement for the filing of an accusation or statement of issues under Government Code  
18 section 11415.60, subdivision (b), in connection with any revocation or denial under this paragraph.

19           4.       Reporting Requirement. During the Probationary Period, Aldrete shall report to the  
20 Commissioner any disciplinary investigation or action against him by any licensing agency; any  
21 criminal investigation, prosecution, or conviction; or any civil judgment against him no later than  
22 30 days after discovering such investigation, proceeding, action, or judgment. Aldrete is not  
23 required to report any traffic citations.

24           5.       Remedy for Breach. Aldrete agrees that failure to satisfy the reporting requirement in  
25 paragraph 4 is a breach and cause for the Commissioner to summarily revoke or deny any license  
26 held by or applied for by Aldrete. Aldrete hereby waives any notice and hearing rights to contest  
27 any such revocation or denial which may be afforded under the CFL, CRMLA, APA, CCP, or any  
28 other provision of law. Aldrete further waives any requirement for the filing of an accusation or

1 statement of issues under Government Code section 11415.60, subdivision (b), in connection with  
2 any revocation or denial under this paragraph.

3 6. Approval of Application. The Commissioner acknowledges that Aldrete’s pending  
4 MLO application is ready to be approved, and the Commissioner agrees to approve it on or around  
5 the Effective Date of this Consent Order as defined in paragraph 23.

6 7. Information Willfully Withheld or Misrepresented. This Consent Order may be  
7 rescinded, and the Commissioner may pursue any and all remedies available under law against  
8 Aldrete, if the Commissioner discovers that Aldrete knowingly or willfully withheld or  
9 misrepresented information used for and relied upon in this Consent Order.

10 8. Future Actions by Commissioner. If Aldrete fails to comply with any terms of this  
11 Consent Order, the Commissioner may institute proceedings for any and all violations otherwise  
12 resolved under this Consent Order. The Commissioner reserves the right to bring any future actions  
13 against Aldrete for any and all unknown violations of the CFL or CRMLA.

14 9. Assisting Other Agencies. Nothing in this Consent Order limits the Commissioner’s  
15 ability to assist any other government agency (city, county, state, or federal) with any  
16 administrative, civil, or criminal prosecution brought by that agency against Aldrete or any other  
17 person based upon any of the activities alleged in this matter or otherwise.

18 10. Headings. The headings to the paragraphs of this Consent Order are inserted for  
19 convenience only and will not be deemed a part hereof or affect the construction or interpretation of  
20 the provisions hereof.

21 11. Binding. This Consent Order is binding on all heirs, assigns, or successors in  
22 interest.

23 12. Reliance. Each of the parties represents, warrants, and agrees that in executing this  
24 Consent Order it has relied solely on the statements set forth herein and the advice of its own  
25 counsel. Each of the parties further represents, warrants, and agrees that in executing this Consent  
26 Order it has placed no reliance on any statement, representation, or promise of any other party, or  
27 any other person or entity not expressly set forth herein, or upon the failure of any party or any  
28 other person or entity to make any statement, representation, or disclosure of anything whatsoever.

1 The parties have included this clause: (1) to preclude any claim that any party was in any way  
2 fraudulently induced to execute this Consent Order and (2) to preclude the introduction of parol  
3 evidence to vary, interpret, supplement, or contradict the terms of this Consent Order.

4 13. Waiver, Amendments, and Modifications. No waiver, amendment, or modification of  
5 this Consent Order will be valid or binding unless it is in writing and signed by each of the parties.  
6 The waiver of any provision of this Consent Order will not be deemed a waiver of any other  
7 provision. No waiver by either party of any breach of, or of compliance with, any condition or  
8 provision of this Consent Order by the other party will be considered a waiver of any other  
9 condition or provision or of the same condition or provision at another time.

10 14. Full Integration. This Consent Order is the final written expression and the complete  
11 and exclusive statement of all the agreements, conditions, promises, representations, and covenants  
12 between the parties with respect to the subject matter hereof, and supersedes all prior or  
13 contemporaneous agreements, negotiations, representations, understandings, and discussions  
14 between and among the parties, their respective representatives, and any other person or entity, with  
15 respect to the subject matter covered hereby.

16 15. Governing Law. This Consent Order will be governed by and construed in  
17 accordance with California law. Each of the parties consents to the jurisdiction of a court in  
18 California, and hereby irrevocably waives, to the fullest extent permitted by law, the defense of an  
19 inconvenient forum to the maintenance of such action or proceeding in such court.

20 16. Counterparts. This Consent Order may be executed in one or more separate  
21 counterparts, each of which will be deemed an original when so executed. Such counterparts  
22 together will be deemed to constitute a single document.

23 17. Mandatory Disclosure in Future Applications. Aldrete agrees to disclose this Consent  
24 Order in any application for a license, permit, or qualification under the Commissioner’s current or  
25 future jurisdiction.

26 18. Effect Upon Future Proceedings. If Aldrete applies for any license, permit, or  
27 qualification under the Commissioner’s current or future jurisdiction or is the subject of any future  
28 action by the Commissioner to enforce this Consent Order, then the subject matter hereof shall be

1 admitted for the purpose of such application or action.

2 19. Voluntary Agreement. Aldrete enters into this Consent Order voluntarily and without  
3 coercion and acknowledges that no promises, threats, or assurances have been made by the  
4 Commissioner or any officer or agent thereof about this Consent Order. The parties each represent  
5 and acknowledge that he, she, or it is executing this Consent Order completely voluntarily and  
6 without any duress or undue influence of any kind from any source.

7 20. Notice. Any notice required under this Consent Order shall be provided to Aldrete at  
8 rodrigo.aldrete@gmail.com or to the Commissioner at Allard Chu, Counsel, Department of  
9 Financial Protection and Innovation, 320 West 4th Street, Suite 750, Los Angeles, California 90013  
10 and allard.chu@dfpi.ca.gov.

11 21. Signatures. A fax or electronic-mail signature will be deemed an original signature.

12 22. Public Record. Aldrete hereby acknowledges that this Consent Order is and will be a  
13 matter of public record.

14 23. Effective Date. This Consent Order shall become final and effective when signed by  
15 all parties and delivered by the Commissioner’s agent via electronic mail to Aldrete at  
16 rodrigo.aldrete@gmail.com.

17 24. Authority to Sign. Each signatory hereto covenants that he or she possesses all  
18 necessary capacity and authority to sign and enter into this Consent Order and undertake the  
19 obligations set forth herein.

20  
21 Dated: November 16, 2021

CHRISTOPHER S. SHULTZ  
Acting Commissioner of Financial Protection and  
Innovation

22  
23  
24 By: \_\_\_\_\_  
MARY ANN SMITH  
Deputy Commissioner

25  
26 Dated: November 15, 2021

RODRIGO ALDRETE

27  
28 By: \_\_\_\_\_  
RODRIGO ALDRETE