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

13 In the Matter of:) NMLS LICENSE NO.: 344256
14 THE COMMISSIONER OF FINANCIAL) ACCUSATION
PROTECTION AND INNOVATION,)
15)
16 Complainant,)
17 v.)
18 DAMIAN ARIZA,)
19 Respondent.)
20)
21)

22 Clothilde V. Hewlett, the Commissioner of Financial Protection and Innovation
23 (Commissioner), is informed and believes, and based on such information and belief, alleges and
24 charges Respondent Damian Ariza (Ariza) as follows.

25 I.

26 Jurisdiction

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

1 mortgage loan originators (hereinafter, MLO or MLOs), under the California Financing Law (CFL)
2 (Fin. Code, § 22000 et seq.) and the California Residential Mortgage Lending Act (CRMLA) (Fin.
3 Code, § 50000 et seq.). The Commissioner is authorized to administer the CFL, CRMLA, and the
4 rules and regulations promulgated in title 10 of the California Code of Regulations (CCR). The
5 Commissioner has continuous authority to exercise the powers authorized by the CFL and CRMLA
6 even after a license has been surrendered, suspended, or revoked.

7 2. Ariza first received his MLO license from the Commissioner on April 17, 2018.

8 3. Ariza currently holds an approved MLO license.

9 4. Under the provisions of Financial Code sections 22109.1, 22172, and 22755 of the
10 CFL, the Commissioner brings this action to revoke Ariza’s MLO license because Ariza violated the
11 Nationwide Mortgage Licensing System and Registry (NMLS) student Rules of Conduct (ROC) by
12 using the services of Danny Yen, d/b/a Real Estate Educational Services (REES) to complete his
13 NMLS-approved continuing education (CE) courses, which in turn constitutes a violation of the
14 licensing requirements of the Commissioner under the CFL as provided below.

15 5. Specifically, Ariza used and compensated REES to obtain credit through an in-person
16 education fraud scheme (the in-person fraud scheme). Under the in-person fraud scheme, Ariza paid
17 REES to annually report completion of an in-person course for three years in 2018, 2019, and 2020.
18 REES did not teach the in-person course and Ariza never attended the in-person course nor
19 completed the required test or course work to receive course credit.

20 **II.**

21 **Statement of Facts**

22 *NMLS Pre-Licensing and Continuing Education*

23 6. The State Regulatory Registry LLC (SRR), which owns and operates the NMLS,
24 administers pre-licensing education (PE) and CE and Uniform State Test protocols. Title V of Public
25 Law 110-289, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (the SAFE Act),
26 requires that state-licensed MLOs complete PE prior to initial licensure and annual CE thereafter.
27 (See Fin. Code, §§ 22109.2 and 22109.5.)

28 7. In order to meet PE requirements contemplated under the SAFE Act, state-licensed

1 MLOs must complete 20 hours of NMLS–approved education. (Fin. Code, § 22109.2.)

2 8. In order to meet CE requirements contemplated under the SAFE Act, state-licensed
3 MLOs must complete eight hours of NMLS–approved education on an annual basis. (Fin. Code, §
4 22109.5.)

5 *REES*

6 9. REES, NMLS course provider number 1405046, was an NMLS–approved course
7 provider during the years 2017 to 2020.

8 10. The NMLS had approved REES to offer one in-person 8-hour “DBO-SAFE Act
9 Comprehensive: Mortgage Continuing Education” course.

10 11. REES was never approved by the NMLS to offer online PE or CE to MLOs.

11 12. During all times relevant herein, REES had its primary place of business located at
12 3643 Adams Street, Carlsbad, California.

13 13. During all times relevant herein, REES, by and through Danny Yen, maintained with
14 his Internet Service Provider an IP address at 76.88.84.139 (the IP Address). The IP Address assigned
15 to Danny Yen is associated with REES’ business address, 3643 Adams Street, Carlsbad, California.

16 *REES Investigation*

17 14. The Mortgage Testing and Education Board (MTEB), which was created by SRR, has
18 approved “Administrative Action Procedures for S.A.F.E. Testing and Education Requirements”
19 (AAP), which extends administrative authority to the MTEB to investigate alleged violations of the
20 NMLS student Rules of Conduct (ROC).

21 15. The AAP also extends administrative authority to the MTEB and SRR to investigate
22 alleged violations of the NMLS Standards of Conduct (SOC), which apply to all NMLS–Approved
23 course providers.

24 16. In late 2020, SRR obtained information concerning suspicious activity and that
25 information identified a possible MLO education cheating scheme coordinated by and implemented
26 through REES and its owners and operators, including Danny Yen. Based on that information, and
27 pursuant to the AAP, SRR initiated an investigation into the matter.

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1 *Findings of SRR and Department of Financial Protection & Innovation Investigation*

2 17. On or about December 15, 2020, SRR staff received a “suspicious relations” report
3 involving suspected individuals completing online NMLS–approved education courses on behalf of
4 another.

5 18. Subsequent SRR research found at least 113 education students associated with taking
6 online PE and/or CE courses from the IP Address in Carlsbad, California that was associated with
7 REES (the SRR report).

8 19. Additional investigation also disclosed that REES fraudulently provided course credit
9 to MLOs who had never attended and completed REES’ 8-hour in-person CE course in Westminster,
10 California under the in-person fraud scheme.

11 20. Ariza was identified in NMLS records as receiving course credit for REES’ 8-hour in-
12 person CE course in 2018, 2019, and 2020. And it was determined that none of these courses in
13 which Ariza enrolled had ever taken place and that Ariza never attended an in-person course
14 corresponding to the course credits that he received from REES. Consequently, Ariza never took a
15 knowledge examination required for course credit. It was determined that Ariza had used REES to
16 obtain three years of course credits in 2018, 2019, and 2020 in violation of the ROC under the in-
17 person fraud scheme.

18 21. The ROC provide in relevant part:

19 ROC 3: I understand that the SAFE Act and state laws require me to
20 spend a specific amount of time in specific subject areas. Accordingly,
21 I will not attempt to circumvent the requirements of any NMLS
approved course.

22 ROC 4: I will not divulge my login ID or password or other login
23 credential(s) to another individual for any online course.

24 ROC 5: I will not seek or attempt to seek outside assistance to complete
25 the course.

26 ROC 9: I will not engage in any conduct that is dishonest, fraudulent,
27 or would adversely impact the integrity of the course(s) I am
28 completing and the conditions for which I am seeking licensure or
renewal of licensure.

1 22. By paying for fraudulent course credits through a non-existent course, Ariza violated
2 ROC 3, 4, 5, and 9, and engaged in conduct that was dishonest, fraudulent, and that adversely
3 impacted the integrity of the courses Ariza completed and the conditions and qualifications for which
4 Ariza sought licensure or renewal of licensure.

5 **III.**

6 **Violations of the CFL**

7 23. The Commissioner may revoke an MLO license if a licensee violates any provision of
8 the CFL, or any rules or regulations adopted thereunder. (Fin. Code, § 22172, subd. (a)(1).)

9 24. As described in paragraphs 19 through 20, Ariza used REES to obtain three years of
10 course credits in 2018, 2019, and 2020 under the in-person fraud scheme. In falsely obtaining course
11 credits through an in-person course that he never attended, Ariza violated Financial Code section
12 22755, subdivisions (b), (g), (h), and (j), which provide in pertinent part:

13 It is a violation of this division for a mortgage loan originator to do any
14 of the following:

15 . . .

16 (b) Engage in any unfair or deceptive practice toward any person.

17 . . .

18 (g) Fail to make disclosures as required by this division and any other
19 applicable state or federal law, including regulations thereunder.

20 (h) Fail to comply with this division or rules or regulations
21 promulgated under this division, or fail to comply with any other state
22 or federal law, including the rules and regulations thereunder,
23 applicable to any business authorized or conducted under this division.

24 . . .

25 (j) Negligently make any false statement or knowingly and willfully
26 make any omission of material fact in connection with any information
27 or reports filed with a governmental agency or the [NMLS] or in
28 connection with any investigation conducted by the commissioner or
another governmental agency.

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1 25. Thus, Ariza violated provisions of the CFL, and under Financial Code section 22172,
2 subdivision (a)(1), Ariza’s MLO license must be revoked.

3 IV.

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

5 26. The Commissioner must deny an MLO license if the licensee fails to meet the
6 minimum criteria for licensure, which includes a requirement that the applicant “has demonstrated
7 such financial responsibility, character and general fitness as to command the confidence of the
8 community and to warrant a determination that the [MLO] will operate honestly, fairly, and
9 efficiently within the purposes of this division.” (Fin. Code, § 22109.1, subd. (a)(3).)

10 27. As described in paragraphs 19 through 20, above, Ariza violated ROC 3, 4, 5, and 9 by
11 using REES to falsely obtain course credits through an in-person course that he never attended for the
12 years 2018, 2019, and 2020.

13 28. In violating the ROC by using REES to falsely obtain course credits through an in-
14 person course that he never attended for the years 2018, 2019, and 2020, Ariza does not meet the
15 minimum criteria for licensure under the CFL and his license must be revoked under Financial Code
16 section 22172, subdivision (a)(2).

17 V.

18 **Applicable Statutes**

19 29. Financial Code section 22109.1 provides in pertinent part:

20 (a) The commissioner shall deny an application for a mortgage loan
21 originator license unless the commissioner makes, at a minimum, the
22 following findings:

23 . . .

24 (3) The applicant has demonstrated such financial responsibility,
25 character, and general fitness as to command the confidence of the
26 community and to warrant a determination that the [MLO] will operate
27 honestly, fairly, and efficiently within the purposes of this division.

28 30. Financial Code section 22172 provides in pertinent part:

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

1 (1) Deny, suspend, revoke, condition, or decline to renew a mortgage
2 loan originator license for a violation of this division, or any rules or
3 regulations adopted thereunder.

4 (2) Deny, suspend, revoke, condition, or decline to renew a [MLO]
5 license if an applicant or licensee fails at any time to meet the
6 requirements of Section 22109.1 or 22109.4, or withholds information
7 or makes a material misstatement in an application for a license or
8 license renewal.

9 **VI.**

10 **Prayer**

11 For the reasons set forth above, the Commissioner finds that Ariza participated in the in-
12 person fraud scheme in violation of the ROC and Financial Code section 22755, subdivisions (b), (g),
13 (h), and (j). Furthermore, Ariza has not demonstrated the financial responsibility, character, and
14 general fitness required under Financial Code section 22109.1, subdivision (a)(3) of the CFL to
15 continue to hold an MLO license.

16 Accordingly, the Commissioner has grounds to revoke Ariza’s MLO license under Financial
17 Code section 22172, subdivisions (a)(1) and (a)(2).

18 WHEREFORE IT IS PRAYED that the MLO license issued to Damian Ariza be revoked.

19 Dated: April 11, 2022
20 Los Angeles, California

21 CLOTHILDE V. HEWLETT
22 Commissioner of Financial Protection &
23 Innovation

24 By: _____
25 Allard Chu
26 Senior Counsel
27 Enforcement Division
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