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2	Commissioner MARY ANN SMITH					
3	Deputy Commissioner					
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11	BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION					
12	OF THE STATE OF CALIFORNIA					
13	In the Matter of:) NMLS LICENSE NO.: 723528					
14	THE COMMISSIONER OF FINANCIAL ACCUSATION					
15	PROTECTION AND INNOVATION,)					
16	Complainant,					
17	v.)					
18	TRISHA ATONDO,)					
19	TRISHA ATONDO,					
20	Respondent.					
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23	Clothilde V. Hewlett, the Commissioner of Financial Protection and Innovation					
24	(Commissioner), is informed and believes, and based on such information and belief, alleges and					
	charges Respondent Trisha Atondo (Atondo) as follows.					
25	I.					
26	<u>Jurisdiction</u>					
27	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-					
	-1- ACCUSATION					

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

- 2. Atondo first received her MLO license from the Commissioner on September 3, 2014.
- 3. Atondo currently holds an Approved MLO license.
- 4. Under the provisions of Financial Code sections 22109.1, 22172, and 22755 of the CFL, the Commissioner brings this action to revoke Atondo's MLO license because Atondo violated the Nationwide Mortgage Licensing System and Registry (NMLS) student Rules of Conduct (ROC) by using the services of Danny Yen, d/b/a Real Estate Educational Services (REES) to complete her NMLS-approved continuing education (CE) courses, which in turn constitutes a violation of the licensing requirements of the Commissioner under the CFL as provided below.
- 5. Specifically, Atondo used and compensated REES to obtain credit through an inperson education fraud scheme (the in-person fraud scheme). Under the in-person fraud scheme,
 Atondo paid REES to annually report completion of an in-person course for three years in 2018,
 2019, and 2020. REES did not teach the in-person course and Atondo never attended the in-person
 course nor completed the required test or course work to receive course credit.

II.

Statement of Facts

NMLS Pre-Licensing and Continuing Education

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

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

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

REES

- 9. REES, NMLS course provider number 1405046, was an NMLS–approved course provider during the years 2017 to 2020.
- 10. The NMLS had approved REES to offer one in-person 8-hour "DBO-SAFE Act Comprehensive: Mortgage Continuing Education" course.
 - 11. REES was never approved by the NMLS to offer online PE or CE to MLOs.
- 12. During all times relevant herein, REES had its primary place of business located at 3643 Adams Street, Carlsbad, California.
- 13. During all times relevant herein, REES, by and through Danny Yen, maintained with his Internet Service Provider an IP address at 76.88.84.139 (the IP Address). The IP Address assigned to Danny Yen is associated with REES' business address, 3643 Adams Street, Carlsbad, California. *REES Investigation*
- 14. The Mortgage Testing and Education Board (MTEB), which was created by SRR, has approved "Administrative Action Procedures for S.A.F.E. Testing and Education Requirements" (AAP), which extends administrative authority to the MTEB to investigate alleged violations of the NMLS student Rules of Conduct (ROC).
- 15. The AAP also extends administrative authority to the MTEB and SRR to investigate alleged violations of the NMLS Standards of Conduct (SOC), which apply to all NMLS–Approved course providers.
- 16. In late 2020, SRR obtained information concerning suspicious activity and that information identified a possible MLO education cheating scheme coordinated by and implemented through REES and its owners and operators, including Danny Yen. Based on that information, and pursuant to the AAP, SRR initiated an investigation into the matter.

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Findings of SRR and Department of Financial Protection & Innovation Investigation

- On or about December 15, 2020, SRR staff received a "suspicious relations" report 17. involving suspected individuals completing online NMLS-approved education courses on behalf of another.
- 18. Subsequent SRR research found at least 113 education students associated with taking online PE and/or CE courses from the IP Address in Carlsbad, California that was associated with REES (the SRR report).
- 19. Additional investigation also disclosed that REES fraudulently provided course credit to MLOs who had never attended and completed REES' 8-hour in-person CE course in Westminster, California under the in-person fraud scheme.
- 20. Atondo was identified in NMLS records as receiving course credit for REES' 8-hour in-person CE course in 2018, 2019, and 2020. And it was determined that none of these courses in which Atondo enrolled had ever taken place and that Atondo never attended an in-person course corresponding to the course credits that she received from REES. Consequently, Atondo never took a knowledge examination required for course credit. It was determined that Atondo had used REES to obtain three years of course credits in 2018, 2019, and 2020 in violation of the ROC under the inperson fraud scheme.
 - 21. The ROC provide in relevant part:
 - ROC 3: I understand that the SAFE Act and state laws require me to spend a specific amount of time in specific subject areas. Accordingly, I will not attempt to circumvent the requirements of any NMLS approved course.
 - ROC 4: I will not divulge my login ID or password or other login credential(s) to another individual for any online course.
 - ROC 5: I will not seek or attempt to seek outside assistance to complete the course.
 - ROC 9: I will not engage in any conduct that is dishonest, fraudulent, or would adversely impact the integrity of the course(s) I am completing and the conditions for which I am seeking licensure or renewal of licensure.

22.

	ROC 3, 4, 5, and 9, and engaged in conduct that was dishonest, fraudulent, and that adversely							
	impacted the integrity of the courses Atondo completed and the conditions and qualifications for							
	which Atondo sought licensure or renewal of licensure.							
	III.							
	Violations of the CFL							
	23. The Commissioner may revoke an MLO license if a licensee violates any provision of							
	the CFL, or any rules or regulations adopted thereunder. (Fin. Code, § 22172, subd. (a)(1).)							
	24. As described in paragraphs 19 through 20, Atondo used REES to obtain three years of							
	course credits in 2018, 2019, and 2020 under the in-person fraud scheme. In falsely obtaining course							
	credits through an in-person course that she never attended, Atondo violated Financial Code section							
22755, subdivisions (b), (g), (h), and (j), which provide in pertinent part:								
	It is a violation of this division for a mortgage loan originator to do any of the following:							
	(b) Engage in any unfair or deceptive practice toward any person.							
	(g) Fail to make disclosures as required by this division and any other applicable state or federal law, including regulations thereunder.							
	(h) Fail to comply with this division or rules or regulations promulgated under this division, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this division.							
	(j) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the [NMLS] or in connection with any investigation conducted by the commissioner or another governmental agency.							

By paying for fraudulent course credits through a non-existent course, Atondo violated

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section 22172, subdivision (a)(2).

25. Thus, Atondo violated provisions of the CFL, and under Financial Code section 22172, subdivision (a)(1), Atondo's MLO license must be revoked. IV. Financial Responsibility, Character, and General Fitness 26. The Commissioner must deny an MLO license if the licensee fails to meet the minimum criteria for licensure, which includes a requirement that 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 [MLO] will operate honestly, fairly, and efficiently within the purposes of this division." (Fin. Code, § 22109.1, subd. (a)(3).) 27. As described in paragraphs 19 through 20, above, Atondo violated ROC 3, 4, 5, and 9 by using REES to falsely obtain course credits through an in-person course that she never attended for the years 2018, 2019, and 2020. In violating the ROC by using REES to falsely obtain course credits through an in-28. person course that she never attended for the years 2018, 2019, and 2020, Atondo does not meet the minimum criteria for licensure under the CFL and her license must be revoked under Financial Code

V.

Applicable Statutes

- 29. 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 [MLO] will operate honestly, fairly, and efficiently within the purposes of this division.
- 30. Financial Code section 22172 provides in pertinent part:
 - (a) The commissioner may do one or more of the following:

2	regulations adopted thereunder.					
3	(2) Deny, suspend, revoke, condition, or decline to renew a [MLO]					
4	license if an applicant or licensee fails at any time to meet the					
5	requirements of Section 22109.1 or 22109.4, or withholds information or makes a material misstatement in an application for a license or					
6	6 license renewal.	license renewal.				
7	7 VI.	VI.				
8	<u>Prayer</u>					
9	For the reasons set forth above, the Commissioner finds that Atondo participated in the in-					
10	person fraud scheme in violation of the ROC and Financial Code section 22755, subdivisions (b), (g),					
11	(h), and (j). Furthermore, Atondo has not demonstrated the financial responsibility, character, and					
12	general fitness required under Financial Code section 22109.1, subdivision (a)(3) of the CFL to					
13	continue to hold an MLO license.					
14	Accordingly, the Commissioner has grounds to revoke Atondo's MLO license under					
15	Financial Code section 22172, subdivisions (a)(1) and (a)(2).					
16	WHEREFORE IT IS PRAYED that the MLO license issued to Trisha Atondo be revoked.					
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18	V	DE V. HEWLETT ner of Financial Protection &				
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21	By:Allard (Chu				
22		Counsel ment Division				
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(1) Deny, suspend, revoke, condition, or decline to renew a mortgage

loan originator license for a violation of this division, or any rules or