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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.: 1483398
14 THE COMMISSIONER OF FINANCIAL) ACCUSATION
PROTECTION AND INNOVATION,)
15)
16 Complainant,)
17 v.)
18 ROBERT GENTHER SCHOLTZ,)
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 Robert Genther Scholtz (Scholtz) 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 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. Scholtz was identified in NMLS records as receiving course credit for REES’ 8-hour
12 in-person CE course in 2017, 2018, 2019, and 2020. And it was determined that none of these courses
13 in which Scholtz enrolled had ever taken place and that Scholtz never attended an in-person course
14 corresponding to the course credits that he received from REES. Consequently, Scholtz never took a
15 knowledge examination required for course credit. It was determined that Scholtz had used REES to
16 obtain four years of course credits in 2017, 2018, 2019, and 2020 in violation of the ROC under the
17 in-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, Scholtz 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 Scholtz completed and the conditions and qualifications for
4 which Scholtz 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, Scholtz used REES to obtain four years of
10 course credits in 2017, 2018, 2019, and 2020 under the in-person fraud scheme. In falsely obtaining
11 course credits through an in-person course that he never attended, Scholtz violated Financial Code
12 section 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.

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 Scholtz 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, Scholtz 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 Scholtz’s MLO license under
17 Financial Code section 22172, subdivisions (a)(1) and (a)(2).

18 WHEREFORE IT IS PRAYED that the MLO license issued to Robert Genther Scholtz be
19 revoked.

20 Dated: April 18, 2022
21 Los Angeles, California

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

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