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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.: 339063
14)
15 THE COMMISSIONER OF FINANCIAL) ACCUSATION
PROTECTION AND INNOVATION,)
16)
Complainant,)
17)
18 v.)
19 GINGER BERNICE TAVAREZ,)
20)
Respondent.)
21)
22)

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
25 charges Respondent Ginger Bernice Tavarez (Tavarez) as follows.

26 I.

27 Jurisdiction

28 1. The Commissioner has jurisdiction over the licensing and regulation of persons

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

8 2. Tavaréz first received her MLO license from the Commissioner on December 3, 2014.

9 3. Tavaréz currently holds an approved MLO license and is sponsored by Barrett
10 Financial Group, LLC, a CFL and CRMLA licensed lender, holding CFL license number 60DBO-
11 46052.

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

18 5. Specifically, Tavaréz used and compensated REES to obtain credits through an in-
19 person education fraud scheme (the in-person fraud scheme). Under the in-person fraud scheme,
20 Tavaréz paid REES to report completion of in-person courses in 2017, 2018, 2019, and 2020. REES
21 did not teach the in-person courses and Tavaréz neither attended the in-person courses nor did she
22 complete the required tests or course work to receive course credit.

23 **II.**

24 **Statement of Facts**

25 *NMLS Pre-Licensing and Continuing Education*

26 6. The State Regulatory Registry LLC (SRR), which owns and operates the NMLS,
27 administers pre-licensing education (PE) and CE and Uniform State Test protocols. Title V of Public
28 Law 110-289, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (the SAFE Act),

1 requires that state-licensed MLOs complete PE prior to initial licensure and annual CE thereafter.
2 (See Fin. Code, §§ 22109.2 and 22109.5.)

3 7. In order to meet PE requirements contemplated under the SAFE Act, state-licensed
4 MLOs must complete 20 hours of NMLS–approved education. (Fin. Code, § 22109.2.)

5 8. In order to meet CE requirements contemplated under the SAFE Act, state-licensed
6 MLOs must complete eight hours of NMLS–approved education on an annual basis. (Fin. Code, §
7 22109.5.)

8 *REES*

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

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

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

14 12. During all times relevant herein, REES had its primary place of business located at
15 3643 Adams Street, Carlsbad, California.

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

19 *REES Investigation*

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

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

27 16. In late 2020, SRR obtained information concerning suspicious activity and that
28 information identified a possible MLO education cheating scheme coordinated by and implemented

1 through REES and its owners and operators, including Danny Yen. Based on that information, and
2 pursuant to the AAP, SRR initiated an investigation into the matter.

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

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

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

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

13 20. Tavarez was identified in NMLS records as receiving course credits for REES’ 8-hour
14 in-person CE courses in 2017, 2018, 2019, and 2020. And it was determined that the courses in which
15 Tavarez enrolled never occurred and that Tavarez did not attend the in-person courses corresponding
16 to the course credits that she received from REES. Consequently, Tavarez never took a knowledge
17 examination required for course credit. It was determined that Tavarez had used REES to obtain four
18 years of course credit in 2017, 2018, 2019, and 2020 in violation of the ROC under the in-person
19 fraud scheme.

20 21. The ROC provide in relevant part:

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

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

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

28 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

1 completing and the conditions for which I am seeking licensure or
2 renewal of licensure.

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

7 **III.**

8 **Violations of the CFL**

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

11 24. As described in paragraphs 19 through 20, Tavaréz used REES to obtain four years of
12 course credits in 2017, 2018, 2019, and 2020 under the in-person fraud scheme. In falsely obtaining
13 course credits through in-person courses that she never attended, Tavaréz violated Financial Code
14 section 22755, subdivisions (b), (g), (h), and (j), which provide in pertinent part:

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

17 . . .
18 (b) Engage in any unfair or deceptive practice toward any person.
19 . . .

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

22 (h) Fail to comply with this division or rules or regulations
23 promulgated under this division, or fail to comply with any other state
24 or federal law, including the rules and regulations thereunder,
25 applicable to any business authorized or conducted under this division.
26 . . .

27 (j) Negligently make any false statement or knowingly and willfully
28 make any omission of material fact in connection with any information
or reports filed with a governmental agency or the [NMLS] or in

1 connection with any investigation conducted by the commissioner or
2 another governmental agency.

3 25. Thus, Tavaréz violated provisions of the CFL, and under Financial Code section
4 22172, subdivision (a)(1), Tavaréz’s MLO license must be revoked.

5 IV.

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

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

12 27. As described in paragraphs 19 through 20, above, Tavaréz violated ROC 3, 4, 5, and 9
13 by using REES to falsely obtain four years of course credits through in-person courses that she never
14 attended in 2017, 2018, 2019, and 2020.

15 28. In violating the ROC by using REES to falsely obtain four years of course credits
16 through in-person courses that she never attended in 2017, 2018, 2019, and 2020, Tavaréz does not
17 meet the minimum criteria for licensure under the CFL and her license must be revoked under
18 Financial Code section 22172, subdivision (a)(2).

19 V.

20 **Applicable Statutes**

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

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

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

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

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

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

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

11 **VI.**

12 **Prayer**

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

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

20 WHEREFORE IT IS PRAYED that the MLO license issued to Ginger Bernice Tavaréz be
21 revoked.

22 Dated: April 11, 2022
23 Los Angeles, California

24 CLOTHILDE V. HEWLETT
25 Commissioner of Financial Protection &
26 Innovation

27 By: _____
28 Blaine A. Noblett
Senior Counsel
Enforcement Division