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9 Attorneys for Complainant

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

13	In the Matter of:	)	NMLS No.: 2181035
		)	
14	THE COMMISSIONER OF FINANCIAL	)	
15	PROTECTION AND INNOVATION,	)	ORDER DENYING MORTGAGE
		)	LOAN ORIGINATOR LICENSE
16	Complainant,	)	APPLICATION
		)	
17	v.	)	
		)	
18	ROBERT VASQUEZ,	)	
		)	
19	Respondent.	)	
		)	
20		)	
21		)	

22 The Commissioner of Financial Protection and Innovation (Commissioner) finds that:

23 1. On August 12, 2021, Vasquez filed an application for a MLO license with the  
24 Commissioner by submitting a Form MU4 (Application) through the Nationwide Mortgage  
25 Licensing System (NMLS) under Financial Code section 50140.

26 2. Vasquez answered “Yes” to Criminal Disclosure Question F(1): “Have you ever been  
27 convicted of or pled guilty or nolo contendere (‘no contest’) in a domestic, foreign, or military court  
28 to any felony?” Vasquez provided several disclosures concerning his felony convictions involving

1 the sale, transport, and possession of a controlled substance, cocaine:

2           Regarding Case #93ZF0096 Sale or Transport of Controlled  
3           Substance. I was arrested in Santa Ana, CA in 1993. The case was out  
4           of Orange County Superior Court. . . . I pled guilty and was sentenced  
5           to 6 months in county jail. I was released early as part of the work  
6           program and placed on probation.

7           . . .  
8           This Case #98CF2539 Possession of Controlled Substance in 1998. I  
9           cannot recall the details of the case. I was caught with a small amount  
10          of cocaine and was sentenced to a treatment center. The case was out  
11          of Orange County Superior Court, Central Court in Santa Ana, CA. I  
12          take full responsibility and pled guilty to the charge.

13          . . .  
14          This case 04CF1038 My charges under Section 666-484(a)-488 PC  
15          Misdemeanor (dismissed) and 459-460 (b) PC Burglary 2nd Degree  
16          (Felony) in 2004. I shoplifted at a Ralph’s Super Market in Santa Ana,  
17          CA. At the time, I experienced a severe relapse and was under the  
18          influence of a controlled substance at the time. I acknowledged my  
19          role and pled guilty was sentenced to 2 years in custody.

20          . . .  
21          Regarding Case # 10CF1165, Superior Court of Orange County. On  
22          May 10, 2010, I was charged with Possession of a Controlled  
23          Substance with intent to sell 11351 HS. Unlawful Possession of  
24          controlled substance, resisting arrest 148(a)(1) PC Misdemeanor and  
25          destroy evidence 135 PC Misdemeanor, All but the Possession of  
26          Controlled Substance were dismissed.

27          . . .

28           3.       Vasquez answered “Yes” to Termination Disclosure Question Q: Have you ever  
voluntarily resigned, been discharged, or permitted to resign after allegations were made that  
accused you of: (1) violating statues(s), regulation(s), rule(s), or industry standards of conduct?

Vasquez stated:

I was terminated with Hoag Hospital Chemical Dependency Unit on Oct 26, 2020, for cause. I was called into the supervisor’s office and informed that a complaint had been lodged against me and that I was under investigation. The complaint was from an inappropriate statement that I made during a process group that I ran for chemical dependency. . . . I received a notice by mail on Nov 4, 2020, and was informed I was terminated with cause.

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1           4.       Vasquez answered “No” to Civil Judicial Disclosure Question (J)(1) Has any  
2 domestic or foreign court ever: (a) enjoined you in connection with any financial services-related  
3 activity? However, Vasquez included a civil judicial disclosure in his Application:

4                   Between 2010-2012 I was served with a Motion to Discourage. I was  
5 served with the motion from the United States Trustee Office out  
6 Central Bankruptcy Court. It was for Bankruptcy Petition I helped  
7 prepare. I was ordered to remit payment plus penalties. I satisfied the  
8 order with no other stipulations. I cannot recall the names of the  
9 petitioners or the time of the motion or case number.

10           5.       Vasquez signed his August Application on August 10, 2021 under penalty of perjury,  
11 attesting that “the information and statements contained herein, including exhibits attached hereto,  
12 and other information filed herewith, all of which are made a part of this application, are current,  
13 true, accurate and complete and are made under the penalty of perjury, . . . (2) To the extent any  
14 information previously submitted is not amended and hereby, such information remains accurate and  
15 complete; (3) That the jurisdiction(s) to which an application is being submitted may conduct any  
16 investigation into my background, in accordance with all laws and regulations; (4) To keep the  
17 information contained in this form current and to file accurate supplementary information on a  
18 timely basis[.]”

19           6.       On or around August 18, 2021, the Commissioner placed a license item on Vasquez’s  
20 Application requesting him to file an amended Application with further explanations and documents.

21           7.       On or around August 24, 2021, Vasquez filed an amended Application with the  
22 Commissioner which included: records from his 2004 felony conviction for second degree  
23 commercial burglary, “Notice to Employee – Change of Relationship” letter concerning the  
24 termination of his employment, and the criminal records search dated August 20, 2021 by the deputy  
25 clerk of the Superior Court of California, Orange County.

26           8.       The records search dated August 21, 2021 showed that some of Vasquez’s criminal  
27 records were requested, but destroyed pursuant to California Government Code section 68152.

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1           9.       On or around August 25, 2021, Vasquez filed a second amended Application with the  
2 Commissioner and provided records of his 1998 felony conviction for the unlawful and willful  
3 possession of a controlled substance.

4           10.       The Commissioner retrieved documents from the matter *The People of the State of*  
5 *California vs. Robert Vasquez*, Case No. 04CF1038, Superior Court of California, County of Orange  
6 (*People v. Vasquez*, Case No. 04CF1038). On or around August 15, 2004, Vasquez pled guilty in  
7 violation of Penal Code sections 459-460, subdivision (b), where he unlawfully entered Ralphs, a  
8 commercial building, with the intent to commit larceny.

9           11.       On or around April 26, 2004, Vasquez was convicted of felony second-degree  
10 commercial burglary and forced to pay a restitution fine of \$200 pursuant to Penal Code section  
11 1202.2, subdivision (b), and sentenced to two years in state prison.

12           12.       Section 22109.1 of the CFL and section 50141 of the CRMLA, contain substantial  
13 similar language and provide in relevant part:

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

...

(2)(A) The applicant has not been convicted of, or pled guilty or nolo  
contendere to, a felony in a domestic, foreign, or military court during  
the seven-year period preceding the date of the application for  
licensing and registration, or at any time preceding the date of  
application, if the felony involved an act of fraud, dishonesty, or a  
breach of trust, or money laundering. Whether a particular crime is  
classified as a felony shall be determined by the law of the jurisdiction  
in which an individual is convicted.

(Fin. Code, §§ 22109.1 and 50141.)

13           13.       Vasquez’s above-referenced felony conviction of second-degree commercial  
14 burglary in violation of Penal Code sections 459-460, subdivision (b), requires the Commissioner to  
15 deny Vasquez’s Application under Financial Code sections 22109.1, subdivisions (a)(2)(A), and  
16 50141, subdivisions (a)(2)(A), because this constitutes a felony conviction involving an act of fraud,  
17 dishonesty, or a breach of trust.  
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1           14.     The Commissioner reviewed records from *The People of the State of California v.*  
2 *Robert Delfillo Vasquez*, Case No. 93ZF0096, Superior Court of California, Orange County (*People*  
3 *v. Vasquez*, Case No. 93ZF0096). On or around August 20, 1993, Vasquez pled guilty in violation  
4 of Health and Safety Code section 11352, subdivision (a), the willful and unlawful transport or sale  
5 of a controlled substance.

6           15.     On or around June 24, 1993, the court in *People v. Vasquez*, Case No. 93ZF0096,  
7 sentenced Vasquez to serve six months in jail, pay a fee of \$100, and was placed on three years-  
8 probation for his felony conviction of Health and Safety Code section 11352, subdivision (a).

9           16.     The Respondent disclosed on his Application that on or around August 2, 1996, he  
10 was convicted of a felony in *The People of the State of California v. Robert Vasquez*, Case No.  
11 96CM03711, Superior Court of California, Orange County (*People v. Vasquez*, Case No.  
12 96CM03711) for his violation of Health and Safety Code section 11550, subdivision (a), unlawfully  
13 under the influence of a controlled substance.

14           17.     The Commissioner obtained documents from *The People of the State of California v.*  
15 *Robert Vasquez*, Case No. 98CF2539, Superior Court of California, Orange County (*People v.*  
16 *Vasquez*, Case No. 98CF2539). After reviewing the Guilty Plea and Abstract of Judgement – Prison  
17 Commitment, the Commissioner learned that Vasquez violated Health and Safety Code section  
18 11350, subdivision (a), the willful and unlawful possession of a controlled substance (cocaine).

19           18.     On or around October 23, 1998, the court in *People v. Vasquez*, Case No. 98CF2539,  
20 sentenced Vasquez to serve 16 months in prison and pay a fee of \$200 for his felony conviction of  
21 Health and Safety Code section 11350, subdivision (a).

22           19.     The Commissioner retrieved and reviewed records from *In re: Oscar Ramon Ramirez*  
23 *and Marcela Beatriz Ramirez*, Case No. 2:12-bk23356-NB, United States Bankruptcy Court, Central  
24 District of California, Los Angeles Division (*In re: Oscar Ramon Ramirez and Marcela Beatriz*  
25 *Ramirez*, Case No. 2:12-bk23356-NB). On or around June 22, 2012, the Office of the United States  
26 Trustee (U.S. Trustee) served Vasquez a Notice of Motion and Motion Under 11 U.S.C § 110 for  
27 Fines and/or Disgorgement of Fees Against Bankruptcy Preparer (Motion) moved to enter an order  
28 against Respondent.

1           20.     According to the U.S. Trustee’s Motion, Vasquez acted as a bankruptcy petition  
2 preparer and Vasquez failed to make certain disclosures in the bankruptcy documents that he  
3 prepared on behalf of the debtors for compensation in violation of 11 U.S.C section 110.

4           21.     On or around June 29, 2012, Vasquez entered into a stipulation with the U.S. Trustee  
5 and admitted to the following violations: he failed to print his name and sign the Chapter 13 Plan as  
6 required by 11 U.S.C section 110, subdivision (b)(1); he failed to place his identifying number on  
7 the Chapter 13 Plan, as required by 11 U.S.C section 110, subdivision (c); and that he failed to  
8 timely file on April 16, 2012 a declaration disclosing the compensation he received for preparing the  
9 debtors’ bankruptcy documents.

10          22.     On or around July 2, 2012, the court entered an order approving the Vasquez’s  
11 stipulation with the U.S. Trustee in the matter *In re: Oscar Ramon Ramirez and Marcela Beatriz*  
12 *Ramirez*, Case No. 2:12-bk23356-NB. The court ordered Vasquez to refund \$900 to the debtors, pay  
13 a fee of \$450 for his violations of 11 U.S.C. section 110, and that Vasquez was enjoined from  
14 preparing bankruptcy documents for compensation unless he was under the direct supervision of an  
15 attorney who has an attorney-client relationship with the person whose bankruptcy documents are  
16 being prepared.

17          23.     Financial Code sections 22109.1, subdivision (a)(3) and 50141, subdivision (a)(3),  
18 provide in relevant part:

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

22                   . . .  
23                   (3) The applicant has demonstrated such financial responsibility,  
24                   character, and general fitness as to command the confidence of the  
25                   community and to warrant a determination that the mortgage loan  
26                   originator will operate honestly, fairly, and efficiently within the  
27                   purposes of this division.

28 (Fin. Code, §§ 22109.1 and 50141)

29          24.     California Code of Regulations, title 10, section 1422.6.2, provides in relevant part:

30                   (a) The commissioner’s finding required by Section 22109.1(c) of the  
31                   California Financing Law relates to any matter, personal or  
32                   professional, that may impact upon an applicant’s propensity to

1 operate honestly, fairly, and efficiently when engaging in the role of a  
2 mortgage loan originator.

3 ...  
4 (c) An applicant may be precluded from obtaining a mortgage loan  
5 originator license where his or her personal history includes:

- 6 (1) Any liens or judgments for fraud, misrepresentation,  
7 dishonest dealing, and/or mishandling of trust funds, or
- 8 (2) Other liens, judgments, or financial or professional  
9 conditions that indicate a pattern of dishonesty on the part of  
10 the applicant.

11 (Cal. Code Regs., title 10, § 1422.6.2, subdivisions (a) and (c))

12 25. The Respondent’s conduct and personal history which includes: a felony conviction  
13 for second-degree commercial burglary (*People v. Vasquez*, Case No. 04CF1038); a felony  
14 conviction for the sale or transport of controlled substance (*People v. Vasquez*, Case No. 93ZF0096);  
15 a felony conviction for under the influence of a controlled substance (*People v. Vasquez*, Case No.  
16 96CM03711); a felony conviction for the unlawful possession of a controlled substance (*People v.*  
17 *Vasquez*, Case No. 98CF2539); an Order for fines, disgorgement of fees under 11 U.S.C. section  
18 110, and injunction (*In re: Oscar Ramon Ramirez and Marcela Beatriz Ramirez*, Case No. 2:12-  
19 bk23356-NB); and the termination of employment for cause on or around November 4, 2020;  
20 shows his failure to demonstrate such financial responsibility, character, and general fitness as to  
21 command the confidence of the community and to warrant a determination that he will operate  
22 honestly, fairly, and efficiently as a mortgage loan originator.

23 26. On or around March 16, 2022, the Commissioner issued a Notice of Intention to Deny  
24 Mortgage Loan Originator Application, Statement of Issues, and accompanying documents (Notice  
25 of Intention to Deny) based on the above findings. On or around March 18, 2022, the Commissioner  
26 served Vasquez with the Notice of Intention to Deny at the latest address on file by certified mail  
27 return receipt and electronic mail. The time to request a hearing has expired.  
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NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the Application dated August 10, 2021 filed by Respondent Robert Vasquez and all subsequent amendments filed for a mortgage loan originator license are denied. This order is effective as of the date hereof.

Dated: April 12, 2022

CLOTHILDE V. HEWLETT  
Commissioner of Financial Protection and Innovation



By: \_\_\_\_\_  
MARY ANN SMITH  
Deputy Commissioner  
Enforcement Division