

1 CLOTHILDE V. HEWLETT
Commissioner
2 MARY ANN SMITH
Deputy Commissioner
3 DANIEL P. O'DONNELL
Assistant Chief Counsel
4 STEVEN E. VONG (State Bar No. 311926)
Counsel
5 Department of Financial Protection and Innovation
2101 Arena Blvd.
6 Sacramento, California 95834
Telephone: (916) 210-9007
7 Facsimile: (916) 928-7929

8 Attorneys for Complainant

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

12 In the Matter of:) CFL PROPOSED LICENSE NO.: 60DB0-
13) 164771
14 THE COMMISSIONER OF FINANCIAL)
PROTECTION AND INNOVATION,)
15 Complainant,) STATEMENT OF ISSUES IN SUPPORT OF
16 v.) DENIAL OF CALIFORNIA FINANCING
17 RIVA DCM, LLC,) LAW LICENSE APPLICATION PURSUANT
18 Respondent.) TO FINANCIAL CODE SECTION 22109
19)

20
21 1. The Commissioner of Financial Protection and Innovation (Commissioner) is
22 informed and believes and based upon such information and belief, alleges and charges as follows:

23 I.

24 **Introduction and Jurisdiction**

25 2. Financial Code section 22101, by and through California Code of Regulations, title
26 10, section 1422.4, requires California Financing Law (CFL) applicants to disclose to the
27 Commissioner in the application all officers, directors, any person owning or controlling, directly or
28 indirectly, 10% or more of the applicant, and all person(s) who would be in charge of the business.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(b) It is unlawful for any person to knowingly make an untrue statement to the commissioner or the Nationwide Mortgage Licensing System and Registry during the course of licensing, investigation, or examination, with the intent to impede, obstruct, or influence the administration or enforcement of any provision of this division.

VI.

Conclusion

19. The Commissioner finds, by reason of the foregoing, that:

(a) The DRE revoked Castellanos' broker license pursuant to orders in 1993 and 2019 subject to being eligible for a restricted license as a result of the 1992 and 2018 DRE actions against Castellanos.

(b) RIVA, by and through Castellanos, made material misrepresentations and/or omitted material information from its CFL license application regarding the DRE action and the resulting DRE license revocation, in violation of CFL section 22170 and California Code of Regulations, title 10, section 1422.4.

20. Therefore, pursuant to Financial Code section 22109, the Commissioner prays that the CFL application filed by RIVA be denied. Such is in the public interest, for the protection of the public, and consistent with the purposes of the CFL.

Dated: September 8, 2022

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By _____
Steven Vong
Counsel
Enforcement Division