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8 Attorneys for Complainant

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

11	In the Matter of:	)	NMLS ID NO.: 1918387
12		)	
13	THE COMMISSIONER OF FINANCIAL PROTECTION AND INNOVATION,	)	ORDER DENYING APPLICATION FOR MORTGAGE LOAN ORIGINATOR LICENSE
14	Complainant,	)	
15	v.	)	
16	JONATHAN L. VIEGAS,	)	
17	Respondent.	)	
18		)	
19		)	

20  
21  
22 The Commissioner of Financial Protection and Innovation (Commissioner) finds:

- 23 1. The Commissioner has jurisdiction over the licensing and regulation of persons  
24 engaged in the business of making or brokering or servicing residential mortgage loans, including  
25 mortgage loan originators (MLO or MLOs), under the California Financing Law (CFL) (Fin. Code,  
26 § 22000 et seq.).
- 27 2. On or around July 17, 2021, Viegas submitted an application to the Commissioner  
28 for an MLO license by submitting a Form MU4 through the NMLS pursuant to Financial Code

1 section 22105.1 (hereinafter, Application). Viegas signed the Application attesting that the answers  
2 were “current, true, accurate and complete and are made under the penalty of perjury . . . .”

3 3. Regulatory Action Disclosure Question (K) asks:

4 “Has any State or federal regulatory agency or foreign financial regulatory  
5 authority or self-regulatory organization (SRO) ever: . . .

6 (3) found you to have been a cause of a financial services-related business  
7 having its authorization to do business denied, suspended, revoked or  
8 restricted? . . .

9 (5) revoked your registration or license? . . .

10 (9) entered an order concerning you in connection with any license or  
11 registration?”

12 4. To each of the questions in (K)(3), (K)(5), and (K)(9), Viegas answered “Yes.”

13 5. Regulatory Action Disclosure Question (K) also asks,

14 Has any State or federal regulatory agency or foreign financial regulatory  
15 authority or self-regulatory organization (SRO) ever:

16 (1) found you to have made a false statement or omission or been  
17 dishonest, unfair or unethical?

18 (2) found you to have been involved in a violation of a financial services-  
19 related business regulation(s) or statute(s)? . . .

20 (4) entered an order against you in connection with a financial services-  
21 related activity? . . .

22 (8) issued a final order against you based on violations of any law or  
23 regulations that prohibit fraudulent, manipulative, or deceptive conduct?

24 6. To each of the questions in (K)(1), (K)(4), and (K)(8) Viegas answered, “No.”

25 7. Regulatory Action Disclosure Question (M) asks:

26 Based upon activities that occurred while you exercised control over an  
27 organization, has any State or federal regulatory agency or foreign  
28 financial regulatory authority or self-regulatory organization (SRO) ever  
taken any of the actions listed in (K) through (L) above against any  
organization?”

8. To Regulatory Action Disclosure Question (M) Viegas answered, “No.”

9. On or around January 10, 2023, Viegas amended his answer to Disclosure Question  
(M) to “Yes.”

10. The Application requires an MLO applicant to provide a detailed explanation for any  
affirmative answers in the Disclosure sections. On or around June 17, 2021, Viegas provided the  
following explanation for his affirmative answers to the Disclosure sections:

1 (K) (3,5, 9) My Real Estate California Broker license was revoked due to  
2 some circumstances that occurred at my office in 2015. I am now eligible  
3 to re-apply and I am in the process of doing that right now.

4 11. On or around January 10, 2023, after changing his answer to Regulatory Action  
5 Disclosure Question (M) from “No” to “Yes,” Viegas provided the following explanation:

6 I have had my California Broker’s license and my company Alpha One  
7 Group was revoked in Jan 2017. I failed to supervise adequately the office  
8 I managed and was ultimately held responsible for the actions of  
9 individuals within my company. It was my first offense but it was serious  
10 enough to lose my license. I am currently reapplying for my license. I am  
11 doing so as I am now eligible to do so.

12 12. The Certified License History of Viegas (B/01449931) as of June 28, 2023, indicates  
13 that Viegas’ broker license was revoked per H-39997 LA as of February 1, 2017. However, there is  
14 no record of Viegas’ reapplying for or petitioning to reinstate his DRE license. Moreover, Viegas  
15 has never been licensed by the Commissioner.

16 13. On December 2, 2016, the California Department of Real Estate (DRE) issued a  
17 Decision in The Matter of the Accusation of Alpha One Group Inc., and Jonathan L. Viegas,  
18 individually and as designated officer of Alpha One Group, Inc., and Ygnacio Antonio Rivera,  
19 CalBRE No. H-39997 LA, OAH No. 2015120927 (Decision), adopting the Proposed Decision  
20 dated November 1, 2016. The Decision stated that the “right to reinstatement of a revoked real  
21 estate license or to the reduction of a penalty is controlled by Section 11522 of the Government  
22 Code.”

23 14. The Proposed Decision, which was adopted by the Decision, made the following  
24 Legal Conclusions:

25 (2) Cause exists to discipline . . . Respondent Viegas’ licenses and  
26 licensing rights, pursuant to Business and Professions Code section 10176,  
27 subdivisions (a) and (j),<sup>1</sup> because their misrepresentation in the Officer  
28 Renewal Application constituted procurement of a real estate license  
renewal ‘by fraud, misrepresentation, or deceit, or by making a material

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<sup>1</sup> Business and Professions Code section 10176 provides in relevant part: “The commissioner may, upon his or her own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he or she may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following: (a) Making any substantial misrepresentation . . . .”

1 misstatement of fact in an application for a real estate license . . . renewal,  
2 and constituted ‘fraud or dishonest dealing,’ as set forth in Factual  
3 Findings 1 through 21.

4 (3) Cause exists to discipline . . . Respondent Viegas’ . . . licenses and  
5 licensing rights, pursuant to Business and Professions Code section 10176,  
6 subdivisions (a) and (j), because their involvement in the falsification of  
7 the 2013 WDO<sup>2</sup> inspection report for the Long Beach Drive property  
8 constituted a substantial misrepresentation and ‘fraud and dishonest  
9 dealing,’ as set forth in Factual Findings 1 through 21.

10 (4) Cause exists to discipline . . . Respondent Viegas’ . . . licenses and  
11 licensing rights, pursuant to Business and Professions Code section 10176,  
12 subdivisions (a) and (j), because their involvement in the falsification of  
13 the 2014 WDO inspection report for the Millsap Drive property  
14 constituted a substantial misrepresentation and ‘fraud and dishonest  
15 dealing,’ as set forth in Factual Findings 1 through 21 . . .

16 8(a). Respondents have a discipline-free history. However, the violations  
17 in which they engaged are egregious . . . 8(b) . . . Respondent Viegas  
18 failed to take full responsibility for his dishonesty in the Officer Renewal  
19 Application and for his involvement in the fraudulent WDO inspection  
20 reports (blaming a purported former employee) . . . 8(e) . . . given the  
21 potential for further violations and opportunities for further theft,  
22 permitting Respondent Viegas’ continued licensure, even on a restricted  
23 basis, would present a risk to the public . . .

24 ORDERS . . . 2. All licenses and licensing rights of Respondent Jonathan  
25 Viegas under the Real Estate Law are revoked . . . .

26 15. The Commissioner must deny an MLO application if the applicant fails to meet the  
27 minimum criteria for licensure, which includes a requirement that the applicant “has demonstrated  
28 such financial responsibility, character and general fitness as to command the confidence of the  
community and to warrant a determination that the mortgage loan originator will operate honestly,  
fairly, and efficiently within the purposes of this division.” (Fin. Code, § 22109.1, subd. (a)(3)).

16. Viegas’ disciplinary history from 2013 through 2016 disclose misrepresentations  
made in a Renewal Application submitted to the DRE, falsifications in WDO inspection reports  
relating to two different properties at different times, and failure to take responsibility for his  
involvement in the foregoing events, which are contrary to demonstrating the requisite character and

<sup>2</sup> Wood Destroying Organism.

1 general fitness to command the confidence of the community and to warrant a determination that he  
2 will operate honestly, fairly, and efficiently within the purposes of the CFL and CRMLA.

3 17. Moreover, Viegas’ “No” answers in Regulatory Action Disclosure Questions (K)(1),  
4 (K)(2), (K)(4), and (K)(8) and explanations in his Application as of January 10, 2023, demonstrate a  
5 lack of candor and failure to take responsibility for his actions that led to the revocation of his DRE  
6 license in 2017.

7 18. Thus, Viegas’ material misstatements in the Application and failure to meet the  
8 minimum criteria for licensure as an MLO under the CFL require denial of his Application.

9 19. On or around July 12, 2023, the Commissioner issued to Viegas a Notice of  
10 Intention to Deny Application for Mortgage Loan Originator License, Statement of Issues, and  
11 accompanying documents (Notice of Intention to Deny) based on the above findings. On or around  
12 July 28, 2023, Viegas was personally served with the Notice of Intention to Deny. Viegas did not  
13 request a hearing and the time to request a hearing has expired.

14 NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the Application  
15 filed by Jonathan L. Viegas for a mortgage loan originator license is denied. This order is effective  
16 as of the date hereof.

17 Dated: August 16, 2023  
18 Los Angeles, California

CLOTHILDE V. HEWLETT  
Commissioner of Financial Protection and Innovation



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20  
21 By: \_\_\_\_\_  
22 MARY ANN SMITH  
23 Deputy Commissioner  
24 Enforcement Division  
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