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

12 In the Matter of: )  
13 )  
14 THE COMMISSIONER OF FINANCIAL ) License No.: CA-DBO1289509  
PROTECTION AND INNOVATION, )  
15 ) **ORDER SUMMARILY REVOKING**  
16 Complainant. ) **LICENSE PURSUANT TO SETTLEMENT**  
17 ) **AGREEMENT**  
18 v. )  
19 )  
20 JERMAINE LAMONT WHIGHAM, )  
Respondent. )

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

22 A. On October 13, 2020, the Commissioner and Jermaine Lamont Whigham entered into  
23 a Settlement Agreement to resolve an accusation, issued by the Commissioner on June 8, 2020,  
24 seeking to revoke Whigham's Mortgage Loan Originator (MLO) license under the California  
25 Financing Law (CFL) (Fin. Code, § 22000, et seq.) and the California Residential Mortgage Loan  
26 Act (CRMLA) (Fin. Code, § 50000, et seq.).

27 B. Under the terms of the Settlement Agreement, the Commissioner dismissed the  
28 accusation to revoke Whigham's license, but subjected Whigham to a three-year probation period in

1 paragraph 5. In relevant part, paragraph 5 states that “should the Commissioner make a finding that  
2 Whigham has violated or is violating any provision of the CFL, the CRMLA, or any rule, regulation,  
3 or law under the jurisdiction of the Commissioner, the state of California, [or] the United States of  
4 America...the Commissioner may, in [her] discretion, automatically revoke any license held  
5 by...Whigham.” In exchange, Whigham waived “any notice and hearing rights to contest such  
6 revocation . . .which may have been afforded him under the CFL, CRMLA, APA, CCP, or any other  
7 provision of law in connection with this matter.” Whigham also waived “any requirement for the  
8 filing of an accusation . . . in connection with the Commissioner’s revocation of his license under  
9 this paragraph.”

10 C. Civil Code sections 1798.80 et seq. govern the secure handling and disposition of  
11 consumers’ personal information. Section 1798.80 defines “personal information” to include the  
12 following:

13 [A]ny information that identifies, relates to, describes, or is capable of being  
14 associated with, a particular individual, including, but not limited to, his or her  
15 name, signature, social security number, physical characteristics or description,  
16 address, telephone number, passport number, driver’s license or state  
17 identification card number, insurance policy number, education, employment,  
18 employment history, bank account number, credit card number, debit card  
19 number, or any other financial information, medical information, or health  
20 insurance information.

21 D. Civil Code section 1798.81 requires that a business, including any individual  
22 operating as a sole proprietor, do the following:

23 [T]ake all reasonable steps to dispose, or arrange for the disposal, of customer  
24 records within its custody or control containing personal information when the  
25 records are no longer to be retained by the business by (a) shredding, (b) erasing,  
26 or (c) otherwise modifying the personal information in those records to make it  
27 unreadable or undecipherable through any means.

28 E. On or about August 23, 2023, Whigham’s former landlord contacted the  
Commissioner and disclosed that she had obtained a judgment for possession against Whigham, that  
he was evicted on November 16, 2022, and that in vacating the property Whigham left numerous  
documents at the property containing several consumers’ personal information.

1 F. The Commissioner has reviewed the documents abandoned by Whigham, and the  
2 documents contain several consumers' mortgage applications with credit reports, one consumer's  
3 child support statement, and handwritten notes showing several customer names, dates of birth, and  
4 social security numbers. These records meet the definition of "personal information" under Civil  
5 Code section 1798.80, and Whigham's abandonment of these documents constitutes a clear failure to  
6 "take all reasonable steps" to dispose of them or arrange for their disposal in violation of Civil Code  
7 section 1798.81.

8 G. Paragraph 6 of the Settlement Agreement required that Whigham complete, for each  
9 year of his probation, twelve (12) hours of continuing education, in addition to those required to  
10 maintain a license. Paragraph 6 further required that Whigham provide proof of completion to the  
11 Commissioner by September 30 of 2021, 2022, and 2023.

12 H. Paragraph 8 of the Settlement Agreement provided that, should Whigham violate any  
13 of the terms of the Settlement Agreement within the three-year probation period, "the Commissioner  
14 may, in [her] sole discretion, issue to Whigham a final order revoking his MLO license." It further  
15 provided that "Whigham waives all notice and hearing rights to contest any revocation order issued  
16 under this provision . . . ."

17 I. On October 4, 2021, the Commissioner notified Whigham that she had not received  
18 proof of completion of the additional twelve hours of continuing education, and Whigham provided  
19 such proof to the Commissioner on October 5, 2021. On September 19, 2022, the Commissioner  
20 prompted Whigham to provide such proof again, and on September 20, 2022, Whigham stated "I am  
21 currently working on this task now." Nonetheless, the Commissioner did not receive anything from  
22 Whigham regarding his continuing education requirements for 2022, nor has the Commissioner  
23 received it or anything for 2023 to date.

24 J. By failing to destroy the documents containing protected private information, or to  
25 return them to his customers or his license sponsors, and thereby putting his customers' privacy at  
26 risk, Whigham has violated a law critical to his California MLO license within the period of his  
27 license probation. In the Commissioner's discretion, these violations warrant summary revocation of  
28 Whigham's MLO license under paragraph 5 of the Settlement Agreement.

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K. By failing to provide proof of completion of the additional twelve hours of continuing education per year by September 30, 2022, or September 30, 2023, Whigham has violated the terms of the Settlement Agreement. In the Commissioner’s discretion, these violations warrant summary revocation of Whigham’s MLO license under paragraphs 6 and 8 of the Settlement Agreement.

NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that:

Pursuant to the terms of the Settlement Agreement entered into between the Commissioner and Whigham, his California MLO license, number CA-DBO1289509, is hereby revoked.

This Order is effective as of the date hereof.

Dated: October 4, 2023  
Sacramento, California

CLOTHILDE V. HEWLETT  
Commissioner of Financial Protection and Innovation



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