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**FILED**

**AUG 01 2022**

**DEPT. OF REAL ESTATE**

By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation Against ) DRE No. H-05330 SD  
13 )  
14 )  
15 ) MAYRA ALEJANDRA GONZALEZ, ) **ACCUSATION**  
16 ) Respondent. )  
17 )

18 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
19 State of California, for cause of Accusation against MAYRA ALEJANDRA GONZALEZ  
20 (Respondent) alleges as follows:

21 1.

22 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
23 State of California, makes this Accusation in her official capacity.

24 2.

25 All references to the "Code" are to the Real Estate Law, Part 1 of Division 4 of  
26 the California Business and Professions Code.

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ACCUSATION

1 LICENSE HISTORY

2 3.

3 a. Respondent is presently licensed and/or has license rights under the Code, as a  
4 real estate salesperson with Department of Real Estate (Department) license ID 01767502.

5 b. Respondent's salesperson license was originally issued on October 18, 2006,  
6 and is scheduled to expire on November 8, 2022, unless renewed.

7 c. Respondent currently holds a Mortgage Loan Originator (MLO) license  
8 endorsement with the Department with the assigned National Mortgage Licensing System and  
9 Registry (NMLS) No. 318503, the status of which has been "Approved-Inactive" since May 7,  
10 2019.

11 d. Respondent currently holds a MLO license endorsement with the Department  
12 of Financial Protection and Innovation (DFPI) with the assigned NMLS No. CA-DOC318503,  
13 the status of which is "Approved." and Respondent is currently authorized to represent Home  
14 Mortgage Alliance Corporation (Department license ID 0152682, expired as of November 19,  
15 2021), NMLS No. 116508. On or about April 14, 2022, an Accusation was filed by the DFPI  
16 against NMLS No. 318503. On or about June 21, 2022, in a Settlement Agreement between  
17 Respondent and DFPI, Respondent agreed to voluntarily surrender her MLO license to the  
18 DFPI Commissioner.

19 STATEMENT OF FACTS

20 4.

21 Respondent violated the NMLS student Rules of Conduct (ROC) by using the  
22 services of Danny Yen, dba Real Estate Educational Services (REES) to complete her NMLS-  
23 approved continuing education (CE) courses, which constitutes a violation of the licensing  
24 requirements of this state and under federal law. Specifically, Respondent used and  
25 compensated REES to obtain credit through an in-person fraud scheme. In the in-person fraud  
26 scheme, Respondent used REES to annually report completion of an in-person course for four  
27 years from 2017 to 2020. REES did not teach the in-person course and Respondent never

1 attended the in-person course nor completed the required exam or course work to receive  
2 course credit.

3 NMLS Pre-Licensing and Continuing Education

4 5.

5 The State Regulatory Registry LLC (SRR), which owns and operates the  
6 NMLS, administers PE and CE and Uniform State Test protocols. Title V of Public Law 110-  
7 289, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (the SAFE Act),  
8 requires that state-licensed MLOs complete PE prior to initial licensure and annual CE  
9 thereafter. (See Code section 10166.06)

10 6.

11 In order to meet PE requirements contemplated under the SAFE Act, state-  
12 licensed MLOs must complete twenty (20) hours of NMLS–approved education. Code section  
13 10166.06(a).

14 7.

15 In order to meet CE requirements contemplated under the SAFE Act, state-  
16 licensed MLOs must complete eight (8) hours of NMLS–approved education. Code section  
17 10166.10(a).

18 REES

19 8.

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

22 9.

23 The NMLS had approved REES to offer one in-person 8-hour “DBO-SAFE Act  
24 Comprehensive: Mortgage Continuing Education” course in a classroom format located at  
25 15751 Brookhurst Street, Suite 230, Westminster, California.

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1 10.

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

3 11.

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

6 REES Investigation

7 12.

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

12 13.

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

16 14.

17 In late 2020, SRR obtained information concerning suspicious activity and that  
18 that information identified a possible MLO education cheating scheme coordinated by and  
19 implemented through REES and its owners and operators, including Danny Yen. Based on that  
20 information, and pursuant to the AAP, SRR initiated an investigation into the matter.

21 Findings of SRR and Department Investigation

22 15.

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

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1 16.

2 Additional investigation revealed evidence that REES fraudulently provided  
3 course credit to MLOs who had never attended and completed REES' 8-hour in-person CE  
4 course in Westminster, California in an in-person fraud scheme.

5 17.

6 Respondent was identified in NMLS records as receiving course credit for  
7 REES' 8-hour in-person CE course in 2017, 2018, 2019, and 2020. It was determined that none  
8 of these in-person courses ever took place and Respondent never attended an in-person course  
9 corresponding to the course credits Respondent received. Consequently, Respondent never took  
10 a knowledge examination required for course credit. It was determined that Respondent had  
11 used REES to obtain four years of course credits from 2017 to 2020 in violation of the ROC  
12 under the in-person fraud scheme.

13 18.

14 The ROC provide in relevant part:

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

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

20  
21 ROC 8: I will not engage in any capacity that would be contrary to good  
22 character or reputation, or engage in any behavior that would cause the public to believe that I  
23 would not operate in the mortgage loan business lawfully, honestly or fairly.

24 ROC 9: I will not engage in any conduct that is dishonest, fraudulent, or would  
25 adversely impact the integrity of the course(s) I am completing and the conditions for which I  
26 am seeking licensure or renewal of licensure.

27 ///

1 19.

2 By using the services of another to complete her CE and receiving fraudulent  
3 course credits through a non-existent course, Respondent violated ROC 3, 5, 8, and 9, and  
4 engaged in conduct that was dishonest, fraudulent, and that adversely impacted the integrity of  
5 the courses and the conditions and qualifications for which Respondent sought licensure or  
6 renewal of licensure.

7 Voluntary Survey

8 20.

9 On or about July 13, 2021, Respondent was provided an opportunity via a  
10 survey to disclose information about her participation in the REES 8-hour in-person CE  
11 education fraud. On or about August 23, 2021, Respondent provided her response to the survey  
12 request. In response to the survey, Respondent stated she was familiar with Danny Yen and  
13 REES; that she did not attend an in-class course because courses were offered via  
14 correspondence; and that all packages were U.S.-mailed to her, after which completed tests and  
15 materials were mailed to Danny Yen.

16 Financial Responsibility, Character, and General Fitness

17 21.

18 Pursuant to Code section 10166.05(c), the Commissioner must deny a MLO  
19 license endorsement if the licensee fails to meet the minimum criteria for licensure, which  
20 includes a requirement that the applicant “has demonstrated such financial responsibility,  
21 character and general fitness as to command the confidence of the community and to warrant a  
22 determination that the [MLO] will operate honestly, fairly, and efficiently within the purposes  
23 of this division.”

24 22.

25 As described in paragraphs 16 through 20 above, Respondent violated ROC 3, 5,  
26 8, and 9 by using the services of another, REES, to falsely obtain course credits through an in-  
27 person course that Respondent never attended for the years 2017 to 2020.



1 material misstatement in an application for a license endorsement or license endorsement  
2 renewal.”

3 26.

4 **Section 10177 of the Code** provides in pertinent part, “[t]he Commissioner may  
5 suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real  
6 estate licensee, or deny the issuance of a license to an applicant, who has done any of the  
7 following...

8 ...

9 (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing  
10 with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and  
11 regulations of the commissioner for the administration and enforcement of the Real Estate Law  
12 and Chapter 1 (commencing with Section 11000) of Part 2.

13 ...

14 (g) Demonstrated negligence or incompetence in performing an act for which  
15 the officer, director, or person is required to hold a license.

16 ...

17 (j) Engaged in any other conduct, whether of the same or of a different character  
18 than specified in this section, that constitutes fraud or dishonest dealing.

19 COSTS

20 (INVESTIGATION AND ENFORCEMENT COSTS)

21 27.

22 Section 10106 of the Code, provides, in pertinent part, that in any order issued in  
23 resolution of a disciplinary proceeding before the Department, the Commissioner may request  
24 the administrative law judge to direct a licensee found to have committed a violation of this  
25 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the  
26 case.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this First Amended Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the licenses, MLO endorsement, and/or license rights of Respondent MAYRA ALEJANDRA GONZALEZ under the Real Estate Law, for the costs of investigation and enforcement as permitted by law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California this 1st day of August, 2022.

*Veronica Kilpatrick*  
\_\_\_\_\_  
Veronica Kilpatrick  
Supervising Special Investigator

cc: Mayra Alejandra Gonzalez  
Veronica Kilpatrick  
Sacto.