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**FILED**

**FEB 15 2023**

**DEPT. OF REAL ESTATE**

By 

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8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA  
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11 \* \* \*

12 In the Matter of the Accusation Against ) DRE No. H-05711 SD  
)  
13 JOSEPH ROBERT ELIAN, )  
)  
14 Respondent. ) ACCUSATION  
15 )  
16

17 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
18 State of California, for cause of Accusation against JOSEPH ROBERT ELIAN (“Respondent”)  
19 alleges as follows:

20 1.

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

23 2.

24 All references to the “Code” are to the California Business and Professions Code  
25 and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

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27 ///

ACCUSATION



1 6.

2 In order to meet PE requirements contemplated under the SAFE Act, state-  
3 licensed MLOs must complete twenty (20) hours of NMLS–approved education. (Code section  
4 10166.06(a).)

5 7.

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

9 REES

10 8.

11 REES, with NMLS course provider number 1405046, was an NMLS–approved  
12 course provider during the years 2017 to 2020.

13 9.

14 The NMLS had approved REES to offer one in-person 8-hour “DBO-SAFE Act  
15 Comprehensive: Mortgage Continuing Education” course in a classroom format located at  
16 15751 Brookhurst Street, Suite 230, Westminster, California (Westminster address).

17 10.

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

19 11.

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

22 REES Investigation

23 12.

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

1 13.

2 The AAP also extends administrative authority to the MTEB and SRR to  
3 investigate alleged violations of the NMLS Standards of Conduct (“SOC”), which apply to all  
4 NMLS–Approved course providers.

5 14.

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

10 Findings of SRR and Department Investigation

11 15.

12 On or about December 15, 2020, SRR staff were informed of suspected  
13 individuals completing online NMLS–approved education courses on behalf of another.

14 16.

15 Additional investigation revealed evidence that REES fraudulently provided  
16 course credit to MLOs who had never attended and completed REES’ 8-hour in-person CE  
17 course in Westminster, California in the in-person fraud scheme.

18 17.

19 Respondent was identified in NMLS records as receiving course credit for  
20 REES’ 8-hour in-person CE course in 2020. It was determined that none of these in-person  
21 courses ever took place and Respondent never attended an in-person course corresponding to  
22 the course credits Respondent received. Consequently, Respondent never took a knowledge  
23 examination required for course credit. It was determined that Respondent had used REES to  
24 obtain one year of course credits in 2020 in violation of the ROC under the in-person fraud  
25 scheme.

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27 ///

1 18.

2 The ROC provide in relevant part:

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

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

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

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

14 19.

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

20 Financial Responsibility, Character, and General Fitness

21 20.

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



1 hereunder.

2 (b) Deny, suspend, revoke, condition, or decline to renew a mortgage loan  
3 originator license endorsement, if an application or endorsement holder fails at any time to  
4 meet the requirements of Section 10166.05 or 10166.09, or withholds information or makes a  
5 material misstatement in an application for a license endorsement or license endorsement  
6 renewal.”

7 25.

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

12 ...

13 (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing  
14 with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and  
15 regulations of the commissioner for the administration and enforcement of the Real Estate Law  
16 and Chapter 1 (commencing with Section 11000) of Part 2.

17 ...

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

20 ...

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

23 COSTS

24 (INVESTIGATION AND ENFORCEMENT COSTS)


25 26.

26 Section 10106 of the Code, provides, in pertinent part, that in any order issued in  
27 resolution of a disciplinary proceeding before the Department, the Commissioner may request

1 the administrative law judge to direct a licensee found to have committed a violation of this  
2 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the  
3 case.

4 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of  
5 this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
6 action against the license(s), MLO endorsement, and/or license rights of Respondent JOSEPH  
7 ROBERT ELIAN under the Real Estate Law, for the costs of investigation and enforcement as  
8 permitted by law and for such other and further relief as may be proper under other applicable  
9 provisions of law.

10  
11 Dated at San Diego, California this 13<sup>th</sup> day of February, 2023.

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14   
15 Veronica Kilpatrick  
16 Supervising Special Investigator  
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18 cc: JOSEPH ROBERT ELIAN  
19 Veronica Kilpatrick  
20 Sacto.  
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