

JAN 11 2023

DEPT. OF REAL ESTATE

By 

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12 BEFORE THE DEPARTMENT OF REAL ESTATE
13
14 STATE OF CALIFORNIA

* * *

15 In the Matter of the Application of
16 SEDDU EUGENE NAMAKAO,
17 Respondent.

No. H-05727-SD

STATEMENT OF ISSUES

Mortgage Loan Originator (MLO) License
Endorsement

18 The Complainant, Ruth Corral, a Supervising Special Investigator for the Department of
19 Real Estate (“Department”) of the State of California, for cause of Statement of Issues against
20 SEDDU EUGENE NAMAKAO (“Respondent”), alleges as follows.

21 1. The Complainant, Ruth Corral, acting in her official capacity as a Supervising
22 Special Investigator, makes this Statement of Issues against Respondent.

23 2. Unless otherwise noted, all references to the “Code” are to the California Business
24 and Professions Code, all references to the “Real Estate Law” are to Part 1 of Division 4 of the
25 Code, and all references to “Regulations” are to the Regulations of the Real Estate Commissioner,
26 Title 10, Chapter 6, California Code of Regulations.

PREVIOUS LICENSE HISTORY

27 3. Respondent was previously licensed by the Department as a real estate salesperson
28 (“RES”), License ID 01994167, from on or about January 7, 2016, through on or about January 6,
2020, at which time Respondent’s license expired. Respondent also did not exercise the option to
renew his license within two years from the date of expiration pursuant to Code section 10201.

4. Respondent is thus not currently licensed in any capacity by the Department.

MLO APPLICATION

3 5. On or about August 20, 2021, Respondent submitted an application for an
4 Individual Mortgage Loan Originator (“MLO”) real estate salesperson (“RES”) license
5 endorsement by filing a Form MU4 application (“MLO application”) through the Nationwide
6 Mortgage Licensing System and Registry (“NMLS”).

7 6. On or about July 12, 2021, the Department sent through the NMLS website a
8 Notice of Intent to Deny Respondent's MLO application for failure to obtain or maintain a
9 Department of Real Estate license. Such Notice sent through NMLS is electronically transmitted
10 to applicants through e-mail.

11 7. On or about July 14, 2021, the Department served Respondent via U.S. certified
12 mail with a Notice of Intent to Deny Respondent's MLO application ("Notice") for failure to
13 obtain or maintain a Department of Real Estate license.

14 8. On or about August 17, 2022, a special investigator for the Department contacted
15 Respondent by telephone to explain the Notice and that the Department needed Respondent to
16 withdraw his MLO application, or the Department would send him a formal denial. Respondent
17 requested that the Department e-mail the withdrawal form to him and he would complete it and
18 return it. On the same date, the Department e-mailed a withdrawal form to Respondent,
19 instructing him to complete it and return it no later than August 24, 2022 to avoid a formal denial.

20 9. On or about August 24, 2022, when Respondent had not returned a completed
21 withdrawal form, the special investigator telephoned Respondent again and left a voicemail
22 message requesting that he return the completed form that day. Respondent did not return a
23 completed withdrawal form.

24 10. To date, Respondent has not returned a completed form to withdraw his MLO
25 application and has not obtained a real estate license from the Department.

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APPLICABLE STATUTES

(Code Sections 10166.02(b) and 10166.051(a))

11. Code Section 10166.02, subdivision (b) provides:

“No individual may engage in business as a mortgage loan originator under this article without first doing both of the following:

(1) Obtaining and maintaining a real estate license pursuant to Article 2 (commencing with Section 10150).

(2) Obtaining and maintaining a real estate license endorsement pursuant to this article identifying that individual as a licensed mortgage loan originator.”

12. Code Section 10166.051 provides in part:

“In addition to any penalties authorized by regulations adopted pursuant to Section 10166.15, the commissioner may do one or more of the following, after appropriate notice and opportunity for hearing:

(a) Deny, suspend, revoke, condition, or decline to renew a mortgage loan originator license endorsement for a violation of this article, or any rules or regulations adopted hereunder.

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

GROUND FOR MLO LICENSE ENDORSEMENT DENIAL

13. Respondent's failure to obtain a Real Estate license constitutes cause for denial of Respondent's MLO license endorsement applications pursuant to Code Sections 10166.02(b) and 10166.051.

14. These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a Mortgage Loan Originator real estate salesperson license

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1 endorsement to Respondent SEDDU EUGENE NAMAKAO, and for such other and further relief
2 as may be proper under other applicable provisions of law.

3 Dated at Sacramento, California this 5th day of January, 2023.



6 Ruth Corral
7 Supervising Special Investigator

8 cc: SEDDU EUGENE NAMAKAO
9 Ruth Corral
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