

**FILED**

**May 23, 2012**

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DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 ANTHONY AUGUST AMMIRATO, ) NO. H-5820 SAC  
13 Respondent. ) STATEMENT OF ISSUES  
14 )

15 The Complainant, SYLVIA YRIGOLLEN, acting in her official capacity as a  
16 Deputy Real Estate Commissioner of the State of California, for Statement of Issues against  
17 ANTHONY AUGUST AMMIRATO ("Respondent"), is informed and alleges as follows:

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19 Respondent is presently licensed and/or has license rights as a real estate  
20 salesperson. On or about December 23, 2011, Respondent made application to the California  
21 Department of Real Estate ("the Department") for a mortgage loan originator license  
22 endorsement ("License Endorsement").

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24 In response to the License Endorsement Application Disclosure questions,  
25 Question 8 (A) (1) (C), to wit "WITHIN THE PAST 10 YEARS DO YOU HAVE ANY  
26 UNSATISFIED JUDGMENTS OR LIENS AGAINST YOU"; and Question 8 (L) (2), "HAVE  
27 YOU EVER BEEN NAMED AS A RESPONDENT/DEFENDANT IN A FINANCIAL

1 SERVICE-RELATED CONSUMER –INITIATED ARBITRATION OR CIVIL LITIGATION  
2 WHICH RESULTED IN AN ARBITRATION AWARD OR CIVIL JUDGMENT AGAINST  
3 YOU REGARDLESS OF THE AMOUNT. . ." Respondent answered "NO" to each question  
4 failing to disclose the Civil Judgment Liens, and, State and Federal Tax Liens set forth in  
5 Paragraph 3, below.

6 3

7 Respondent failed to disclose Civil Judgment Liens, and, State and Federal Tax  
8 Liens set forth herein:

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10 DATE	COURT / JURISDICTION	ACTION
11 02/02/2010	Internal Revenue Service	Tax Lien \$49,782.00
12 04/07/2008	Internal Revenue Service	Tax Lien \$374,333.00
13 01/30/2007	Sacramento Case No. 200701302179	Judgment to Placer Creditor Bureau \$796.00
14 02/27/2006	Sacramento Case No. 200602270839	Judgment to County of Sacramento \$154.00
15 10/15/1991	Placer-Roseville Case No. 28383CV	Judgment to Autumn Oaks Partners \$1,398.00
16 07/26/2011	State of California	Tax Lien \$13,371.00
17 10/28/2008	State of California	Tax Lien \$41,757.00

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22 To date, the Civil Judgment Liens, and, State and Federal Tax Liens enumerated  
23 in the Paragraph 3, above, have not been satisfied by Respondent.

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25 Respondent's failure to reveal the Civil Judgment Liens, and, State and Federal  
26 Tax Liens described in Paragraph 3, above, constitutes the attempted procurement of a License  
27 Endorsement by fraud, misrepresentation, deceit, or by making a material misstatement of fact in

1 his application and therefore provides separate cause for denial of Respondent's License  
2 Endorsement under Sections 480(c) and 10177(a) of the California Business and Professions  
3 Code (the "Code").

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5 The facts alleged above in Paragraphs 1 through 5, above, joint and severally  
6 constitute grounds for denial of Respondent's License Endorsement under Sections 480(a)(2)  
7 (act involving dishonesty, fraud or deceit), 480(c) (knowingly making false statement of fact  
8 required to be revealed on application for license), 10166.05(b) (denial of mortgage lender  
9 originator license endorsement), 10166.05(c) (lack of financial responsibility); 10166.051(b)  
10 (failure to disclose judgment and/or tax liens); 10176(a) (making substantial misrepresentation)  
11 and 10177(a) (attempted procurement of real estate license by fraud, misrepresentation or deceit  
12 or by making material misstatement) of the Code.

13 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
14 of this Statement of Issues, and that upon proof thereof, a decision be rendered that the  
15 Commissioner refuse to authorize the issuance of, and deny the issuance of, a mortgage loan  
16 originator license endorsement to Respondent, and for such other and further relief as may be  
17 proper under the provisions of law.

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19   
20 SYLVIA YRIGOLLEN  
Deputy Real Estate Commissioner

21 Dated at Sacramento, California,  
22 this 18th day of May, 2012.  
23

24 **DISCOVERY DEMAND:**

25 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedures Act*, the Department  
26 of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in  
27 the *Administrative Procedures Act*. Failure to provide Discovery to the Department of Real  
Estate may result in the exclusion of witnesses and documents at the hearing or other  
sanctions that the Office of Administrative Hearings deems appropriate.