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FILED

NOV 20 2012

DEPARTMENT OF REAL ESTATE

BY: 

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H-38566 LA
13)	
14 MILTON YING CHOW,)	<u>A C C U S A T I O N</u>
15)	
16 Respondent.)	Mortgage Loan
17)	Originator License
18)	Endorsement Number
19)	314926

20
21 The Complainant, Howard Alston, a Deputy Real Estate
22 Commissioner of the State of California, for cause of Accusation
23 against MILTON YING CHOW ("Respondent") alleges as follows:

24 1.

25 The Complainant, Howard Alston, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 in his official capacity.

2 2.

Respondent is presently licensed and/or has license
rights under the under the Real Estate Law (Part 1 of Division 4

1 of the Business and Professions Code) ("Code") as a real estate
2 broker.

3 3.

4 Respondent presently holds an individual mortgage loan
5 originator ("MLO") license endorsement (ID 314926).

6 CRIMINAL CONVICTION

7 4.

8 On or about August 31, 1995, in the California
9 Superior Court, County of Los Angeles, in Case No. BA 082728,
10 Respondent plead guilty to violating California Corporations
11 Code Section 25540 subsections (a) and (b) [Securities Fraud], a
12 felony. Thereafter, on or about June 8, 2000, Respondent was
13 sentenced pursuant to his guilty plea to a six-month period of
14 summary probation. By virtue of the foregoing sentence imposed
15 by the court Respondent's conviction constitutes a misdemeanor
16 violation. On or about August 14, 2007, Respondent's conviction
17 was expunged pursuant to an order of dismissal made under the
18 provisions of California Penal Code Section 1203.4.
19

20 5.

21 The facts alleged in Paragraph 4, above, constitute
22 cause for the revocation of Respondent's individual mortgage
23 loan originator endorsement pursuant to Code Section
24 10166.051(b) for failure of Respondent as an MLO endorsement
25 holder to meet the requirements of Code Section 10166.05(c) and
26 Section 2758.3, Title 10, Chapter 6, Code of Regulations,
27 obligating the holder to demonstrate such financial

1 responsibility, character and general fitness as to command the
2 confidence of the community and to warrant a determination that
3 the mortgage loan originator will operate honestly, fairly, and
4 efficiently within the purposes of Article 2.1 of the Real
5 Estate Law.

6 (FAILURE TO DISCLOSE)

7 6.

8 On or about August 24, 2010, Respondent submitted an
9 individual mortgage loan originator endorsement application
10 (MU4) to the Nationwide Mortgage Licensing System and Registry
11 (NMLS). Respondent made additional MU4 submissions to NMLS in
12 connection with his application for an individual MLO
13 endorsement on November 19, 2010, and August 17, 2012. The
14 section of the foregoing applications entitled "Criminal
15 Disclosure," which is found in the "Disclosure Questions"
16 Section, contained the following question:

17 Question: "Have you ever been convicted of or pled
18 guilty or nolo contendere ("no contest") in a domestic, foreign,
19 or military court to committing or conspiring to commit a
20 misdemeanor involving: (i) financial services or a financial
21 services-related business, (ii) fraud, (iii) false statements or
22 omissions, (iv) theft or wrongful taking of property, (v)
23 bribery, (vi) perjury, (vii) forgery, (viii) counterfeiting, or
24 (ix) extortion?"
25

26 ///

27 ///

7.

In each license endorsement application Respondent submitted to NMLS and described in Paragraph 6, above, Respondent answered "No" to the question set forth in Paragraph 6, above, which asked Respondent if he had ever been convicted of or pled guilty or nolo contendere ("no contest") to a misdemeanor involving the specified conduct.

8.

Respondent's failure to reveal the existence of the criminal conviction described in Paragraph 4, above, constitutes withholding information and/or making a material misstatement in an application for a license endorsement and is cause for the suspension or revocation of Respondent's individual mortgage loan originator endorsement under Section 10166.051(b) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the individual mortgage loan originator license
5 endorsement of Respondent MILTON YING CHOW under the Code, for
6 the cost of investigation and enforcement as permitted by law,
7 and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 20th day of November, 2012.

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13 Howard Alston
14 Deputy Real Estate Commissioner
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26 cc: MILTON YING CHOW
27 Howard Alston
Sacto.