

FILED

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BUREAU OF REAL ESTATE

By AL Selous

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	No. H- 40860 LA
	)	
	)	<u>STATEMENT OF ISSUES</u>
CHRISTOPHER GARVIN,	)	
	)	Mortgage Loan Originator
Respondent.	)	License Endorsement
	)	

The Complainant, Chika Sunquist, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against CHRISTOPHER GARVIN aka Christopher William Garvin ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Chika Sunquist, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues against Respondent in her official capacity.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate broker (license number 01749281).

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1 3.

2 On or about January 17, 2017, Respondent made application ("Application") to
3 the State of California Bureau of Real Estate ("Bureau") for an individual (MU4) mortgage
4 loan originator license endorsement ("MLO license endorsement").

5
6 LACK OF FITNESS

7 *Criminal Convictions*

8 4.

9 On or about July 14, 1994, in the Circuit Court of Martin County, State of
10 Florida, case no. 94-3045MMA, Respondent was convicted of violating Florida Statute chapter
11 812.015 (retail theft), a misdemeanor.

12 5.

13 On or about October 31, 1994, in the Circuit Court of St. Lucie County, State of
14 Florida, case no. 1994MM001670 A, Respondent was convicted of violating Florida Statute
15 chapter 812.014 (theft), a misdemeanor.

16 6.

17 On or about March 2, 2012, in the Superior Court of California, County of Los
18 Angeles, in case no. LA067779, Respondent was convicted of violating California Penal Code
19 section 23105(a) (reckless driving with bodily injury to another person), a misdemeanor. In
20 part, Respondent was sentenced to 3 years of summary probation, 30 days in jail or probation
21 adult alternative work services ("PAAWS"), pay restitution to the victim, and pay various fines
22 and fees. On or about November 7, 2012, Respondent was ordered to pay the following
23 restitution: \$110,457.81 for past medical expenses, \$38,707.82 for lost earning, \$250,000.00 for
24 future medical expenses, \$104,833.00 for attorney fees and costs, and \$2,000.00 for preparation
25 of the victim's motion and court appearance. On or about April 10, 2014, Respondent was
26 ordered to serve an additional 192 hours of community service. On or about July 16, 2014,

1 Respondent was ordered to serve an additional 32 days in jail. On or about May 28, 2015, the
2 court noted probation had terminated, so it no longer had jurisdiction, and the victim had to
3 proceed civilly to enforce the judgment.

4
5 *Civil Judgments*

6 7.

7 On or about April 1, 2010, in the Superior Court of California, Small Claims
8 Court, County of Los Angeles, in case no. 10V00149, Zita G. filed a claim against Respondent
9 DBA Innovative Finance for taking unauthorized commissions for loan refinance services. On
10 or about August 24, 2010, the court found for Zita G. and ordered Respondent to pay \$4,930.00
11 in principal plus \$75.00 in costs on plaintiff's claim.

12 8.

13 On or about February 13, 2014, in the Superior Court of California, County of
14 Los Angeles, in case no. 14R01593, a DD P. filed a Complaint – Unlawful Detainer was filed
15 against Respondent. On or about March 17, 2014, the court found for DD P., and ordered
16 Respondent to pay \$3,776.61.

17
18 *Prior License Discipline/Regulatory Action*

19 9.

20 On or about November 5, 2014, the California Bureau of Real Estate, in case no.
21 H-39224 LA and OAH case no. L-2014010648, filed a Decision accepting the Stipulation and
22 Agreement revoking Respondent's real estate broker license; provided, however, a restricted
23 real estate broker license be issued to Respondent pursuant to certain terms and conditions.
24 This Decision became effective on November 25, 2014. Discipline was based upon
25 Respondent's March 2, 2012 conviction described in Paragraph 6, above.

26 10.

1 The facts alleged in Paragraphs 5 through 9, above, constitute cause for denial of
2 Respondent's application for an MLO license endorsement under California Business and
3 Professions Code section 10166.05(c) (financial responsibility, character, and general fitness to
4 command confidence that mortgage loan operator will operate honestly, fairly, and efficiently).

5
6 (FAILURE TO REVEAL CRIMINAL CONVICTIONS, CIVIL JUDGMENTS, AND PRIOR
7 LICENSE DISCIPLINE)

8 11.

9 In response to Disclosure Questions question H of his Application, to wit: "Have
10 you ever been convicted of or pled guilty or nolo contendere ('no contest') in a domestic,
11 foreign, or military court to committing or conspiring to commit a misdemeanor involving: (i)
12 financial services or a financial services-related business, (ii) fraud, (iii) false statements or
13 omissions, (iv) theft or wrongful taking of property, (v) bribery, (vi) perjury, (vii) forgery, (viii)
14 counterfeiting, or (ix) extortion?," Respondent answered "No," and failed to reveal the
15 convictions described in Paragraphs 4 and 5, above.

16 12.

17 In response to Disclosure Questions question K(5) of his Application, to wit:
18 "Has any State or federal regulatory agency or foreign financial regulatory authority or self-
19 regulatory organization (SRO) ever: (5) revoked your registration or license?," Respondent
20 answered "No," and failed to reveal the prior real estate license discipline described in
21 Paragraph 9, above.

22 13.

23 In response to Disclosure Questions question K(9) of his Application, to wit:
24 "Has any State or federal regulatory agency or foreign financial regulatory authority or self-
25 regulatory organization (SRO) ever: (9) entered an order concerning you in connecting with any
26 license or registration?," Respondent answered "No," and failed to reveal the prior real estate
27

1 license discipline described in Paragraph 9, above.

2 14.

3 In response to Disclosure Questions question P of his Application, to wit: "Have
4 you ever been named as a respondent/defendant in a financial services-related consumer-
5 initiated arbitration or civil judgment which: (2) resulted in an arbitration award or civil
6 judgment against you, regardless of the amount or that required corrective action?," Respondent
7 answered "No," and failed to reveal the civil judgment described in Paragraph 7, above.

8 15.

9 Respondent's failures to reveal these convictions, prior license discipline, and
10 civil judgment in his Application constitute knowingly making false statements of material fact
11 required to be revealed in said Application, which is grounds for denial of the issuance of a
12 license under California Business and Professions Code section 10166.051(b).

13 16.

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

19 Dated at Sacramento, California: November 7, 2017.

20
21 
22 _____
23 Chika Sunquist
24 Deputy Real Estate Commissioner

25 cc: CHRISTOPHER GARVIN
26 Chika Sunquist
27 Sacto.