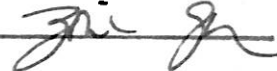


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FILED

MAR 13 2018

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of)	No. H-40974 LA
)	
EARVIN SAN JUAN PIEGA,)	<u>STATEMENT OF ISSUES</u>
)	
Respondent.)	Mortgage Loan Originator
)	License Endorsement
)	

The Complainant, Chika Sunquist, a Supervising Special Investigator of the State of California, for cause of Statement of Issues against EARVIN SAN JUAN PIEGA, also known as Earvin Piega, ("Respondent"), alleges as follows:

1.

The Complainant, Chika Sunquist, Supervising Special Investigator 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 ("Code"), as a restricted real estate salesperson (License ID 01504376). Respondent's license expires on November 25, 2018, unless renewed.

STATEMENT OF ISSUES – EARVIN SAN JUAN PIEGA

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3.

On or about May 27, 2017, Respondent made application to the Bureau of Real Estate ("Bureau") of the State of California for an individual mortgage loan originator ("MLO") license endorsement.

GROUND FOR DENIAL OF MLO LICENSE ENDORSEMENT

4.

Section 10166.05(c) of the Code provides, in pertinent part, that the Commissioner shall not issue a MLO license endorsement to an applicant unless said applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the article.

5.

Section 10166.051(b) of the Code provides that the Commissioner may 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.

6.

Section 2945.2(b) of Title 10, Chapter 6, California Code of Regulations ("Regulations") provides that where a real estate licensee subject to a real estate license discipline action filed by the Bureau on January 1, 2010, or later, resulting in a revocation, a suspension, a voluntary surrender of a real estate license, a public reproof, and/or bar order, such discipline alone may be cause for denial of a subsequent mortgage loan originator license endorsement.

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(CRIMINAL CONVICTION)

7.

On or about August 28, 2012, in the Superior Court of California, County of Los Angeles, Case No. LA071246, Respondent was convicted on a plea of no contest for violation of Health and Safety Code section 11366 (opening or maintaining a place for trafficking in controlled substances), a felony. Respondent was placed on formal probation for 3 years under certain terms and conditions, including in part, completion of 40 days of community labor and payment of fines and fees. On or about July 21, 2014, Respondent's felony conviction was reduced to a misdemeanor pursuant to Penal Code section 17(b).

(PRIOR LICENSE DISCIPLINARY ACTION)

8.

On May 1, 2014, the Bureau filed an Accusation in Bureau Case No. H-39432 LA, against Respondent for the criminal conviction described in Paragraph 7 above.

9.

On October 16, 2014, Respondent and the Bureau entered into a Stipulation and Agreement in Case No. H-39432 LA where Respondent stipulated to the acts and omissions in the Accusation as grounds for disciplinary action in that he violated Code section 10177(b). On November 26, 2014, the Real Estate Commissioner ("Commissioner") revoked Respondent's real estate salesperson license pursuant to Code section 10177(b). The revocation of Respondent's salesperson license became effective November 26, 2014, and was subject to Respondent's right to apply for and be issued a restricted real estate salesperson license on the terms and conditions specified in the Commissioner's Decision and Order dated October 30, 2014. On November 26, 2014, Respondent was issued a restricted real estate salesperson license.

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(MATERIAL MISSTATEMENTS)

10.

In response to Question (F)(1) in the section entitled "Disclosure Questions" of Respondent's MLO license endorsement application, to wit: "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony", Respondent answered "No," which constitutes the making of a material misstatement as to the existence of the conviction described in Paragraph 7, above.

11.

In response to Question (K) in the section entitled "Regulatory Action" of Respondent's MLO license endorsement application, to wit: "Has any State or Federal agency or foreign financial regulatory authority or self-regulatory organization (SRO) ever:...(5) revoked your registration or license?" Respondent answered "No," which constitutes the making of a material misstatement as to the revocation of his real estate salesperson license on November 26, 2014, as described in Paragraph 9, above.

12.

In response to Question (K) in the section entitled "Regulatory Action" of Respondent's MLO license endorsement application, to wit: "Has any State or Federal agency or foreign financial regulatory authority or self-regulatory organization (SRO) ever:...(9) entered an order concerning you in connection with any license or registration?" Respondent answered "No," which constitutes the making of a material misstatement as to the Commissioner's Decision and Order concerning Respondent dated October 30, 2014, as described in Paragraph 9, above.

13.

The facts alleged in Paragraphs 7 through 12 above, constitute cause for the denial of Respondent's application for a MLO license endorsement under Code sections 10166.05(c) and 10166.051(b) and Regulations section 2945.2(b).


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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 MLO license endorsement to Respondent EARVIN SAN JUAN PIEGA and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Sacramento, California this 9th day of March, 2018.


Chika Sunquist
Supervising Special Investigator

cc: EARVIN SAN JUAN PIEGA
Chika Sunquist
Sacto.

STATEMENT OF ISSUES - EARVIN SAN JUAN PIEGA