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FILED

AUG 21 2018

DEPARTMENT OF REAL ESTATE

By John Aguilera

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8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation against

DRE No. H-41146 LA

12 GOTMORTGAGE.COM,

ACCUSATION

13 GOTMORTGAGE.COM REAL ESTATE GROUP, and

14 ANDREA HAEWON PARK, individually, and as
15 designated officer for Gotmortgage.com and
Gotmortgage.com Real Estate Group,

16 Respondents.
17

18 The Complainant, Chika Sunquist, a Supervising Special Investigator for the Department
19 of Real Estate¹ ("Department") of the State of California, for cause of this Accusation against
20 GOTMORTGAGE.COM, GOTMORTGAGE.COM REAL ESTATE GROUP, and ANDREA
21 HAEWON PARK, individually, and as designated officer for Gotmortgage.com and
22 Gotmortgage.com Real Estate Group, (collectively "Respondents"), is informed and alleges as
23

24 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 follows:

2 1.

3 The Complainant, Chika Sunquist, a Supervising Special Investigator of the State of
4 California, makes this Accusation in her official capacity.

5 2.

6 All references to the "Code" are to the California Business and Professions Code and all
7 references to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10,
8 Chapter 6, California Code of Regulations.

9 3.

10 Respondents are presently licensed and/or have license rights under the Real Estate Law
11 (Part 1 of Division 4 of the California Business and Professions Code).

12 4.

13 From November 16, 2006, through the present, Respondent GOTMORTGAGE.COM has
14 been licensed by the Department as a corporate real estate broker, License ID 01780370.
15 Respondent's license is scheduled to expire on November 15, 2018. Respondent has renewal
16 rights pursuant to Code section 10201. The Department retains jurisdiction pursuant to Code
17 section 10103.

18 5.

19 Respondent GOTMORTGAGE.COM is currently licensed by the Department to do
20 business as the following fictitious business names: "Gotmortgage," "Pacific Source Funding,"
21 and "Performance Capital Group."

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1 6.

2 Respondent GOTMORTGAGE.COM has a Mortgage Loan Originator ("MLO") license
3 endorsement, National Mortgage Licensing System and Registry ("NMLS") No. 245420.

4 7.

5 From June 8, 2004, through the present, Respondent GOTMORTGAGE.COM REAL
6 ESTATE GROUP has been licensed by the Department as a corporate real estate broker, License
7 ID 01431173.

8 8.

9 Respondent GOTMORTGAGE.COM REAL ESTATE GROUP is currently licensed by
10 the Department to do business as the following fictitious business names: "Fine Estates By The
11 Sea," "First Response Realty," "Mortgage Trading Advisors," "Real Estate Investment
12 Consultants," and "Tower 2 Real Estate."

13 9.

14 From November 15, 2006, to the present, Respondent ANDREA HAEWON PARK
15 ("ANDREA PARK") has been licensed by the Department as a real estate broker, License ID
16 01314548. Respondent was formerly licensed as a salesperson from July 9, 2001 through
17 November 14, 2006.

18 10.

19 Respondent ANDREA PARK has a MLO license endorsement, NMLS No. 313179.

20 11.

21 From on or about November 16, 2006, through the present, Respondent ANDREA PARK
22 has been licensed as the officer designated for Respondent GOTMORTGAGE.COM, pursuant to
23 section 10211 of the Code, who is responsible for the supervision and control of the activities
24

1 conducted on behalf of Respondent GOTMORTGAGE.COM by its officers and employees as is
2 necessary to secure full compliance with Real Estate Law, as set forth under Code section
3 10159.2.

4 12.

5 From on or about July 13, 2007, through the present, Respondent ANDREA PARK has
6 been licensed as the officer designated for Respondent GOTMORTGAGE.COM REAL
7 ESTATE GROUP, pursuant to section 10211 of the Code, who is responsible for the supervision
8 and control of the activities conducted on behalf of Respondent GOTMORTGAGE.COM REAL
9 ESTATE GROUP by its officers and employees as is necessary to secure full compliance with
10 Real Estate Law, as set forth under Code section 10159.2.

11 13.

12 GOTMORTGAGE.COM is a California corporation, California Corporate Number
13 C2455636. ANDREA PARK is an officer and director of GOTMORTGAGE.COM.

14 14.

15 GOTMORTGAGE.COM REAL ESTATE GROUP is a California corporation,
16 California Corporate Number C2579189. ANDREA PARK is an officer and director of
17 GOTMORTGAGE.COM REAL ESTATE GROUP.

18 FIRST CAUSE OF ACCUSATION

19 Discipline by another Licensing Agency

20 15.

21 Code section 10177, subdivision (f), provides, in pertinent that, the commissioner may
22 suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real
23 estate licensee, may suspend or revoke the license of a corporation, delay the renewal of a license
24

1 of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or
2 person owning or controlling 10 percent or more of the corporation's stock has, acted or
3 conducted himself in a manner that would have warranted the denial of his application for a
4 license, or either had a license denied or had a license issued by another agency of this state
5 revoked or suspended for acts that, if done by a real estate licensee, would be grounds for the
6 suspension or revocation of a California real estate license, if the action of denial, revocation, or
7 suspension by the other agency was taken only after giving the licensee or applicant fair notice of
8 the charges, an opportunity for a hearing, and other due process protections comparable to the
9 Administrative Procedure Act.

10 16.

11 On or about January 27, 2005, the California Department of Business Oversight ("DBO")
12 issued a California Finance Lenders Law ("CFL") mortgage lender license to Respondent
13 GOTMORTGAGE.COM, CFL License No. 603-A922.

14 17.

15 On May 12, 2015, the DBO Commissioner filed a Notice of Intention to Issue Order
16 Suspending Finance Lenders License, an Accusation, and an Order to Discontinue Violations
17 ("CBO administrative matters") under Financial Code section 22712 against Respondent
18 GOTMORTGAGE.COM.

19 18.

20 On or about May 26, 2016, the DBO Commissioner filed a First Amended Accusation in
21 Support of Notice of Intention to Issue Order Revoking or, in the Alternative, Suspending the
22 Finance Lenders License issued to GOTMORTGAGE.COM. In the First Amended Accusation,
23 the DBO Commissioner found that GOTMORTGAGE.COM had:
24

1 (a) Overcharged borrowers' recording fees in violation of Financial Code section
2 2236, subdivision (a);

3 (b) Charged borrowers undisclosed origination fees in violation Financial Code
4 section 22346 and title 12 of the Code of Federal Regulations section 1024.7 of the Real Estate
5 Settlement Procedures Act (RESPA);

6 (c) Knowingly made untrue statements to the Commissioner in violation of Financial
7 Code section 22170, subdivision (b);

8 (d) Failed to complete a global review and adequately respond to the Commissioner's
9 demands in violation of Financial Code section 22714, subdivision (a)(1);

10 (e) Had poor record keeping practices in violation of Financial Code section 22156;
11 and

12 (f) Engaged in per diem interest violations under section 2948.5 of the Civil Code
13 and title 10, section 1457 of the California Code of Regulations.

14 The foregoing violations provided grounds for the DBO Commissioner to revoke the
15 FCLL license issued to GOTMORTGAGE.COM.

16 19.

17 On or about July 18, 2017, a settlement agreement was entered into between ANDREA
18 PARK, as an individual, and GOTMORTGAGE.COM, doing business as Performance Capital
19 Group, to resolve the CBO administrative matters. Respondents withdrew their request for an
20 administrative hearing under the Administrative Procedures Act, GOTMORTGAGE.COM
21 agreed to the revocation of its CFLL license, and ANDREA PARK agreed that she would not
22 reapply for a CFLL license for a period of three years from the effective date of the Settlement
23 Agreement. In the event that ANDREA PARK applied for a CFLL license within the three-year
24

1 period, such application would be deemed automatically denied by the DBO Commissioner. On
2 July 18, 2017, the DBO Commissioner issued an order to revoke the CFLL license of
3 GOTMORTGAGE.COM, which became effective that same day.

4 20.

5 Respondents GOTMORTGAGE.COM and ANDREA PARK's aforementioned acts, if
6 done by a real estate licensee, would be grounds for the suspension or revocation of a California
7 real estate license under Code sections 10145, 10148, Regulations 2830 through 2836, and Code
8 section 10177, subdivisions (d), (j), and/or (g).

9 21.

10 The revocation of the CFLL license of Respondent GOTMORTGAGE.COM and the
11 order to automatically deny any application from ANDREA PARK by the DBO, constitutes
12 cause for the suspension or revocation of all licenses, MLO license endorsements, and license
13 rights of Respondents GOTMORTGAGE.COM, ANDREA PARK, and
14 GOTMORTGAGE.COM REAL ESTATE GROUP under Code sections 10166.051, 10166.05,
15 subdivisions (a) and (c), and 10177, subdivision (f).

16 22.

17 The violations, acts, conduct, and/or omissions by Respondents ANDREA PARK and
18 GOTMORTGAGE.COM, acting by and through ANDREA PARK, constitutes cause for the
19 suspension or revocation of the license and license rights of Respondent
20 GOTMORTGAGE.COM REAL ESTATE GROUP pursuant to Code section 10177, subdivision
21 (f).

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1 SECOND CAUSE OF ACCUSATION

2 Failure to Report Disciplinary Action by another Agency

3 23.

4 There is hereby incorporated in this Second, separate and distinct Cause of Accusation, all
5 of the allegations contained in Paragraphs 1 through 22, with the same force and effect as if
6 herein fully set forth.

7 24.

8 Code section 10186.2, subdivision (a)(1)(C), requires that licensees report to the
9 Department, any disciplinary action taken by another licensing entity or authority of California
10 or of another state or an agency of the federal government, within 30 days of the disciplinary
11 action.

12 25.

13 Respondents GOTMORTGAGE.COM and ANDREA PARK failed to timely report the
14 disciplinary action described above in Paragraph 19, to the Department in violation of Business
15 and Professions Code section 10186.2, which constitutes cause for the suspension or revocation
16 of all licenses, MLO license endorsements, and license rights of Respondents ANDREA PARK,
17 GOTMORTGAGE.COM, and GOTMORTGAGE.COM REAL ESTATE GROUP under Code
18 sections 10186.2 and 10177, subdivision (d).

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1 THIRD CAUSE OF ACCUSATION

2 Failure to Timely File Quarterly Threshold Report

3 26.

4 There is hereby incorporated in this Third, separate and distinct Cause of Accusation, all
5 of the allegations contained in Paragraphs 1 through 25, with the same force and effect as if
6 herein fully set forth.

7 27.

8 Pursuant to Code Section 10232(e), a real estate broker who meets the threshold criteria
9 of Code Section 10232(a) or Code Section 10232(b) must notify the Department of this status in
10 writing. The broker must submit to the Department annual reports pursuant to Code Section
11 10232.2 and quarterly reports pursuant to Code Section 10232.25. Pursuant to Code Section
12 10236.5, a real estate broker must notify the Department when the broker no longer meets the
13 threshold reporting requirements of Code Section 10232.

14 28.

15 Pursuant to Code section 10238, a real estate broker who meets the multi-lender loan
16 servicing criteria of Code Section 10238(b) must notify the Department of this status in writing.
17 The broker must submit annual reports to the Department pursuant to Code Sections 10238(o)
18 and 10238(p), and must submit quarterly reports to the Department pursuant to Code Section
19 10238(k). Pursuant to Code Section 10238(a), a real estate broker must notify the Department
20 when the broker no longer meets the multi-lender servicing reporting requirements of Code
21 Section 10238.

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29.

On or about September 1, 2017, Respondent GOTMORTGAGE.COM notified the Department that it met the criteria for threshold broker reporting status as set forth in Code section 10232.

30.

Respondent GOTMORTGAGE.COM failed to timely submit its quarterly trust fund status report due on October 31, 2017, for the period ending September 20, 2017. The Department does not have a record of receiving notification from Respondent GOTMORTGAGE.COM indicating that it no longer meets the criteria for threshold broker reporting status.

31.

The failure of Respondent GOTMORTGAGE.COM, acting by and through Respondent ANDREA PARK, as its designated broker officer, to file the aforementioned report in a timely manner, or to notify the Bureau within 30 days of any material change in reporting status constitutes grounds to revoke or suspend the licenses, MLO license endorsements, and license rights of GOTMORTGAGE.COM pursuant to Code sections 10232.25 and 10177, subdivisions (d) and/or (g).

32.

The conduct, acts and/or omissions of Respondent ANDREA PARK, in allowing GOTMORTGAGE.COM to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent ANDREA KIM to exercise the supervision and control over the activities of GOTMORTGAGE.COM as required by Code section 10159.2, and is cause to suspend or revoke

1 the real estate license and license rights of Respondent ANDREA PARK under Code section
2 10177, subdivisions (h), (d), and/or (g).

3 FOURTH CAUSE OF ACCUSATION

4 Misleading Advertising

5 33.

6 There is hereby incorporated in this Fourth, separate and distinct Cause of Accusation, all
7 of the allegations contained in Paragraphs 1 through 32, with the same force and effect as if
8 herein fully set forth.

9 34.

10 On or about April 10, 2018, a Special Investigator for the Department reviewed the
11 advertisements featured on GOTMORTGAGE.COM's website address (www.gotmortgage.com)
12 which stated the following:

- 13 • "We offer brokers the most competitive commission splits..."
14 • "with offices currently based in Southern California, Hawaii, and Nevada..."
15 • "We ensure our turnaround times are the quickest in the industry---averaging 4-5 days"
16 • "We are conveniently licensed in multiple states, including California, Hawaii and
17 Nevada..." [emphasis added]

18 35.

19 GOTMORTGAGE.COM's advertisement uses terms in the comparative or superlative
20 degree, which is in violation of Regulation 2848, subdivision (a)(2), and Code section 10235.
21 Respondent's advertisement contains a misrepresentation or implication that it is based or
22 licensed in the states of Hawaii and Nevada, in violation of Code section 10235 and Regulation
23 2848, subdivision (a)(13). The aforementioned violations, conducts, and/or omissions by
24

1 Respondent GOTMORTGAGE.COM, acting by and through Respondent ANDREA PARK, as
2 its designated broker officer, constitutes grounds to revoke or suspend the licenses, MLO license
3 endorsements, and license rights of GOTMORTGAGE.COM pursuant to Code section 10177,
4 subdivisions (d) and/or (g).

5 36.

6 The conduct, acts and/or omissions of Respondent ANDREA PARK, in allowing
7 GOTMORTGAGE.COM to violate the Real Estate Law, as set forth above, constitutes a failure
8 by Respondent ANDREA KIM to exercise the supervision and control over the activities of
9 GOTMORTGAGE.COM as required by Code section 10159.2, and is cause to suspend or revoke
10 the real estate license and license rights of Respondent ANDREA PARK under Code section
11 10177, subdivisions (h), (d), and/or (g).

12 In Aggravation

13 37.

14 On or about June 24, 2011, the Department of Business and Industry, Division of
15 Mortgage Lending ("Division"), for the State of Nevada, issued a mortgage banker license to
16 Respondent GOTMORTGAGE.COM, License No. 3683. Mortgage bankers licensed in the
17 State of Nevada are required to timely file monthly activity reports. On or about January 13,
18 2014, the Commissioner for the Division filed and served a Notice of Intent to Impose
19 Administrative Fine and Notice of Opportunity for Hearing against GOTMORTGAGE.COM for
20 failure to timely file activity reports for the months of January through May of 2013, July of
21 2013, August of 2013, October of 2013, and November of 2013. On or about February 13, 2014,
22 the Commissioner for the Division filed and served a Final Order Imposing Administrative Fine
23 of \$2,500.00 against Respondent GOTMORTGAGE.COM.

1 38.

2 On or about October 13, 2010, Respondent GOTMORTGAGE.COM, acting by and
3 through Respondent ANDREA PARK, submitted an application for licensure as a mortgage
4 lender to the Office of Financial Regulation ("Office") for the State of Florida. The mortgage
5 lender application, Form MU1, listed ANDREA PARK as GOTMORTGAGE.COM's president
6 and 100% owner. GOTMORTGAGE.COM submitted different ownership information to the
7 Office in June of 2011 than what had been provided on its initial application. Respondent
8 GOTMORTGAGE.COM failed to subsequently update its initial application to reflect accurate
9 ownership information. Respondent had an opportunity for a hearing. On or about October 26,
10 2012, the Office denied GOTMORTGAGE.COM's application for a mortgage lender license.
11 On or about December 3, 2014, the Office issued a mortgage lender license to
12 GOTMORTGAGE.COM.

13 39.

14 During the preceding three year period, Respondents GOTMORTGAGE.COM and
15 ANDREA PARK have been named as defendants in at least four civil court actions filed in the
16 State of California on allegations of fraud, dishonest dealing, deceit, or intentional
17 misrepresentation. Said actions include, without limitation, the following: Los Angeles Superior
18 Court Case No. PC057016, San Diego Superior Court Case No. 37-2016-00003885-CU-FR-
19 CTL, Los Angeles Superior Court Case No. BC567880, and Orange County Superior Court Case
20 No. 30-2016-00845299-CU-NP-CJC.

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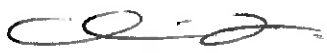
1 Investigation and Enforcement Costs

2 40.

3 Code section 10106 provides, in pertinent part, that in any order issued in resolution of a
4 disciplinary proceeding before the Department of Real Estate, the Commissioner may request the
5 administrative law judge to direct a licensee found to have committed a violation of this part to
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
8 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
9 against all licenses and/or license rights of Respondents under the Real Estate Law (Part 1 of
10 Division 4 of the Business and Professions Code), for the cost of investigation and enforcement
11 as permitted by law, and for such other and further relief as may be proper under other provisions
12 of law.

13 Dated at Sacramento, California this 7^m day of August, 2018.

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15
16 
17 CHIKA SUNQUIST
Supervising Special Investigator

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20
21 cc: Gotmortgage.com
22 Gotmortgage.com Real Estate Group
23 Andrea Haewon Park
24 Chika Sunquist
Sacto.