| 1 2 3 4 5 6 | LISSETE GARCIA, Counsel (SBN 211552) Department of Real Estate 320 West 4th Street, Suite 350 Los Angeles, California 90013-1105 Telephone: (213) 576-6982 Direct: (213) 576-6914 Fax: (213) 576-6917 Attorney for Complainant | FILED NOV 0 6 2018 DEPT. OF REAL ESTATE By A A A |
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| 8 | BEFORE THE DEPARTMENT OF REAL ESTATE | |
| 9 | STATE OF CALIFORNIA | |
| 10 | * * * | |
| 11 | In the Matter of the Application of | DRE No. H-41203 LA |
| 12 | GLORIA M. ANDIA, | STATEMENT OF ISSUES |
| 13 | Respondent. | Mortgage Loan Originator (MLO) License Endorsement |
| 14 | | |
| 15 | | |
| 16 | The Complainant, Chika Sunquist, a Supervising Special Investigator of the State of | |
| 17 | California, for cause of Statement of Issues against GLORIA M. ANDIA (Respondent), aka | |
| 18 | Gloria Maria Andia, Gloria Maria Andia-Docherty, Gloria Andiadocher, and Gloria M. | |
| 19 | Docherty, alleges as follows: | |
| 20 | 1. | |
| 21 | The Complainant, Chika Sunquist, a Supervising Special Investigator of the Department | |
| 22 | of Real Estate ¹ (Department), State of California, makes this Statement of Issues in her official | |
| 23 | capacity. | |
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| | 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 – STATEMENT OF ISSUES AGAINST GLORIA M. ANDIA | |

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Respondent is presently licensed and/or has license rights under the Real Estate Law,
Part 1 of Division 4 of the Business and Professions Code (Code) as a real estate salesperson,
License ID 02038055.

Conviction

3.

On or about April 25, 1995, before the Municipal Court of California, County of Orange, Case No. 95SM07878, Respondent pled guilty to and was convicted of violating California Welfare and Institutions Code section 10980, subdivision (c)(2), (willfully and knowingly, with intent to deceive, by means of false statement, failing to disclose a material fact, or other fraudulent device, obtained aid), a misdemeanor. Respondent was sentenced to 36 months probation and ordered to pay restitution. The underlying facts of this crime are substantially related under Title 10, Chapter 6, section 2910, California Code of Regulations (Regulations), to the qualifications, functions or duties of a real estate licensee.

Applications

4.

On or about May 30, 2017, Respondent submitted an application for a real estate salesperson license to the Department. Respondent failed to disclose the conviction described above in Paragraph 3.

5.

On July 5, 2017, the Department issued a real estate salesperson license to Respondent, License ID 02038055.

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On or about September 6, 2017, Respondent submitted an application (MU4) for an individual mortgage loan originator (MLO) endorsement to the Nationwide Mortgage Licensing System and Registry (NMLS). The section of the application entitled "Criminal Disclosure," which is found in the "Disclosure Questions," section, contained the following question: (H)(1) "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to committing or conspiring to commit a misdemeanor involving: (i) financial services or a financial services-related business, (ii) fraud, (iii) false statements or omissions, (iv) theft or wrongful taking of property, (v) bribery, (vi) perjury, (vii) forgery, (viii) counterfeiting, or (ix) extortion?"

7.

In the license endorsement application that Respondent submitted to NMLS, Respondent answered "No" to the question set forth in Paragraph 6, above, in which Respondent was asked if Respondent had ever been convicted of a misdemeanor. Respondent's failure to reveal the existence of the misdemeanor conviction described in Paragraph 3, above, constitutes withholding information and/or making a material misstatement in an application for a MLO license endorsement.

8.

Respondent has prior financial and professional conditions that impact Respondent's ability to meet the requirements of Code section 10166.05, subdivision (c), and Regulation 2758.3 including, but not limited, to: 1) bankruptcy filing; and 2) civil judgment in Case No. 34-2010-90000995, before the Superior Court of California, County of Sacramento.

Causes for Denial

9.

The facts alleged in Paragraphs 3 through 8, above, constitute cause for denial of Respondent's application for a MLO license endorsement under Code sections 480, subdivision (a) (Denial of License by Board – Conviction of Crime), 10166.05, subdivision (c) (financial responsibility, character, and general fitness), 10166.051, subdivision (a) (violation of Article 2.1 or any rules or regulations adopted thereunder), and 10166.051, subdivision (b) (failure to meet the requirements of section 10166.05, or withholds information or makes a material misstatement in an application for a license endorsement or license endorsement renewal), and Regulation 2758.3, in that Respondent has a prior misdemeanor conviction that involved fraud, false statements or omissions, or theft or wrongful taking of property, and has failed to demonstrate such financial responsibility, character and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of Article 2.1 of the Real Estate Law.

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

Dated at Sacramento, California this 22nd day of 0chbc, 2018.

Chika Sunquist

Supervising Special Investigator

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STATEMENT OF ISSUES AGAINST GLORIA M. ANDIA