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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
BERNARD VILLAPUDUA,
Respondent.

DRE No. H-41313 LA

STATEMENT OF ISSUES

Mortgage Loan Originator (MLO)
License Endorsement

The Complainant, Chika Sunquist, a Supervising Special Investigator of the State of California, for cause of Statement of Issues against BERNARD VILLAPUDUA (Respondent), alleges as follows:

1.

The Complainant, Chika Sunquist, a Supervising Special Investigator of the Department of Real Estate¹ (Department), State of California, makes this Statement of Issues in her official 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.

2.

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 broker, License ID 01302832

Conviction

3.

On or about March 2, 1989 before the Superior Court of California, County of Monterrey, in Case No. CR 14231, Respondent pled guilty to and was convicted of violating two counts of California Penal Code section 487.3 (grand theft), a felony. Respondent was sentenced to 36 months probation, 200 days jail, and ordered to pay restitution and fines. 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.

Application

4.

On or about March 14, 2018, 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: (F)(1) "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" to the (F)(1) question set forth above. Respondent's failure to reveal the existence of the felony conviction described in Paragraph 3, above, constitutes withholding information and/or making a material misstatement in an application for a MLO license endorsement.

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Cause for Denial

5.

The facts alleged in Paragraphs 3 and 4, 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 (b)(1) (felony conviction involving theft/dishonesty), 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 the restrictions set forth pursuant to Regulation 2945.3, in that Respondent has a prior felony conviction that involved dishonesty, theft, and wrongful taking of property, which is cause for denial of the application and constitutes a ban on the licensee's ability to for a license endorsement. Those restrictions are not subject to mitigation or rehabilitation.

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 BERNARD VILLAPUDUA and for such other and further relief as may be proper under the provisions of law.

Dated at Sacramento, California this 1st day of March, 2019.


Chika Sunquist
Supervising Special Investigator

cc: Bernard Villapudua
Chika Sunquist
Sacto.