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**FILED**  
**JUL 11 2019**  
**DEPT. OF REAL ESTATE**  
*By [Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of ) No. H-41408 LA  
12 )  
13 ALYSSA CLAIRE JOHNSON, ) STATEMENT OF ISSUES  
14 )  
15 Respondent. ) Mortgage Loan Originator  
16 ) License Endorsement  
17 )

17 The Complainant, Chika Sunquist, a Supervising Special Investigator of the State  
18 of California, for cause of Statement of Issues against ALYSSA CLAIRE JOHNSON, a.k.a.  
19 Alissa Johnson ("Respondent") is informed and alleges as follows:

20 1.

21 The Complainant, Chika Sunquist, a Supervising Special Investigator of the State  
22 of California, makes this Statement of Issues against Respondent in her official capacity.

23 2.

24 All references to the "Code" are to the California Business and Professions Code  
25 and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

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1 DEPARTMENT OF REAL ESTATE ("DRE") LICENSE HISTORY

2 RESPONDENT ALYSSA CLAIRE JOHNSON

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4 3.

5 A. According to Department of Real Estate ("DRE") records to date, Respondent  
6 has been licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the  
7 Business and Professions Code ("Code") as a restricted real estate salesperson ("RRES").

8 B. Respondent was first issued a [unrestricted] RES by the DRE on or about  
9 August 14, 2014, DRE license ID 01958534.

10 C. On or about January 2, 2018, in DRE Case No. H-40754 LA, Respondent's  
11 RES license was revoked pursuant to Code Sections 490 and 10177(b), provided, however,  
12 Respondent was given the right to apply for and be granted a RRES. According to the DRE  
13 Commissioner's Order, which became effective on January 2, 2018, Respondent is ineligible to  
14 apply for the issuance of an unrestricted real estate license, nor for the removal of any of the  
15 conditions, limitations or restrictions of a restricted license until five (5) years have elapsed from  
16 the effective date of the Order.

17 D. According to DRE records to date, Respondent is licensed under employing  
18 real estate broker ("REB") Anthony Louis Tavera, DRE license ID 01454045.

19 E. According to DRE records to date, Respondent's RES license will expire on  
20 January 1, 2022.

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2 **LICENSURE BY OTHER CALIFORNIA STATE AGENCIES**

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4 4.

5 California Secretary of State – Notary Public Commission

6 According to the Secretary of State Notary Office, Respondent first obtained her  
7 notary public commission on or about January 3, 2016, commission number 2138995. In May  
8 2017, the Secretary of State Notary Office served an Accusation on Respondent to revoke her  
9 notary public commission. Respondent returned a Notice of Defense and Notary Public  
10 Application in response to the Accusation, and the case was set for hearing in August 2018. On  
11 or about July 1, 2018, Respondent withdrew her Notice of Defense and Notary Public  
12 Application.

13 **CRIMINAL CONVICTIONS**

14 5.

15 April 25, 2017: Penal Code Section 273a(b) and Vehicle Code Section 23152(b) -  
16 - Misdemeanors

17 On or about April 25, 2017, in the Superior Court of the State of California, Los  
18 Angeles County Case No. 7PC00468, Respondent was convicted of violating Penal Code (“PC”)  
19 Section 273a(b) (cruelty to child by endangering health) and Vehicle Code (“VC”) Section  
20 23152(b) (driving with blood alcohol content of 0.08% or higher), both misdemeanors. In  
21 addition, Respondent admitted to driving with a blood alcohol concentration of 0.20% or more,  
22 by weight, within the meaning of VC 23538. Respondent was sentenced to four (4) years of  
23 probation and was ordered to serve sixty (60) days in county jail. Respondent was also ordered  
24 to complete and eighteen (18) month hospital program, a hospital and morgue program, and a  
25 fifty-two (52) week parenting skills program.

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6.

(Aggravation) May 14, 2012: Vehicle Code Section 23152(b) – Misdemeanor

In aggravation, on or about May 14, 2012, in the Superior Court of California, Los Angeles County Case No. 2PK01255, Respondent was convicted of violating VC 23152(B) (driving with blood alcohol content of 0.08% or higher), a misdemeanor. In addition, Respondent admitted to driving with a blood alcohol concentration of 0.15% or greater, within the meaning of VC 23578. Respondent was sentenced to three (3) years of probation and ordered to complete a six (6) month alcohol program.

**MORTGAGE LOAN ORIGINATOR LICENSE ENDORSEMENT APPLICATION**

7.

MU4 MLO Application

On or about March 6, 2018, Respondent attested to and submitted under penalty of perjury her online individual application (“MU4”) to the Nationwide Multistate Licensing System/Nationwide Mortgage Licensing System and Registry (“NMLS”) with a “Transition Requested” for a RES Mortgage Loan Originator (“MLO”) license endorsement.

8.

MU4 - Question (K)(5) Regulatory Action

At the section regarding Regulatory Action, Question (K)(5), to wit: “Has any State or federal regulatory agency or foreign financial regulatory authority or self-regulatory organization (SRO) ever revoked your registration or license?” Respondent answered “No.”

9.

MU4 - Question (K)(6) Regulatory Action

At the section regarding Regulatory Action, Question (K)(6), to wit: “Has any State or federal regulatory agency or foreign financial regulatory authority or self-regulatory organization (SRO) ever denied or suspended your registration or license or application for

1 licensure, disciplined you, or otherwise by order, prevented you from associating with a financial  
2 services-related business or restricted your activities?" Respondent answered "Yes."

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4 10.

5 MU4 - Question (K)(9) Regulatory Action

6 At the section regarding Regulatory Action, Question (K)(9), to wit: "Has any  
7 State or federal regulatory agency or foreign financial regulatory authority or self-regulatory  
8 organization (SRO) ever entered an order concerning you in connection with any license or  
9 registration?" Respondent answered "No."

10 11.

11 MU4 - Disclosure Explanations

12 At the section for Disclosure Explanations, Respondent wrote: "BRE restricted  
13 my Salesperson License due to failing to disclose a DUI conviction in a timely manner after my  
14 conviction. BRE did not revoke, but has issued me a restricted license for 5 years."

15 12.

16 MU4 - Question (N) Regulatory Action

17 At the section regarding Regulatory Action, Question (N), to wit: "Is there a  
18 pending regulatory action proceeding against you for any alleged violation described in (K)  
19 through (L)?" Respondent answered "No."

20 **RESPONDENT'S POST-MU4 CORRESPONDENCE WITH THE DRE**

21 **Respondent's July 10, 2018 Correspondence to the DRE**

22 13.

23 A. On or about July 10, 2018 the DRE received via U.S. Mail a Confidential –  
24 Interview Information Statement (DRE Form RE 515) from Respondent dated July 1, 2018. At  
25 the section regarding License/Registration Discipline, to wit: "Have you ever suffered  
26 professional license/registration discipline in this state or any other state?" Respondent answered  
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1 “Yes” and listed DRE Case No. H-40754 LA with a “revocation-restricted” status and listed that  
2 her notary public commission was “withdrawn.”  
3

4 B. Included in Respondent’s July 10, 2018 package was a letter dated July 1,  
5 2018 from Respondent to the DRE that indicated, “...at the time I filled the MU4 out – I was  
6 unaware there was a pending revocation action as I had not been notified by the state. It wasn’t  
7 until last week that I got a call from an attorney from the California Secretary of State.”

8 C. Included in Respondent’s July 10, 2018 package was a separate letter also  
9 dated July 18, 2018 from Respondent to the DRE that indicated, “...I may have misunderstood  
10 the question of the revocation of my Bureau of Real Estate Salesperson License...I did not  
11 realize that there was an actual revocation of my license.”

12 **APPLICABLE SECTIONS OF THE REAL ESTATE LAW**

13 14.

14 **Denial of Mortgage Loan Originator Endorsement - Code Section 10166.05**

15 Pursuant to Code Section 10166.05 *Denial of Mortgage Loan Originator*  
16 *Endorsement:*

17 “Notwithstanding any other provision of law, the commissioner shall not issue a  
18 license endorsement to act as a mortgage loan originator to an applicant unless the commissioner  
19 makes all of the following findings:  
20

21 (a) The applicant has never had a mortgage loan originator license revoked in any  
22 governmental jurisdiction, except that a subsequent formal vacation of a revocation shall not be  
23 deemed as a revocation.

24 (b)(1) The applicant has not been convicted of, or pled guilty or *nolo contendere*  
25 to, a felony in a domestic, foreign, or military court during the seven-year period preceding the  
26 date of the application for licensing, or at any time preceding the date of application, if the felony  
27 involved an act of fraud, dishonesty, a breach of trust, or money laundering. Whether a  
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1 particular crime is classified as a felony shall be determined by the law of the jurisdiction in  
2 which an individual is convicted.

3  
4 (2) For purposes of this subdivision, an expunged or pardoned felony  
5 conviction shall not require denial of an application. However, the commissioner may consider  
6 the underlying crime, facts, or circumstances of an expunged or pardoned felony conviction  
7 when determining the eligibility of an applicant for licensure under this subdivision or  
8 subdivision (c).

9  
10 (c) The applicant has demonstrated such financial responsibility, character, and  
11 general fitness as to command the confidence of the community and warrant a determination that  
12 the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of  
13 the article.

14 (d) The applicant has complied with the education and written testing  
15 requirements in Section 10166.06.”

16 15.

17 Effect of Prior License Discipline on Mortgage Loan Originator License Endorsement -

18 Regulation 2945.2

19 Pursuant to Regulation 2945.2 *Effect of Prior License Discipline on Mortgage*  
20 *Loan Originator License Endorsement:*

21 “(a) Where a real estate licensee was subject to a real estate license discipline  
22 action filed by the Bureau prior to January 1, 2010, resulting in a revocation, a suspension, a  
23 voluntary surrender of a real estate license, a public reproof, and/or a bar order, such discipline  
24 in itself shall not be the sole basis to deny the issuance of a mortgage loan originator license  
25 endorsement.

26  
27 (b) Where a real estate licensee was subject to a real estate license discipline  
28 action filed by the Bureau on January 1, 2010, or later, resulting in a revocation, a suspension, a

1 voluntary surrender of a real estate license, a public reproof, and/or a bar order, such discipline  
2 alone may be cause for denial of a subsequent mortgage loan originator license endorsement.

3 (c) A disciplinary action resulting in the revocation of a real estate license with an immediate  
4 right to a restricted real estate license shall not constitute a revocation for purposes of invoking a  
5 lifetime ban from holding a mortgage loan originator license endorsement.”  
6

7 16.

8 Grounds for Denial, Suspension or Revocation - Code Section 10166.051

9 Pursuant to Code Section 10166.051 *Grounds for Denial, Suspension or*

10 *Revocation:* “In addition to any penalties authorized by regulations adopted pursuant to Section  
11 10166.05, the commissioner may do one or more of the following, after appropriate notice and  
12 opportunity for hearing:

13 (a) Deny, suspend, revoke, restrict, or decline to renew a mortgage loan  
14 originator license endorsement for violation of this article, or any rules or regulations adopted  
15 hereunder.

16 (b) Deny, suspend, revoke, condition, or decline to renew a mortgage loan  
17 originator license endorsement, if an applicant or endorsement holder fails at any time to meet  
18 the requirements of Section 10166.05 or 10166.09, or withholds information or makes a material  
19 misstatement in an application for a license endorsement or license endorsement renewal.

20 (c) Issue orders or directives to licensees who hold mortgage loan  
21 originator license endorsements, as follows:

22 (1) Order or direct persons subject to this article to desist and  
23 refrain from conducting business, including immediate temporary orders to desist and refrain.

24 (2) Order or direct persons subject to this article to cease any  
25 harmful activities or violations of this article, including immediate temporary orders to desist and  
26 refrain.  
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1 (3) Enter immediate temporary orders to cease business under a  
2 license endorsement if the commissioner determines that the license endorsement was  
3 erroneously granted or the endorsement holder is currently in violation of this article.  
4

5 (4) Order or direct any other affirmative action the commissioner  
6 deems necessary.”

7 **VIOLATIONS OF THE REAL ESTATE LAW**

8 **GROUND FOR APPLICATION DENIAL**

9 17.

10 The facts alleged in Paragraph 3. above, constitute cause for denial of Respondent  
11 ALYSSA CLAIRE JOHNSON’s MLO license endorsement application pursuant to **Regulation**  
12 **2945.2(b)**.

13 18.

14 The facts alleged in Paragraph 5. above, constitute cause for denial of Respondent  
15 ALYSSA CLAIRE JOHNSON’s MLO license endorsement application pursuant to **Code**  
16 **Section 10166.05(c)**.

17 19.

18 The facts alleged in Paragraphs 7. and 12. above, in conjunction with Paragraph 4.  
19 above, constitute cause for denial of Respondent ALYSSA CLAIRE JOHNSON’s MLO license  
20 endorsement application pursuant to **Code Section 10166.051(b)**.

21 20.

22 The facts alleged in Paragraphs 8 through 11. above, in conjunction with  
23 Paragraph 3. above, constitute cause for denial of Respondent ALYSSA CLAIRE JOHNSON’s  
24 MLO license endorsement application pursuant to **Code Sections 10166.05(c) and**  
25 **10166.051(b)**.

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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, a mortgage loan originator license endorsement to Respondent ALYSSA CLAIRE JOHNSON, and for such other and further relief as may be proper under the provisions of law.

Dated at Sacramento, California  
this 3<sup>rd</sup> day of July, 2019.

  
\_\_\_\_\_  
Chika Sunquist  
Supervising Special Investigator

cc: ALYSSA CLAIRE JOHNSON  
Chika Sunquist  
Sacto.