

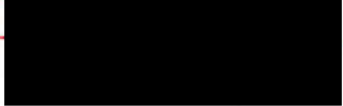
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FILED

JAN 07 2025

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-43001 LA
	)	
JOSE MANUEL RODRIGUEZ,	)	<u>A C C U S A T I O N</u>
	)	
Respondent.	)	
_____	)	

The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of California for cause of Accusation against JOSE MANUEL RODRIGUEZ aka Jose Manuel Rodriguez, Jr. ("Respondent") alleges as follows:

1.

The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of California, makes this Accusation in his official capacity.

(LICENSE HISTORY)

2.

a. 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 as a real estate salesperson (license no. 01943764). Respondent was originally licensed on or about

1 December 11, 2013, and has been licensed from on or about December 11, 2013 to December
2 10, 2021 and from on or about July 20, 2022 through the present.

3 b. Respondent has had a mortgage loan originator ("MLO") license
4 endorsement (NMLS ID no. 2519495) from on or about December 7, 2023 through the present.

5
6 (PRIOR LICENSE DISCIPLINE)
7

8 *Original Petition*

9 3.

10 On or about September 11, 2023, the Texas Department of Insurance filed
11 a Request to Docket Case and Original Petition, in case no. 2023-8294 and TDI file no.
12 31397. That same day, these documents were e-mailed to Respondent at his e-mail
13 address of record with the Texas Department of Insurance. On or about September 12,
14 2023, these documents were mailed to Respondent at his address of record with the Texas
15 Department of Insurance by regular, first-class mail and by certified mail, return receipt
16 requested.

17 4.

18 The Original Petition, in part, states:

19 **Factual Allegations**

- 20 1. [Respondent] holds a life agent license issued by TDI on April 4, 2016.
21 2. Between November 1, 2022, and December 30, 2022, [Respondent] submitted
22 five fraudulent withdrawal request forms without the authorization of the
23 policyholders of the Life Insurance Company of the Southwest.
24 3. [Respondent] submitted the withdrawal request forms to the Life Insurance
25 Company of Southwest with forged and unauthorized signatures.
26 4. [Respondent] altered checks for three bank accounts intended to receive the
27 disbursed funds from the policy withdrawals.

1 5. TDI sent a request for information to [Respondent] on March 16, 2023,
2 pursuant to Tex. Ins. Code § 38.001, and [Respondent] failed to respond in
3 writing not later than the 15th day after the date the inquiry was received.

4 **Legal Allegations**

- 5 1. [Respondent] has willfully violated an insurance law of this state, as
6 contemplated in Tex. Inc. Code § 4005.101(b)(1).
7 2. [Respondent] engaged in fraudulent or dishonest acts or practices, as
8 contemplated by Tex. Ins. Code § 4005.101(b)(4).
9 3. [Respondent] violated Tex. Ins. Code § 38.001 by failing to respond to a
10 department inquiry in writing no later than the 15th day after the date the inquiry
11 was received.

12
13 *Notice of Hearing*

14 5.

15 On or about September 12, 2023, the Texas Department of Insurance filed the
16 Notice of Hearing, in case no. 2023-8294 and TDI file no. 31397. That same day, the Notice of
17 Hearing was sent to Respondent by both mail to his address of record with the Texas
18 Department of Insurance by regular, first-class mail and by certified mail, return receipt
19 requested, and e-mail to his e-mail address of record with the Texas Department of Insurance.

20 6.

21 The Notice of Hearing states, in part:

22 The Texas Department of Insurance (TDI”) seeks to take disciplinary action
23 against you . . .

24 . . .

25 A public hearing will be held before an Administrative Law Judge on **Tuesday,**
26 **December 5, 2023, at 9:00 a.m.** The hearing will take place via videoconference
27 via a videoconference platform . . .

...
1
2 **YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF**
3 **HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE**
4 **HEARINGS WITHIN 20 DAYS OF THE DATE OF THE NOTICE OF**
5 **HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE**
6 **BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY**
7 **DEFAULT UNDER 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN CODE**
8 **§§ 1.88 AND 1.89.**

9 **IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED**
10 **HEARING CAN BE CANCELLED AND WITHOUT FURTHER NOTICE**
11 **TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN**
12 **ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF**
13 **HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF**
14 **SOUGHT IN THE NOTICE OF HEARING, INCLUDING REVOCATION**
15 **OF YOUR LICENSE, ISSUANCE OF A CEASE AND DESIST ORDER,**
16 **IMPOSITION OF ADMINISTRATIVE PENALTIES, AND/OR PAYMENT**
17 **OF RESTITUTION, IS GRANTED BY DEFAULT.**

18 *Emphasis in original.*

19
20 *Default Order*

21 7.

22 On or about October 19, 2023, Texas Department of Insurance filed a Default
23 Order, in case no. 2023-8294, revoking Respondent's life agent license under the Texas
24 Department of Real Estate. That same day, this Default Order was sent to Respondent by both
25 mail to his address of record with the Texas Department of Insurance by regular, first-class
26 mail and by certified mail, return receipt requested, and e-mail to his e-mail address of record
27 with the Texas Department of Insurance.

1 8.

2 As more fully set forth in the Default Order, the Default Order was taken against
3 Respondent "because he submitted fraudulent withdrawal requests on life insurance policies
4 without the authorization of the policy holders [and] Respondent did not respond to a Notice of
5 Hearing filed by the Texas Department of Insurance (TDI)" The Default Order also found
6 the Notice of Hearing and Original Petition were sent to both Respondent's last mailing address
7 and e-mail address known to the Texas Department of Insurance.

8 9.

9 The facts alleged in paragraphs 3 through 8, above, constitute cause for the
10 suspension or revocation of the license and license rights of Respondent under the Real Estate
11 Law pursuant to California Business and Professions Code section 10177(f)

12 10.

13 The facts alleged in paragraphs 3 through 8, above, constitute cause for the
14 suspension or revocation of Respondent's MLO license endorsement pursuant to California
15 Business and Professions Code section 10166.05(c).

16
17 (FAILURE TO REPORT LICENSE DISCIPLINE)

18 11.

19 A diligent search was made of the Department of Real Estate's records and no
20 record or written notice was received from Respondent notifying the Department of Real
21 Estate within thirty (30) days of the license discipline described above in paragraphs 3
22 through 8.

23 12.

24 Respondent's failure to report the license discipline constitutes cause under
25 California Business and Professions Code section 10186.2 for the suspension or revocation of
26 the license and license rights of Respondent under the Real Estate Law.

27 ///

1 (FAILURE TO DISCLOSE LICENSE DISCIPLINE ON MLO LICENSE ENDORSEMENT
2 APPLICATION)

3 13.

4 Incorporated herein are paragraphs 3 through 10, above.

5 14.

6 On or about November 13, 2023, Respondent made application ("Application")
7 to the Department of Real Estate for an individual (MU4) MLO license endorsement.

8 15.

9 Respondent answered, "No," to all of the following questions on Respondent's
10 Application:

11 (K) Has any State or federal regulatory agency or foreign financial regulatory
12 authority or self-regulatory organization (SRO) ever:

13 (1) found you to have made a false statement or omission or been
14 dishonest, unfair or unethical?

15 (2) found you to be involved in a violation of a financial services-related
16 business regulation(s) or statute(s)?

17 (3) found you to have been a cause of a financial-services related business
18 having its authorization to do business denied, suspended, revoked or
19 restricted?

20 (4) entered an order against you in connection with a financial-services
21 related activity?

22 (5) revoked your registration or license?

23 (6) denied or suspended your registration or license or application for
24 licensure, disciplined you, or otherwise by order, prevented you from
25 associating with a financial-services related business or restricted your
26 activities?

27 (7) barred you from association with an entity regulated by such

1 commissions, authority, agency, or officer, or from engaging in a
2 financial-services related business?

3 (8) issued a final order against you based on violations of any law or
4 regulations that prohibit fraudulent, manipulative, or deceptive conduct?

5 (9) entered an order concerning you in connection with any license or
6 registration?

7 . . .

8 (N) Is there a pending regulatory action proceeding against you for any alleged
9 violation described in (K) through (L)?

10 16.

11 At the end of the Application, Respondent attested the following:

12 I, Jose Manuel Rodriguez (2519495), (Applicant) on this date Monday, November
13 13, 2023 swear (or affirm) that I executed this application on my own behalf, that
14 I am attesting to and submitting this application, and that I agree to and represent
15 the following:

16 (1) That the information and statements contained herein, including exhibits
17 attached hereto, and other information filed herewith, all of which are made a part
18 of this application, are current, true, accurate and complete and are made under
19 the penalty of perjury, or un-sworn falsification to authorities, or similar
20 provisions as provided by law;

21 (2) To the extent any information previously submitted is not amended and
22 hereby, such information remains accurate and complete;

23 (3) That the jurisdiction(s) to which an application is being submitted may
24 conduct any investigation into my background, in accordance with all laws and
25 regulations;

26 (4) To keep the information contained in this form current and to file accurate
27 supplementary information on a timely basis; and

1 (5) To comply with the provisions of law, including the maintenance of accurate
2 books and records, pertaining to the conduct of business for which I am applying.
3 If the Applicant has knowingly made a false statement of a material fact in this
4 application or in any documentation provided to support the foregoing
5 application, then the foregoing application may be denied.
6 I verify that I am the named person above and agree to the language as stated.

7 17.

8 Respondent failed to reveal the license discipline described in paragraphs 3
9 through 10, above, in his Application, and to date has failed to amend his Application and/or
10 submit another application that discloses his license discipline.

11 18.

12 The facts alleged in paragraphs 13 to 17, above, constitute cause for the
13 suspension or revocation of the license and license rights of Respondent pursuant to California
14 Business and Professions Code sections 10177(g) (negligence or incompetence) and/or
15 10176(i)/10177(j) (fraud or dishonest dealing).

16 19.

17 The facts alleged in paragraphs 13 to 17, above, constitute cause for the
18 suspension or revocation of Respondent's MLO license endorsement pursuant to California
19 Business and Professions Code sections 10166.05(c) and 10166.051(b).

20 20.

21 These proceedings are brought under the provisions of Section 10100, Division
22 4 of the Business and Professions Code of the State of California and Sections 11500 through
23 11528 of the California Government Code.

24 ///

25 ///

26 ///

27 ///

(COSTS)

21.

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

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

Dated at Los Angeles, California: January 7, 2025


Ray Dagnino
Supervising Special Investigator

cc: JOSE MANUEL RODRIGUEZ
Limestone Investments, Inc.
Ray Dagnino
Sacto.