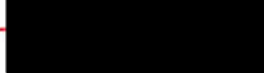


FILED

SEP 14 2023

DEPT. OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

No. H-42695-LA

ROBERTO GONZALEZ VIRAMONTES,

FIRST AMENDED

Respondent.

STATEMENT OF ISSUES

This First Amended Statement of Issues amends the Statement of Issues filed on August 15, 2023. The Statement of Issues filed on August 15, 2023, is amended to correct the reference to “real estate broker license” in the last paragraph on the last page of the Statement of Issues, so that the reference is instead to a “real estate salesperson license.” No other parts of the Statement of Issues filed on August 15, 2023, are affected.

Complainant, Jason Parson, a Supervising Special Investigator for the Department of Real Estate (“Department” or “DRE”) of the State of California, for cause of Statement of Issues against ROBERTO GONZALEZ VIRAMONTES (“GONZALEZ”), also known as Robert Gonzalez Viramontes, Jr., Roberto Gonzalez Viramontes, Jr., Robert Gonzalez Jr., and Robert Gonzalez-Viramontes (“Respondent”), is informed and alleges in his official capacity as follows:

1. On or about December 20, 2022, Respondent made application to the Department for a real estate salesperson license.

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1 **PREVIOUS LICENSE HISTORY**

2 2. Respondent was previously licensed by the Department, first as a real estate
3 salesperson (“RES”) from on or about April 12, 1991, to on or about January 17, 1995, and then as
4 a real estate broker (“REB”), License ID 01107842, from on or about January 18, 1995, through on
5 or about November 10, 2016, at which time Respondent’s license was revoked for violations of the
6 Real Estate Law.

7 **PRIOR DISCIPLINE: DRE CASE NO. H-40061-LA**

8 3. By the Decision of the Real Estate Commissioner (“DRE Decision”), effective
9 November 10, 2016, adopting the Proposed Decision of the Office of Administrative Hearings
10 (“OAH”) dated September 14, 2016, in DRE Case No. H-40061-LA, Respondent’s REB license
11 was revoked after the Administrative Law Judge (“ALJ”) found by clear and convincing evidence
12 that GONZALEZ violated Business and Professions Code (“Code”) sections 10145, 10148,
13 subdivision (a), 10176, subdivisions (a), (e), and (i), 10177, subdivisions (d) and/or (g).

14 **PREVIOUS APPLICATION FOR RES LICENSE: DRE CASE NO. H-41985-LA**

15 4. On May 11, 2021, the Department filed a Statement of Issues against Respondent
16 in DRE Case No. H-41985-LA, regarding his application to the DRE for a RES license made on or
17 about August 26, 2019. By the Decision of the Real Estate Commissioner, effective October 25,
18 2021, adopting the Proposed Decision of the ALJ of the OAH dated August 11, 2021, in DRE Case
19 No. H-41985-LA, Respondent’s application for a RES license was denied. The ALJ found that
20 cause existed, pursuant to Code section 10177, subdivisions (f) and (j), to deny Respondent’s RES
21 application because Respondent’s Mortgage Loan Originator (“MLO”) license was revoked by the
22 California Department of Financial Protection and Innovation (“DFPI”), which made express
23 findings that Respondent violated the law, and because Respondent engaged in fraud or dishonest
24 dealing as a real estate broker. The ALJ also found that Respondent did not establish that he is
25 rehabilitated and qualified for licensure pursuant to section 2911, Title 10, California Code of
26 Regulations.

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1 **CAUSE FOR DENIAL OF APPLICATION**

2 (LICENSE DISCIPLINE BY ANOTHER STATE AGENCY)

3 5. By the Decision of the Commissioner of the DFPI, effective December 21, 2020,
4 adopting the Proposed Decision of the ALJ of the OAH dated August 11, 2020, in *In the Matter of*
5 *the Commissioner of the Department of Financial Protection and Innovation v. Robert Gonzalez,*
6 *Jr.*, DFPI Case No. 60DBO072891:

7 a. Respondent was barred from any position of employment, management, or
8 control of any finance lender, broker, or mortgage loan originator.

9 b. Respondent's MLO license under California Financial Code section 22714
10 was revoked.

11 c. Respondent's application for a finance lender license was denied.

12 6. The DFPI Commissioner adopted the findings of the ALJ that, among other things:

13 a. In May 2017 Respondent's application for an MLO license with the DFPI
14 under the California Financing Law ("CFL"), Financial Code section 22105.1, using form
15 MU4 through the Nationwide Mortgage Licensing System & Registry ("NMLS"), and in his
16 subsequent MU4 and MU2 applications, Respondent failed to disclose the DRE's Decision
17 in DRE Case No. H-40061-LA that revoked Respondent's REB license, and failed to
18 disclose that he had filed for bankruptcy in 2015.

19 b. In Respondent's June 2017 application for a finance lending license using
20 form MU1, Respondent falsely answered "No" to regulatory disclosure questions about prior
21 discipline imposed by state regulatory agencies, failed to disclose the DRE's Decision in
22 DRE Case No. H-40061-LA that revoked Respondent's REB license, and falsely answered
23 "No" to whether the applicant or a control affiliate had been the subject of a bankruptcy
24 petition.

25 c. Cause existed under Financial Code section 22169 to bar Respondent from
26 any position of employment, management, or control of any finance lender, broker, or
27 mortgage loan originator. The DRE's Decision in DRE Case No. H-40061-LA established
28 that Respondent committed acts involving dishonesty, fraud, or deceit reasonably related to

1 the qualifications, functions, or duties of a person engaged in the business in accordance
2 with the provisions of the CFL.


3 7. Based on the DFPI's Decision in DFPI Case No. 60DBO072891, Respondent's MLO
4 license, issued by the DFPI, was revoked, and Respondent received an order of debarment, for acts
5 that, if done by a real estate licensee, would be grounds for the suspension or revocation of a
6 California real estate licensee under Code sections 10176(a) (substantial misrepresentation),
7 10176(i) (fraud or dishonest dealing), and 10177(a) (procured license by fraud, misrepresentation,
8 deceit, or material misstatement).

9 8. The prior license action against Respondent, as alleged in Paragraphs 5 through 7
10 above, constitutes cause for the denial of Respondent's application for a real estate salesperson
11 license pursuant to Code section 10177(f).

12 9. These proceedings are brought under the provisions of Section 10100, Division 4 of
13 the Business and Professions Code of the State of California and Sections 11500 through 11528 of
14 the California Government Code.

15 WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and,
16 upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance
17 of, and deny the issuance of, a real estate salesperson license to Respondent ROBERTO
18 GONZALEZ VIRAMONTES and for such other and further relief as may be proper under other
19 applicable provisions of law.

20 Dated at Los Angeles, California on 09/14/2023.

21 
22 _____
23 Jason Parson
24 Supervising Special Investigator

25 cc: ROBERTO GONZALEZ VIRAMONTES
26 Benny Juarez
27 Jason Parson
28 Sacto.