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DEPT. OF REAL ESTATE  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of:

No. H-42695-LA

ROBERTO GONZALEZ VIRAMONTES,

SECOND AMENDED  
STATEMENT OF ISSUES

Respondent.

**This Second Amended Statement of Issues amends the First Amended Statement of Issues filed on September 14, 2023.** The First Amended Statement of Issues filed on September 14, 2023, is amended to include facts and allegations already known to Respondent ROBERTO GONZALEZ VIRAMONTES (“GONZALEZ”), and to add an additional cause for denial, as follows: addition of an allegation that GONZALEZ, violated Business and Professions Code (“Code”) section 10085.5 to correct the inadvertent omission of this allegation from Paragraph 3 regarding the Prior Discipline against GONAZALEZ in DRE Case No. H-40061-LA; addition of the OAH Case No., 2020010980, in Paragraph 5; addition of new Paragraph 6(a) to include additional findings of the Commissioner of the California Department of Financial Protection and Innovation (“DFPI”), in DFPI Case No. 60DBO072891, OAH Case No. 2020010980, and renumbering of former subparagraphs (a) through (c) of Paragraph 6 to subparagraphs (b) through (d); addition of allegations to the end of subparagraph (c) of Paragraph 6 regarding Respondent’s bankruptcy proceedings; addition of new subparagraphs (e) and (f) to Paragraph 6 to include additional findings of the DFPI Commissioner in DFPI Case No. 60DBO072891, OAH Case No.

1 2020010980; addition of allegations inadvertently omitted in Paragraph 7 regarding DFPI’s denial  
2 of Respondent’s application for a finance lender license, and that based on the DFPI’s Decision,  
3 the discipline imposed by the DFPI was for acts that, if done by a real estate licensee, provided  
4 grounds for the denial of a real estate application, and that such grounds included violation of Code  
5 section 10177(j); and, addition of an allegation in Paragraph 8 that the prior license action against  
6 Respondent constitutes cause for the denial of Respondent’s application for a real estate salesperson  
7 license pursuant to Code section 10177(j). No other parts of the the First Amended Statement of  
8 Issues filed on September 14, 2023, are affected.

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

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

16 **PREVIOUS LICENSE HISTORY**

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

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

23 3. By the Decision of the Real Estate Commissioner (“DRE Decision”), effective  
24 November 10, 2016, adopting the Proposed Decision of the Office of Administrative Hearings  
25 (“OAH”) dated September 14, 2016, in DRE Case No. H-40061-LA, Respondent’s REB license  
26 was revoked after the Administrative Law Judge (“ALJ”) found by clear and convincing evidence  
27 that GONZALEZ violated Code sections 10085.5, 10145, 10148, subdivision (a), 10176,  
28 subdivisions (a), (e), and (i), 10177, subdivisions (d) and/or (g).

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

2           4.       On May 11, 2021, the Department filed a Statement of Issues against Respondent  
3 in DRE Case No. H-41985-LA, regarding his application to the DRE for a RES license made on or  
4 about August 26, 2019. By the Decision of the Real Estate Commissioner, effective October 25,  
5 2021, adopting the Proposed Decision of the ALJ of the OAH dated August 11, 2021, in DRE Case  
6 No. H-41985-LA, Respondent’s application for a RES license was denied. The ALJ found that  
7 cause existed, pursuant to Code section 10177, subdivisions (f) and (j), to deny Respondent’s RES  
8 application because Respondent’s Mortgage Loan Originator (“MLO”) license was revoked by the  
9 California Department of Financial Protection and Innovation (“DFPI”), which made express  
10 findings that Respondent violated the law, and because Respondent engaged in fraud or dishonest  
11 dealing as a real estate broker. The ALJ also found that Respondent did not establish that he is  
12 rehabilitated and qualified for licensure pursuant to section 2911, Title 10, California Code of  
13 Regulations.

14                                   **CAUSE FOR DENIAL OF APPLICATION**

15                                   (LICENSE DISCIPLINE BY ANOTHER STATE AGENCY)

16           5.       By the Decision of the Commissioner of the DFPI (“DFPI Commissioner”), effective  
17 December 21, 2020, adopting the Proposed Decision of the ALJ of the OAH dated August 11, 2020,  
18 in *In the Matter of the Commissioner of the Department of Financial Protection and Innovation v.*  
19 *Robert Gonzalez, Jr.*, DFPI Case No. 60DBO072891, OAH Case No. 2020010980:

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

22                   b.       Respondent’s MLO license under California Financial Code section 22714  
23 was revoked.

24                   c.       Respondent’s application for a finance lender license was denied.

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

26                   a.       After an administrative hearing in 2016 before the Department of Real Estate,  
27 the Real Estate Commissioner issued a decision (“DRE Decision”) revoking Respondent’s  
28 REB license, effective November 16, 2016. The Real Estate Commissioner found that

1 Respondent converted trust funds and issued at least five checks for proceeds to consumers  
2 from real estate transactions, drawn on bank accounts that had insufficient funds to cover  
3 the checks. In at least one instance, Respondent placed the proceeds of a loan refinancing  
4 into a non-trust account, and the funds were seized by tax authorities. Respondent also took  
5 an advance fee for loan costs for a refinancing transaction; he never refinanced the loan and  
6 he refused to refund the fees to the consumer.

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

13 c. In Respondent's June 2017 application for a finance lending license using  
14 form MU1, Respondent falsely answered "No" to regulatory disclosure questions about prior  
15 discipline imposed by state regulatory agencies, failed to disclose the DRE's Decision in  
16 DRE Case No. H-40061-LA that revoked Respondent's REB license, and falsely answered  
17 "No" to whether the applicant or a control affiliate had been the subject of a bankruptcy  
18 petition, when Respondent had, in fact, initiated bankruptcy proceedings in 2012, 2013, and  
19 2015, and had received a Chapter 7 bankruptcy discharge in 2015.

20 d. Cause existed under Financial Code section 22169 to bar Respondent from  
21 any position of employment, management, or control of any finance lender, broker, or  
22 mortgage loan originator. The DRE's Decision in DRE Case No. H-40061-LA established  
23 that Respondent committed acts involving dishonesty, fraud, or deceit reasonably related to  
24 the qualifications, functions, or duties of a person engaged in the business in accordance  
25 with the provisions of the CFL.

26 e. Cause existed under Financial Code section 22109.1, subdivision (a)(1), (2),  
27 and (3), to deny Respondent's California finance lending application because the DRE  
28 Decision is evidence that Respondent has not demonstrated such financial responsibility,

1 character, and general fitness as to command the confidence of the community and to warrant  
2 a determination that he will operate honestly, fairly, and efficiently consistent with the  
3 purposes of the CFL.

4 f. Cause existed under Financial Code section 22714, subdivision (a)(3), to  
5 revoke Respondent's MLO license for violation of California Code of Regulations ("CCR"),  
6 title 10, sections 1422.6 and 1409.1, subdivisions (a) and (c). The DRE Decision is a  
7 disciplinary order under Financial Code section 22705.1, subdivision (a), and constitutes a  
8 fact or condition that, had it existed at the time of the original MLO license application,  
9 reasonably would have warranted the DFPI Commissioner's denial of the application, and  
10 is therefore grounds for revocation under Financial Code section 22714, subdivision (a)(3).

11 7. Based on the DFPI's Decision in DFPI Case No. 60DBO072891, Respondent's  
12 application for a finance lender license was denied, Respondent's MLO license, issued by the DFPI,  
13 was revoked, and Respondent received an order of debarment, for acts that, if done by a real estate  
14 licensee, would be grounds for the denial of an application for a California real estate license, and  
15 grounds for the suspension or revocation of a California real estate licensee under Code sections  
16 10176(a) (substantial misrepresentation), 10176(i) (fraud or dishonest dealing), 10177(a) (procured  
17 license by fraud, misrepresentation, deceit, or material misstatement), and 10177(j) (fraud or  
18 dishonest dealing).

19 8. The prior license action against Respondent, as alleged in Paragraphs 5 through 7  
20 above, constitutes cause for the denial of Respondent's application for a real estate salesperson  
21 license pursuant to Code sections 10177(f) and 10177(j).

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

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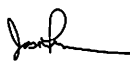
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1           WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and,  
2 upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance  
3 of, and deny the issuance of, a real estate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

6 Dated at Los Angeles, California on 11/02/2023.

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Jason Parson  
Supervising Special Investigator

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10 cc:    **ROBERTO GONZALEZ VIRAMONTES**  
11        **Benny Juarez**  
12        **Jason Parson**  
13        **Sacto.**

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