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8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA

11	In the Matter of:)	NMLS ID: 1667722
12	THE COMMISSIONER OF BUSINESS)	ORDER DENYING APPLICATION FOR
13	OVERSIGHT,)	MORTGAGE LOAN ORIGINATOR
14	Complainant,)	LICENSE
15	v.)	
16	JEFFREY L. JOHNSON, JR.,)	
17	Respondent.)	
18)	
19)	

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23 The Complainant, the Commissioner of Business Oversight (Commissioner), of the
24 Department of Business Oversight (Department), finds that:

25 1. On or around March 20, 2018, Jeffrey L. Johnson, Jr. (Johnson) filed an application
26 for a mortgage loan originator (MLO) license with the Commissioner by submitting a Form MU4
27 through the Nationwide Mortgage Licensing System (NMLS) (hereinafter, Application) pursuant to
28 Financial Code section 50140.

1 2. Disclosure Question (F)(1) in the Application asked: “Have you ever been convicted
2 of or pled guilty or nolo contendere (‘no contest’) in a domestic, foreign, or military court to any
3 felony?” Johnson answered “Yes.”

4 3. On or around April 24, 2018, Johnson submitted through NMLS the criminal docket
5 and Sentence Order in *State of Delaware v. Jeffrey L. Johnson* (Case No. 0506017284) from the
6 Superior Court of the State of Delaware, New Castle County.

7 4. Documents obtained by the Department in connection with the Application disclosed
8 that on or around August 22, 2005, a Grand Jury issued an indictment against Johnson as to the
9 following four felony counts: Count 1, Robbery in the first degree, in violation of Title 11 of the
10 Delaware Code of 1974, as amended (11 Del. C.) § 832; Count 2, Possession of a Firearm During
11 the Commission of a Felony, in violation of 11 Del. C. § 1447A; Count 3, Possession of a Firearm
12 During the Commission of a Felony, in violation of 11 Del. C. § 1447A; and Count 4, Conspiracy
13 in the second degree, in violation of 11 Del. C. § 512.

14 5. On or around December 12, 2005, Johnson pled guilty to Robbery in the second
15 degree, in violation of 11 Del. C. § 831,¹ and Conspiracy in the second degree.

16 6. Financial Code section 50141 provides in relevant part:

17 (a) The commissioner shall deny an application for a mortgage loan
18 originator license unless the commissioner makes at a minimum the
19 following findings: . . .

20 (2) (A) The applicant has not been convicted of, or pled guilty or nolo
21 contendere to, a felony in a domestic, foreign, or military court . . . at any
22 time preceding the date of application, if such felony involved an act of
23 fraud, dishonesty, a breach of trust, or money laundering. Whether a
24 particular crime is classified as a felony shall be determined by the law of
25 the jurisdiction in which an individual is convicted. (Emphasis added.)

26 ¹ “(a) A person is guilty of robbery in the second degree when, in the course of committing theft, the person uses or
27 threatens the immediate use of force upon another person with intent to: (1) Prevent or overcome resistance to the taking
28 of the property or to the retention thereof immediately after the taking; or (2) Compel the owner of the property or
another person to deliver up the property or to engage in other conduct which aids in the commission of the theft.
Robbery in the second degree is a class E felony. (b) In addition to its ordinary meaning, the phrase ‘in the course of
committing theft’ includes any act which occurs in an attempt to commit theft or in immediate flight after the attempt or
commission of the theft.” (11 Del. C. § 831.)

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7. The Commissioner finds that Johnson does not meet at least one of the minimum requirements for issuance of a mortgage loan originator license, namely, Financial Code section 50141, subdivision (a)(2) requiring that Johnson has not pled guilty to a felony at any time preceding the date of the Application if such felony involved an act of fraud, dishonesty, a breach of trust, or money laundering.² Having found that Johnson pled guilty to a felony involving an act of dishonesty prior to the date of the Application, pursuant to Financial Code section 50141, the Commissioner shall deny Johnson’s application for a mortgage loan originator license.

8. On August 21, 2018, the Commissioner issued a Notice of Intention to Deny Application for Mortgage Loan Originator License, Statement of Issues, and accompanying documents (Notice of Intention to Deny) based on the above findings. On August 25, 2018, the Commissioner served Johnson with the Notice of Intention to Deny via certified mail, return receipt requested, which was signed by Johnson on August 27, 2018. Johnson did not request a hearing and the time to request a hearing has expired.

NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the Application filed by Jeffrey L. Johnson, Jr. for a mortgage loan originator license is denied. This order is effective as of the date hereof.

Dated: September 18, 2018
Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

² “Since robbery and burglary each necessarily involve a specific intention to commit a theft . . . each involves elements of dishonesty and a readiness to do evil.” (*People v. Rodriguez* (1986) 177 Cal. App. 3d 174, 178.)