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

11 In the Matter of the Statement of Issues of THE) NMLS ID: 297043
12 CALIFORNIA COMMISSIONER OF)
13 BUSINESS OVERSIGHT,) ORDER DENYING APPLICATION FOR
14 Complainant,) MORTGAGE LOAN ORIGINATOR
15 vs.) LICENSE
16 DARREN M. POMPONIO,)
17 Respondent.)
18)

19
20 The Commissioner of Business Oversight, formerly the Commissioner of Corporations
21 (“Commissioner”) finds that:

22 1. On or about July 11, 2012, Respondent Darren M. Pomponio (“Respondent”) filed an
23 application for a mortgage loan originator license with the Commissioner pursuant to the California
24 Residential Mortgage Lending Act (“CRMLA”) (Financial Code sections 50000 *et seq.*), in
25 particular, Financial Code section 50140. The application was submitted to the Commissioner by
26 filing a Form MU4 through the Nationwide Mortgage Licensing System (“NMLS”). Respondent
27 subsequently updated the Form MU4 through NMLS on or about October 4, 2012 (“the
28 Application”).

1 2. The Application at Question (F)(1) specifically asks: “Have you been convicted of or
2 pled guilty or nolo contendere (“no contest”) in a domestic, foreign, or military court to any
3 felony?” Respondent answered, “Yes.”

4 3. Documents obtained by the Commissioner in connection with the Application disclosed
5 that Respondent pled no contest to Count 1 of the Information filed on or about February 1, 2012, in
6 *People of the State of California v. Darren Michael Pomponio* (Case No. SCR-605928).

7 4. Count 1 of the Information accuses Respondent of “a felony, in that on or about the 30th
8 day of July, 2011, in the County of Sonoma, State of California, the said defendant, Darren Michael
9 Pomponio, did violate Section 245(a)(1) of the Penal Code, in that he did willfully and unlawfully
10 commit an assault on . . . [victim’s name omitted] by means of force likely to produce great bodily
11 injury.” On or about February 1, 2012 the Court accepted Respondent’s plea of no contest, found
12 that there was a factual basis for the plea, and found him guilty of the charge in Count 1.

13 5. Financial Code section 50141 provides in relevant part:

14 (a) The commissioner shall deny an application for a mortgage loan
15 originator license unless the commissioner makes at a minimum the
16 following findings:

17 . . .

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

26 6. Complainant finds, by reason of the foregoing, that Respondent does not meet at least one
27 of the six minimum requirements for issuance of a mortgage loan originator license, namely,
28 Financial Code section 50141, subdivision (a)(2)(A) requiring that Respondent has not been
convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court
during the seven-year period preceding the date of the application for licensing and registration.
Therefore, pursuant to Financial Code section 50141, subdivision (a) the Commissioner shall deny
Respondent’s application for a mortgage loan originator license.

1 7. On July 16, 2013, the Commissioner issued a Statement of Issues, Notice of Intention to
2 Deny Application for Mortgage Loan Originator License and accompanying documents
3 (collectively, “Statement of Issues”) based on the above findings. On or around July 17, 2013, the
4 Commissioner sent via certified mail the Statement of Issues to Respondent’s last known address on
5 file with the Commissioner. On or around July 26, 2013, the Commissioner received Respondent’s
6 timely written request for hearing (“Notice of Defense”).

7 8. On or around July 31, 2013, a request to set the matter for hearing was filed with the
8 Office of Administrative Hearings (“OAH”) and the matter was assigned a hearing date of October
9 31, 2013 at the Oakland regional office of OAH (OAH Case No. 2013080168). On or around
10 August 12, 2013, the Commissioner served Respondent and filed with OAH a Notice of Hearing
11 pursuant to Government Code section 11509.

12 9. On or around August 21, 2013, the Commissioner received Respondent’s written request
13 withdrawing his Notice of Defense to contest the denial of his application for a mortgage loan
14 originator license, OAH Case No. 2013080168, dated August 15, 2013.

15 NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the application
16 for a mortgage loan originator license of Darren M. Pomponio is denied. This order is effective as
17 of the date hereof.

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19 Dated: August 27, 2013
20 Los Angeles, CA

JAN LYNN OWEN
Commissioner of Business Oversight

21 By _____
22 MARY ANN SMITH
23 Deputy Commissioner
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