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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 30<sup>th</sup>  
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.

18  
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