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

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11 In the Matter of:) NMLS ID: 361551
12 THE COMMISSIONER OF BUSINESS)
13 OVERSIGHT,) STATEMENT OF ISSUES IN SUPPORT OF
14 Complainant,) DENIAL OF MORTGAGE LOAN
15 v.) ORIGINATOR LICENSE
16 SAMUEL TODD STAMPER,)
17 Respondent.)
18)
19)

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22 The Complainant, the Commissioner of Business Oversight (Commissioner), of the
23 Department of Business Oversight (Department), is informed and believes, and based upon such
24 information and belief, alleges and charges Respondent as follows:

25 **I.**
26 **Introduction**

27 1. The proposed order seeks to deny the issuance of a mortgage loan originator (MLO)
28 license to Samuel Todd Stamper (Stamper) pursuant to Financial Code section 50141, subdivision

1 (a) of the California Residential Mortgage Lending Act (Fin. Code § 50000 *et seq.*) (CRMLA) in
2 that Stamper was convicted in the State of Florida of a felony involving an act of fraud, dishonesty,
3 a breach of trust, or money laundering, by pleading nolo contendere on or around April 23, 1990 to
4 Burglary of a Dwelling, in violation of Florida Statutes section 810.02(3).

5 **II.**
6 **Application**

7 2. On or around March 1, 2019, Stamper filed an application for an MLO license with
8 the Commissioner by submitting a Form MU4 through the Nationwide Mortgage Licensing System
9 (NMLS) (hereinafter, Application) pursuant to Financial Code section 50140.

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

13 4. Stamper submitted through NMLS a document from the Florida Department of Law
14 Enforcement disclosing that on or around April 23, 1990, Stamper pleaded nolo contendere to
15 Burglary of a Dwelling, a felony. Stamper received a sentence of five years of probation and was
16 ordered to pay \$246.00 in restitution to the owners of the dwelling.

17 **III.**
18 **Conviction**

19 5. On or around November 28, 1989, in *State of Florida v. Samuel Todd Stamper*, Case
20 No. 89-5962 (Criminal Case), the State Attorney for the Seventh Judicial Circuit of the State of
21 Florida filed an Amended Information charging Stamper with Count I, Burglary of a Dwelling, in
22 Violation of F.S. 810.02(3),¹ stating, in relevant part:

23 In that Samuel Todd Stamper, on or about the 26th day of August, 1989,
24 within Volusia County, Florida, did unlawfully enter or remain in a certain
25 dwelling, located at . . . in the County and State aforesaid, the property of .

26 ¹ Florida Statutes Section 810.02(3) provides, in relevant part: “Burglary is a felony of the second degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make
28 an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender
enters or remains in a: (a) Dwelling . . . (c) Structure” (F.S. § 810.02(3).)
Section 810.02(1)(a) provides, “For offenses committed on or before July 1, 2001, ‘burglary’ means entering or
remaining in a dwelling, a structure, or a conveyance with the intent to commit an offense therein, unless the premises
are at the time open to the public or the defendant is licensed or invited to enter or remain.” (F.S. § 810.02(1)(a).)

1 . . . [owner] as owner or custodian thereof, without consent of . . . [owner]
2 with the intent to commit an offense therein, to-wit: theft

3 6. On or around February 16, 1990, Stamper pleaded nolo contendere to Burglary of a
4 Dwelling.

5 7. On or around April 23, 1990, the Court entered Stamper’s plea of nolo contendere to
6 the offense of Count I: Burglary of a Dwelling, a Second-Degree Felony, ordering Stamper to five
7 years of probation and to pay \$246.80 in restitution.

8 **IV.**
9 **Applicable Law**

10 8. Financial Code section 50141 provides in relevant part:

11 (a) The commissioner **shall deny** an application for a mortgage loan
12 originator license unless the commissioner makes **at a minimum the**
13 **following findings: . . .**

14 (2) (A) The applicant has not been convicted of, or pled guilty or **nolo**
15 **contendere to, a felony** in a domestic, foreign, or military court . . . **at**
16 **any time preceding the date of application**, if such felony involved an
17 act of fraud, **dishonesty**, a breach of trust, or money laundering. Whether
18 a particular crime is classified as a felony shall be determined by the law
19 of the jurisdiction in which an individual is convicted

20 **V.**
21 **Conclusion**

22 The Commissioner finds that Stamper does not meet at least one of the minimum
23 requirements for issuance of a mortgage loan originator license, namely, Financial Code section
24 50141, subdivision (a)(2) requiring that Stamper has not pleaded nolo contendere to a felony at any
25 time preceding the date of the Application if such felony involved an act of fraud, dishonesty, a
26 breach of trust, or money laundering.² Having found that Stamper pleaded nolo contendere to a
27 felony involving an act of dishonesty prior to the date of the Application, pursuant to Financial Code
28 section 50141, subdivision (a), the Commissioner shall deny Stamper’s application for a mortgage
loan originator license.

28 ² See *People v. Rodriguez* (1986) 177 Cal.App.3d 174, 178 (“Since robbery and burglary each necessarily involve a specific intention to commit a theft, or in the case of burglary, a theft or a felony within a protected structure, each involves elements of dishonesty and a readiness to do evil.”)

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By reason of the foregoing, pursuant to Financial Code section 50141, subdivision (a), the Commissioner shall deny Samuel Todd Stamper’s application for a mortgage loan originator license.

WHEREFORE IT IS PRAYED that the mortgage loan originator application filed by Samuel Todd Stamper be denied.

Dated: February 11, 2020
Los Angeles, California

MANUEL P. ALVAREZ
Commissioner of Business Oversight

By _____
SOPHIA C. KIM
Senior Counsel
Enforcement Division