

1 MARY ANN SMITH  
Deputy Commissioner  
2 MIRANDA LEKANDER  
Assistant Chief Counsel  
3 KENNY V. NGUYEN (State Bar No. 233385)  
Senior Counsel  
4 Department of Business Oversight  
1515 K Street, Suite 200  
5 Sacramento, California 95814  
Telephone: (916) 445-3682  
6 Facsimile: (916) 445-6985  
7 Attorneys for Complainant

10 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
11 OF THE STATE OF CALIFORNIA

13 In the Matter of: ) NMLS ID. 225333  
14 THE COMMISSIONER OF BUSINESS )  
OVERSIGHT, ) STATEMENT OF ISSUES IN SUPPORT OF  
15 ) ORDER DENYING THE MORTGAGE LOAN  
16 Complainant, ) ORIGINATOR LICENSE APPLICATION OF  
JOSEPH NOVELLI PURSUANT TO  
17 v. ) FINANCIAL CODE SECTION 22109.1  
18 JOSEPH NOVELLI, )  
19 Respondent. )

20 The Commissioner of Business Oversight (Commissioner) finds against the Respondent  
21 Joseph Novelli (Novelli) as follows:

22 I.

23 Introduction

24 The Commissioner seeks to deny the issuance of a mortgage loan originator license to  
25 Novelli pursuant to Financial Code section 22109.1 in that Novelli has had a felony conviction  
26 during the seven-year period preceding the date of his application for licensure. Novelli pled to and  
27 was convicted of a Class Four felony possession of marijuana (over one pound) in the State of  
28 Nebraska on April 5, 2013.

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**II.**

**The Application**

1. On March 20, 2017, Novelli filed an application for a mortgage loan originator license with the Commissioner pursuant to the California Finance Lenders Law (CFL) (Fin. Code, § 22000 et seq.), in particular, Financial Code section 22105.1. The application was for employment as a mortgage loan originator, and was submitted to the Commissioner by filing a Form MU4 through the Nationwide Mortgage Licensing System & Registry (NMLS).
2. In submitting his application, Novelli answered “Yes” to Criminal Disclosure question (F)(1) on the Form MU4, which specifically asked:
 

(F)(1) Have you ever been convicted of or pled guilty or nolo contendere (“no contest”) in a domestic, foreign, or military court to any felony?
3. Novelli was asked to provide an explanation to the “Yes” answer given in response to the Criminal Disclosure question. In the field listed “Brief Description of Explanation,” Novelli wrote “Very Old Felony” and in field listed “Event Explanation Detail (Required),” Novelli wrote “In 1993 was convicted on Federal Marijuana charges that was over 20 years ago.” No other explanations or convictions were disclosed in the electronic form.
4. Novelli was asked to upload supporting documentation for his disclosure answers, but on March 20, 2017 he did not upload any documentation supporting the 1993 marijuana conviction, or any other conviction.
5. In submitting his application, Novelli signed the Form MU4 swearing that the answers were true and complete to the best of Novelli’s knowledge.

**III.**

**Criminal Convictions**

6. On or about March 29, 2017, Novelli uploaded supporting documentation which he described as “background explanation” for his criminal conviction. The documentation was a sentencing order issued from a court in Douglas County, Nebraska on April 5, 2013. The order indicated that Novelli “pleaded no contest to Possession of Marijuana More Than a Pound, a Class IV Felony, and was

1 found guilty.” The order also indicated that Novelli was sentenced to pay a fine of \$3,000.00 plus  
2 the costs of prosecution.

3 7. Later that day (March 29, 2017), Novelli uploaded a second supporting document which he  
4 described as “background explanation” for his criminal conviction. The document was a typed,  
5 unsigned letter from Novelli that explained the circumstances of the 2013 felony marijuana  
6 conviction. In the letter, Novelli did not contest the validity of the conviction.

7 **III.**

8 **Applicable Law**

9 8. The Commissioner is required to deny Novelli’s application for a mortgage loan originator  
10 license due to his felony conviction during the seven-year period preceding the date of his  
11 application for licensing. Financial Code section 22109.1 provides in relevant part:

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

14 . . .

15 (2) The applicant has not been convicted of, or pled guilty or nolo  
16 contendere to, a felony in a domestic, foreign or military court, as follows:  
17 (A) During the seven-year period preceding the date of the application  
for licensing and registration.

18 (Fin. Code, § 22109.1, subd.(a)(2)(A).)

19 **VI.**

20 **Conclusion**

21 The Commissioner finds, by reason of the foregoing, that Novelli’s felony conviction within  
22 the seven-year period preceding the date his application is a statutory bar to licensure.

23 THEREFORE, the Commissioner is mandated under Financial Code section 22109.1 of the  
24 CFLL to deny Novelli’s mortgage loan originator license application.

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WHEREFORE notice is hereby given of the Commissioner’s intention to deny the mortgage loan originator application filed by Novelli on March 20, 2017.

Dated: August 15, 2017  
Sacramento, California

JAN LYNN OWEN  
Commissioner of Business Oversight

By: \_\_\_\_\_  
KENNY V. NGUYEN  
Senior Counsel