1 2 3 4 5 6 7 8 9	CLOTHILDE V. HEWLETT Commissioner MARY ANN SMITH Deputy Commissioner SEAN ROONEY Assistant Chief Counsel ALLARD CHU (State Bar No. 328121) Senior Counsel Department of Financial Protection and Innov 320 West 4th Street, Suite 750 Los Angeles, California 90013-2344 Telephone: (213) 576-7519 Facsimile: (213) 576-7181 Attorneys for Complainant BEFORE THE DEPARTMENT OF FIN	vation	
10	OF THE STATE OF CALIFORNIA		
11			
12	In the Matter of:	) NMLS NO.: 1565807	
13	THE COMMISSIONER OF FINANCIAL	)	
14	PROTECTION AND INNOVATION,	) STIPULATION TO WITHDRAWAL OF ) APPLICATION	
15	Complainant, v.	)	
16	LESLIE JOY BELTRAN ROSE,	)	
17	Respondent.	)	
18		) )	
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20	This Stipulation is entered into between Respondent Leslie Joy Beltran Rose (Rose) and		
21	Complainant, the Commissioner of Financial Protection and Innovation (Commissioner), and is		
22	made with respect to the following facts:		
23		I.	
24	RECITALS		
25	A. The Commissioner is authorized to administer and enforce the provisions of the		
26	California Financing Law (Fin. Code, § 22000 et seq.) (CFL) and the California Residential		
27	Mortgage Lending Act (Fin. Code, § 50000 et seq.) (CRMLA), and the rules and regulations		
28	promulgated thereunder.		
	STIPULATION TO WITHDRAWAL OF APPLICATION		

6 7 State of California – Department of Financial Protection and Innovation 8 9 10 11 12 13 14 15 16 17 18

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Β. On March 9, 2021, Rose submitted an individual MU4 License Form to the Department of Financial Protection and Innovation (Department), through the Nationwide Multistate Licensing System<sup>1</sup> (NMLS), seeking licensure as a mortgage loan originator (MLO). MU4 Criminal Disclosure Question (F)(1) on the license application asks the applicant: "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?" Rose answered "No" in her response.

C. The Commissioner's review of Rose's criminal background check revealed a felony conviction at Maricopa County, Superior Court of Phoenix, Arizona on April 2, 2012. Rose's application did not provide explanation or all court documents relating to the final disposition for review.

The Commissioner finds that entering into this Stipulation is in the public interest and consistent with the purposes fairly intended by the policy and provisions of the CFL and CRMLA.

NOW, THEREFORE, in consideration of the foregoing, and the terms and conditions set forth herein, the parties agree as follows:

## II.

## **TERMS AND CONDITIONS**

1. Purpose. It is the intention and desire of the parties to resolve this matter without the necessity of a hearing or other litigation for the purpose of judicial economy and expediency, and to avoid the expense of a hearing, and possible further court proceedings.

2. Withdrawal of Application. The Commissioner hereby consents to Rose's request to withdraw her MLO license application. In consideration of the Commissioner's consent to the application withdrawal, Rose agrees that she will not apply for a further MLO license through the Department until she has obtained documents showing dismissal or expungement of the felony conviction.

3. Waiver of Hearing Rights. Rose agrees that in the event she applies for a further MLO license with the Department prior to proof of dismissal or expungement, such application shall

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<sup>&</sup>lt;sup>1</sup> NMLS is a web-based platform for regulatory agencies to administer initial license applications and ongoing compliance requirements.

3 CRMLA, the Administrative Procedure Act (APA) (Govt. Code, § 11370 et seq.), the Code of Civil 4 Procedure (Code of Civ. Pro., § 1 et seq.), or any other provision of law in connection with these 5 matters. 4. Stipulation Coverage. The parties further acknowledge that this Stipulation is 6 7 intended to constitute a full, final, and complete resolution of the matter set forth herein. 8 5. Independent Legal Advice. Each of the parties represents, warrants, and agrees that it 9 has received independent advice from their attorneys or representatives with respect to the 10 advisability of executing this Stipulation. 11 6. Reliance. Each of the parties represents, warrants, and agrees that in executing this

Stipulation they have relied solely on the statements set forth herein and the advice of their own counsel. Each of the parties further represents, warrants, and agrees that in executing this Stipulation it has placed no reliance on any statement, representation, or promise of any other party, or any other person or entity not expressly set forth in this Stipulation, or on the failure of any party or any other person or entity to make any statement, representation or disclosure of anything whatsoever. The parties have included this clause: (1) to preclude any claim that any party was in any way fraudulently induced to execute this Stipulation; and (2) to preclude the introduction of parol evidence to vary, interpret, supplement, or contradict the terms of the Stipulation.

be deemed automatically denied. In connection with any such automatic denial, Rose hereby waives

her right to any reconsideration, appeal or other rights which may be afforded under the CFL, the

7. <u>Full Integration</u>. This Stipulation is the final written expression and the complete and exclusive statement of all agreements, conditions, promises, representations, and covenants between the parties with respect to the subject matter hereof, and supersedes all prior or contemporaneous agreements, negotiations, representations, understandings, and discussions between and among the parties, their respective representatives, and any other person or entity, with respect to the subject matter covered by the Stipulation.

8. <u>No Presumption from Drafting</u>. In that the parties have had the opportunity to draft,
review and edit the language of this Stipulation, no presumption for or against any party arising out
of drafting all or any part of this Stipulation will be applied in any action relating to, connected, to,

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## STIPULATION TO WITHDRAWAL OF APPLICATION

or involving this Stipulation. Accordingly, the parties waive the benefit of Civil Code section 1654 and any successor or amended statute, providing that in cases of uncertainty, language of a contract should be interpreted most strongly against the party who caused the uncertainty to exist.

9. <u>Headings and Governing Law</u>. The headings to the paragraphs of this Stipulation are inserted for convenience only and will not be deemed a part hereof or affect the construction or interpretation of the provisions of the Stipulation.

10. <u>Voluntary Agreement</u>. Rose enters into this Stipulation voluntarily and without coercion and acknowledges that no promises, threats, or assurances have been made by the Commissioner or any officer, or agent thereof, about this Stipulation.

11. <u>Waiver</u>. The waiver of any provision of this Stipulation shall not operate to waive any other provision set forth herein, and any waiver, amendment, or change to the terms of this Stipulation must be in writing and signed by the parties.

12. <u>Counterparts</u>. The parties agree that this Stipulation may be executed in one or more counterparts, each of which, when so executed shall be deemed an original. A facsimile or scanned signature shall be deemed the same as an original signature. Such counterparts together constitute one document.

13. <u>Authority to Sign</u>. Each signatory hereto covenants that he or she possesses all necessary capacity and authority to sign and enter into this Stipulation and undertake the obligations set forth herein.

14.Effective Date.This Stipulation shall become effective when signed and deliveredby the Commissioner's agent via e-mail to lesliejoy.rose@gmail.com.

16. <u>Notice</u>. Any notices required under this Stipulation shall be provided to each party at the following addresses:

If to Rose to:Leslie Joy Beltran Rose<br/>23747 Cadenza Drive<br/>Murrieta, California 92562<br/>lesliejoy.rose@gmail.comIf to the Commissioner to:Allard Chu, Senior Counsel<br/>Department of Financial Protection and Innovation<br/>320 W. 4th Street, Suite 750<br/>Los Angeles, California 90013-2344

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1	17. <u>Public Record</u> . Rose hereby acknowledges that this Stipulation is and will be a matter of public record.		
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4	Dated: January 23, 2023	CLOTHILDE V. HEWLETT Commissioner of Financial Protection and Innovation	
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7 8		By MARY ANN SMITH	
8 9		Deputy Commissioner	
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11	Dated: January 23, 2023	By	
12	Dutod. Junuary 23, 2023	By LESLIE JOY BELTRAN ROSE, an individual	
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