

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

COMMISSIONER OF BANKS  
MORTGAGE LOAN ORIGINATOR  
LICENSING  
Docket No. 2021-0003

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In the Matter of  
BRAD A. BOWLING

Mortgage Loan Originator  
License No. MLO242040

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) ORDER TO SHOW CAUSE,  
) NOTICE OF INTENT TO REVOKE,  
) NOTICE OF RIGHT TO A  
) HEARING  
)  
)

The Commissioner of Banks (Commissioner) having determined that BRAD A. BOWLING (Bowling or the Licensee) has engaged in, or is engaged in, or is about to engage in, acts or practices constituting violations of Massachusetts General Laws chapter 255F, 209 CMR 41.00 *et seq.*, and other applicable state and federal statutes and regulations, hereby issues the following FINDINGS OF FACT as well as an ORDER TO SHOW CAUSE AND NOTICE OF RIGHT TO A HEARING (collectively referred to as the Order) pursuant to General Laws chapter 255F section 11(a).

FINDINGS OF FACT

**A. FINDINGS OF FACT AND REGULATORY BACKGROUND**

1. The Division of Banks (Division) has jurisdiction over the licensing and regulation of persons and entities engaged in the business of a mortgage loan originator in Massachusetts pursuant to Massachusetts General Laws (M.G.L.) chapter 255F, section 2 and its implementing regulation at 209 Code of Massachusetts Regulations (C.M.R.) 41.00 *et seq.*

2. The Nationwide Multi State Licensing System & Registry (NMLS) is an online licensing system created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The NMLS allows individuals to submit mortgage loan originator license applications, renewals, and amendments to multiple state regulators through one online system. The Division requires that mortgage loan originator license applications, requests for renewals, and amendments be submitted via the NMLS pursuant to its authority under M.G.L. 255F, section 2.

3. Bowling is licensed by the Commissioner as a mortgage loan originator under Massachusetts General Laws chapter 255F, section 2. According to records maintained on file with the Division and the NMLS, the Commissioner initially issued a mortgage loan originator license, license number MLO242040, to Bowling to engage in the business of a mortgage loan originator on or about February 28, 2018.

4. The Division's regulation 209 CMR 41.05(3)(a) states in part:

The Commissioner shall deny an application for a Mortgage Loan Originator License if the Commissioner upon review of the application and any other relevant information, determines that the Applicant has:

1. Had a mortgage loan originator license revoked in any governmental jurisdiction; provided, however, that a subsequent formal vacation of such revocation shall not be deemed a revocation;

2. Been convicted of, or pled guilty, admitted to sufficient facts or *nolo contendere* to, a felony in a domestic, foreign, or military court: (i) during the 7-year period preceding the date of the application for licensing; (ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or breach of trust, or money laundering; or (iii) has other convictions or admissions to sufficient facts involving fraud, dishonesty, or a breach of trust, or that the applicant has had any adverse civil judgments involving fraudulent dealings;

3. Failed to demonstrate financial responsibility, character, reputation, integrity and general fitness such as to command the confidence of the community and to

warrant a determination that such Applicant will operate honestly, fairly, soundly and efficiently in the public interest;

. . .

5. The Division's regulation 209 CMR 41.09 states in part:

A Licensee shall notify the Commissioner immediately, in writing, and amend the Licensee's information and disclosures in the NMLS, within two (2) business days of the occurrence of any of the following significant developments:

- (a) Being charged with or convicted of any criminal felony offense.

. . .

- (c) Receiving notification of the institution of license denial, cease and desist, suspension or revocation procedures, or other formal or informal regulatory action

. . .

6. Based upon review of the information reflected in the NMLS, the Division commenced an investigation of Bowling which continues to this date.

7. The Division's investigation, as further detailed in this Order, revealed that Bowling failed to comply with applicable state and federal laws, rules, and regulations governing the conduct of those engaged in the business of a mortgage loan originator in Massachusetts.

**Conviction of Felony Offense and Failure to Notify Commissioner of Conviction of Felony Offense**

8. On or about December 23, 2020, Bowling's individual NMLS filing was updated with an uploaded document which included an Amended Plea Agreement dated December 7, 2020, in which he pleaded guilty to Endangerment, which is classified as a felony under the criminal code of Arizona.

9. On or about February 25, 2021, the Division sent a secure electronic message to Bowling requesting him to contact the Division to discuss the felony plea and revocation of his Nebraska mortgage loan originator license as discussed in paragraphs 15 and 16 below.

10. On or about February 25, 2021, the Division set a corresponding license item on Bowling's NMLS record referencing the February 25, 2021 secure electronic message.

11. On or about March 2, 2021, the Division sent an electronic message to Bowling and his employer who sponsored Bowling as a mortgage loan originator for purposes of his Massachusetts mortgage loan originator license, requesting Bowling to contact the Division to discuss the felony plea and revocation of his Nebraska mortgage loan originator license as discussed below.

12. Following communications with the employer through electronic messages and phone calls, on or about March 4, 2021, a representative of Bowling's employer sent an electronic message to the Division stating in part, "I have spoken to my HR group and they indicated that Brad is most likely not able to connect today due to currently being in a situation which precludes him from making phone calls or checking email. I do not have an eta on when he will be back to be able to reach out..."

13. Bowling did not provide a response to the Division's electronic messages or to the license item set by the Division on his NMLS record.

14. To date, Bowling has not updated his Individual Form to answer "Yes" to Criminal Disclosure question F(1) which asks: Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?

**Nebraska Department of Banking and Finance Order of Revocation of Mortgage  
Loan Originator License and Failure to Notify Commissioner of Revocation of  
Mortgage Loan Originator License**

15. On or about January 11, 2021, the Nebraska Department sent a secure electronic message to Bowling advising him that, “Under the Residential Mortgage Licensing Act, any felony conviction is a bar to licensure in Nebraska.” The Nebraska Department stated that, in light of this information, Bowling should consider surrendering his current Nebraska mortgage loan originator license until his criminal background check does not reflect a felony conviction. The Nebraska Department notified Bowling he was to respond to a January 11, 2021 secure electronic message by January 25, 2021 or the Nebraska Department may revoke his license.

16. On or about February 25, 2021, based on Bowling’s felony plea and failure to respond to the January 11, 2021 secure electronic message, the Nebraska Department Commissioner revoked Bowling’s mortgage loan originator license.

**B. CONCLUSIONS OF LAW**

17. Based upon the information contained in Paragraphs 1 through 16, Bowling pleaded guilty to Endangerment, which is classified as a felony in Arizona, which is a bar from licensure as a mortgage loan originator under 12 CFR Part 1007 the Secure and Fair Enforcement Mortgage Licensing Act and 209 CMR 41.05(3)(a)(2)

18. Based upon the information contained in Paragraphs 1 through 16, Bowling had a mortgage loan originator license revoked in a governmental jurisdiction, in violation of 209 CMR 41.05(3)(a)(1).

19. Based upon the information contained in Paragraphs 1 through 16, Bowling failed to notify the Commissioner in writing and amend his information and disclosures in the

NMLS within two (2) business days of the occurrence of pleading guilty to a felony offense, in violation of 209 CMR 41.09(a).

20. Based upon the information contained in Paragraphs 1 through 16, Bowling failed to notify the Commissioner in writing and amend his information and disclosures in the NMLS within two (2) business days of the occurrence of revocation of his Nebraska mortgage loan originator license, in violation of 209 CMR 41.09(b).

21. Based upon the information contained in Paragraphs 1 through 16, Bowling has failed to demonstrate and maintain the character, reputation, integrity, and general fitness such as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, soundly and efficiently in the public interest, as a mortgage loan originator, in violation of M.G.L. chapter 255F, section 4 and the Division's regulation 209 CMR 41.04(2)(d).

### **C. ORDER TO SHOW CAUSE AND NOTICE OF RIGHT TO A HEARING**

NOW, THEREFORE, based upon the Findings of Fact set forth above, the Division hereby sets forth the following allegations against Bowling:

22. The Division hereby re-alleges and incorporates by reference the Findings of Fact presented in Paragraphs 1 through 16 of the Order as though fully set forth.

23. The Division hereby re-alleges and incorporates by reference the Conclusions of Law presented in Paragraphs 17 through 21 of the Order as though individually set forth as separate allegations providing the basis of this Order to Show Cause.

## **ORDER TO SHOW CAUSE**

24. WHEREAS, finding it necessary and appropriate and in the public interest, and consistent with the purposes of the laws governing licensed mortgage loan originators in the Commonwealth;

25. WHEREAS, Pursuant to General Laws chapter 255F, section 11(d), the Commissioner may issue a written notice of intention to prohibit a person from any further actions, in any manner, as a mortgage loan originator in Massachusetts or to prohibit that person from being employed by, as agent of, or operating on behalf of a mortgage loan originator or any other business which requires a license from the Commissioner; and

26. WHEREAS, finding that the allegations set forth above, if found to be true and correct, form the legal basis for the action sought to be taken under General Laws chapter 255F, section 11(d).

27. IT IS HEREBY ORDERED that Bowling shall show cause why his mortgage loan originator license should not be revoked pursuant to General Laws chapter 255F, section 11.

28. IT IS FURTHER ORDERED that Bowling shall show cause why he should not be prohibited from any further actions, in any manner, as a mortgage loan originator in Massachusetts or from being employed by, as agent of, or operating on behalf of a mortgage loan originator or any other business which requires a license under chapter 255E or 255F or any other business which requires a license from the Commissioner.

## **NOTICE OF RIGHT TO REQUEST A HEARING**

29. Bowling or his authorized representative is required to file an Answer or otherwise respond to the allegations contained in this Order within twenty-one (21) days of its

effective date, pursuant to the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 (6)(e). Failure to file an Answer may also result in a default judgment against Bowling in the matter of the revocation of his mortgage loan originator license and the issuance of an Order of Prohibition. The Answer, and any subsequent filings that are made in conjunction with this proceeding, shall be directed to the Division, with a copy to Prosecuting Counsel.

All papers filed with the Division shall be addressed to the attention of:

Administrative Hearings Officer  
Division of Banks  
1000 Washington Street, 10th Floor  
Boston, Massachusetts 02118

Prosecuting Counsel for this matter is:

Brian Morecraft, Esq.  
Division of Banks  
1000 Washington Street, 10th Floor  
Boston, Massachusetts 02118

30. You are further advised that Bowling has the right to be represented by counsel or other representative, to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify against Bowling, and to present oral argument.

31. A hearing will be scheduled on this matter only upon receipt of a written request for such a hearing from Bowling within twenty-one (21) days of service of this Notice of Order upon him. If Bowling fails to request a hearing within this twenty-one (21) day period or fails to appear at a scheduled hearing date, Bowling shall be deemed to have consented to the issuance of an order of prohibition in accordance with this Order, pursuant to M.G.L. chapter 255F, section 11(d).

32. The hearing shall be fixed for a date not more than thirty (30) days after the date of service upon the Commissioner of the request for hearing and will be conducted according to M.G.L. chapter 30A, sections 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03.

BY ORDER AND DIRECTION OF THE COMMISSIONER OF BANKS.

Dated at Boston, Massachusetts, this 16th day of March, 2021.

By: /s/ Cynthia A. Begin, Esq.  
First Deputy Commissioner  
Massachusetts Division of Banks