

California Financing Law NMLS Transition FAQs

General Questions

1. I make residential mortgage loans and am already licensed through NMLS. Do I need to transition?

No. If you make or broker residential mortgage loans under the California Financing Law and you are already licensed through NMLS, you do not need to transition onto NMLS.

2. I am on NMLS for a license through another state or another agency. Do I need to file a new Company Form (MU1)?

No. If you already have a record in NMLS but your record does not include your California Financing Law license, you must transition your CFL license onto NMLS but you do not need to establish a new Company Form (MU1) and re-enter your company information. Instead, you must identify the business activities your company conducts in California, select the appropriate license in California (the California Financing Law), enter your existing license number, and complete a few state-specific fields.

3. NMLS is not recognizing my license number. Am I entering it correctly?

You must have your California Financing Law license number to transition an existing license onto NMLS. By entering your existing license number, you identify your filing in NMLS as the transition of an existing license and not a new license application. Enter the number in the following format using alpha and numeric characters and capitalization:

XXXXXXX
60DBOXXXXX

You may locate your license number on the CA-DFPI website [here](#). Enter your main license number in NMLS when completing the Company Form (MU1) and enter your branch location license number in the Branch Form (MU3). Each branch license requires a Branch Form.

NOTE: If your CFL license was issued **on or after July 1, 2021**, and you are not yet on NMLS, your license number will not be in NMLS. Contact the CA-DFPI by email at CFL.Inquiries@dfpi.ca.gov or phone at (866) 275-2677 to request your transition

number. Input this number as your license number when transitioning onto NMLS, and the CA-DFPI will input your license number when approving the transition.

4. I need to amend my license. Should I file the amendment before I transition?

You must enter accurate information into NMLS, so the timing of the change will determine the answer to this question. Consider the timing of the change, such as amending your address, changing your name, or undergoing a conversion or merger. If the effective date of your change is before you transition on NMLS, make the changes directly with the CA-DFPI *before* you transition. Submit only current information on the Company Form (MU1). If the effective date of your amendment is after your transition, submit your transition *first*, and then amend your license through the NMLS process for making amendments.

An NMLS electronic surety bond simplifies the process of amending a bond when a licensee changes its name or address. Therefore, if possible, consider making these changes *after* you transition onto NMLS. NMLS allows a licensee to submit amendments through the system. See the [CFL Company Amendment Checklist](#) or [CFL Branch Amendment Checklist](#) for more information.

5. I transitioned onto NMLS but now need to amend my license. How do I proceed?

After you transition onto NMLS, all amendments to your license must be filed through NMLS. Follow the instructions on the [Company Amendment Checklist](#) or the [Branch Amendment Checklist](#), as applicable, to make necessary changes.

6. Does the transition mean that I have to apply for a license again?

No. Transitioning onto NMLS does not require a licensee to seek licensure again. Consequently, the information submitted to NMLS must either match the information the CA-DFPI has on file or be intended to update the information already on file. If new information is submitted to amend your existing license, the CA-DFPI may request supporting documentation necessary to process the change.

7. Instead of transitioning to NMLS, I would like to surrender my license. How should I proceed?

To surrender your license instead of transitioning to NMLS, email the CA-DFPI at CFL.Inquiries@dfpi.ca.gov for instruction, or call the CA-DFPI at (866) 275-2677 and ask for the CFL licensing specialist on duty. Generally, to surrender a license, a licensee must

submit a request to the CA-DFPI indicating the licensee's intent to surrender the license and the last day of engaging in business under the authority of a CFL license. A licensee must provide the location where the records will be maintained after the surrender of the license, the name, address, and phone number of the individuals responsible for the safekeeping of the books and records after the license has been surrendered, the name, address, and phone number of the individuals responsible for winding down operations, and the name, address, and phone number of the individuals responsible for handling consumer complaints. The surrender request must include the return of any physical licenses issued by the CA-DFPI, and the request must be submitted by an officer with authority to surrender a license on behalf of a licensee. If any licensure matters are outstanding, the acceptance of a surrender may be delayed or rejected.

8. Will the transition to NMLS require a fee?

Yes. NMLS requires \$100 as an initial set up fee for each Company Form (MU1), and a \$20 initial set-up fee for each additional licensed location (Branch Form (MU3)). A licensee must also renew its registration in NMLS between November 1 and December 31 of each year. NMLS requires an annual renewal fee of to maintain a record on NMLS. The renewal fee for a Company Form (MU1) is \$100 and the renewal fee for each additional licensed location (Branch Form (MU3)) is \$20.

Company Form MU1 Questions

9. How will NMLS identify that I am an existing licensee?

License Number: To identify your company filing as a transition and not a new application, enter your existing CA-DFPI main license number in the format XXXXXXXX or 60DBOXXXXX.

To look up your name, license number, and address information on file with CA-DFPI, you may check the CA-DFPI online database at [DFPI License Search](#).

NOTE: If your CFL license was issued on or after July 1, 2021, and you are not yet on NMLS, your license number will not be in NMLS. Contact the CA-DFPI by email at CFL.Inquiries@dfpi.ca.gov or phone at (866) 275-2677 to request your transition number. Input this number as your license number when transitioning onto NMLS, and the CA-DFPI will input your license number when approving the transition.

10. Do I only designate as a business activity the activity that is licensed under the California Financing Law?

No. Identify all the business activities conducted by you, in addition to those activities to

be conducted under the authority of your CFL license. The NMLS allows you to designate the state where you conduct each business activity. Note that commercial lending and brokering appear in NMLS as a subset of consumer lending.

11. Do I enter my legal name or my forced name on Form MU1?

In the “Name” section of Form MU1, enter your **legal name** from your organizational documents. If you use a forced name in California, enter this information in the “Other Trade Names” section of Form MU1.

12. I have a new address. Do I use this address on Form MU1?

Do not submit incorrect information on Form MU1. To transition, your main address must match the address on file with the CA-DFPI, so if your address has changed you must first change your address in the CA-DFPI’s records. If you have a new address at the time of your transition, you must report it to the CA-DFPI before you transition by submitting the [CFL Change of Address Form](#) by mail to the CA-DFPI, and then you may enter your new address during your transition onto NMLS. Address changes require 10 days advance notice to the CA-DFPI. If you have changed your main address but failed to notify the CA-DFPI in advance, submit the [CFL Change of Address Form](#) and the \$500 penalty for failing to notice the CA-DFPI in advance, before submitting the MU1 in NMLS with the new address. Submit your Company Form MU1 with your correct current address.

13. I have branch office licenses. Do I need to transition these licenses also?

You must transition all of your licenses onto NMLS. Submit only one Company Form (MU1) for your main license location and submit a Branch Office (MU3) form for **each** additional licensed branch location.

For each Branch Form (MU3):

- Enter the existing license number for each additional licensed location.
- Each branch manager must submit an Individual Form (MU2).
- If the branch manager has not yet submitted fingerprints for a background check, the branch manager must submit a set of fingerprints to the CA-DFPI. See the response to Question 24 below for guidance.

If you are engaged in the business of commercial lending or brokering, select the industry type “Consumer Finance” in NMLS.

14. Can anyone complete the attestation?

For a new application, the attestation must be signed by an officer who has submitted

an Individual Form MU2. However, when transitioning onto NMLS, amending a form, or renewing NMLS registration, the attestation of the Company Form (MU1) and all amendments to the MU1 may be completed by a duly authorized individual who has submitted an Individual Form (MU2) or an individual who has been delegated to attest to the filing by an officer who has submitted a Form MU2.

Trade Names

15. If I already have approval from the Department to use a trade name, do I need to submit the county documentation again in NMLS?

No. If you already have approval to use a trade name, include that name in the *Other Trade Names* section of Form MU1. You do not need to submit the supporting documentation previously submitted to the Department.

16. I am a commercial lender or broker. What “Industry Type” do I select in the *Other Trade Names* section?

Commercial lending and brokering are under the category “Consumer Finance” in NMLS.

17. I use a forced name in California. How do I include that name in NMLS?

Identify a forced name in the *Other Trade Names* section of NMLS. Check the box indicating that the name is a forced name.

18. I have a new trade name to add to my license. How do I obtain approval to use the new name?

To obtain approval of a new name, follow these steps:

- Identify the new name under the *Other Trade Names* section of the Company Form (MU1).
- Upload a copy of the Fictitious Business Name Statement bearing the seal of the Country Clerk for new name to be used in California within the *Document Uploads* section of the Company Form (MU1).
- Title the uploaded document *CA CFL [Company Legal Name] Fictitious Business Name/Trade Name/Assumed Name/DBA*.

Refer to the CFL [Company Amendment Checklist](#) for additional information on adding a trade name. The CA-DFPI will review the new trade name and approve it through NMLS.

Registered Agent

19. Can I designate anyone as my registered agent in NMLS?

The entry for *Resident/Registered Agent* must match your information on record with California Secretary of State.

Approvals and Designations

20. None of the approvals and designations in the “Approvals and Designations” section of NMLS appear applicable to my company. Must I designate an approval or designation?

If none of the approvals or designations are applicable to your business activity under the CFL, leave this section blank.

21. The Company Form (MU1) asks whether my company will engage in any non-financial services related business, and whether my company will occupy or share space with any person engaged in financial services-related activity. Must I answer these questions, and do my answers mean that this activity is approved?

You must answer the questions and provide the requested information. In addition, [Financial Code section 22154](#) requires written authorization for a licensee to conduct the business of making loans in a place of business where any other business or solicited or engaged in. Notwithstanding your answers to the questions in this section, you must obtain approval for engaging in other business at a licensed location. If you have already obtained approval, no further action is necessary.

If you have not yet obtained approval for engaging in other business at a licensed location, submit the request during the transition by uploading a document describing the other business being conducted in any office, room, or place of business where the licensee is conducting the business of making loans under the CFL.

Title this document *CA CFL [Company Legal Name] Other Business Activities* and upload it in NMLS under the Document Type *Business Plan* in the *Document Uploads* section of the Company Form (MU1).

Send an email to CFL.Inquiries@dfpi.ca.gov indicating that you are seeking approval of other business activity and a description of the activity has been uploaded into NMLS.

NMLS maintains the most recent upload as the current version of a document. Therefore, when seeking approval for new other business activity at a licensed location, your uploaded document should identify any other business activity at the location that has already been approved by the CA-DFPI (either during initial licensure or from a later request for approval), and identify the new other business activity for which you are currently seeking approval.

Disclosure Explanations – Company Form (MU1) and Individual Form (MU2)

22. I already answered disclosure questions when I obtained my license. Do I need to answer them again, and submit the supporting documentation again?

You need to answer the disclosure questions on both forms MU1 and MU2, as applicable. However, if any affirmative disclosures and supporting documentation have already been submitted to the Department during licensure, you do not need to submit explanations or supporting documentation again.

If you are answering yes to a disclosure question not previously reported to the CA-DFPI, see the [Company Disclosure Explanations Quick Guide](#) for guidance on how to submit the supporting documentation for a company disclosure, and see [the NMLS Help Document for Disclosure Explanations](#) and the [Individual Disclosure Explanations Quick Guide](#) for guidance on how to submit the supporting documentation for an individual disclosure. Provide a complete and detailed explanation and upload documentation for each yes response to a disclosure question. If a yes response applies to multiple incidents, each incident must have its own explanation and documentation upload.

Direct Owners and Executive Officers

23. Who do I need to report as a direct owner and executive officer?

You must identify all of the owners, regardless of whether the owner is a passive investor. You also must identify all the individuals with the functional responsibility for the managerial and policy decisions of the licensee, regardless of whether that individual holds a title typical of an officer designation. Each such individual must submit the Individual Form (MU2). Refer to the [Background Check Guidance](#) for instruction on which individuals must be reported. A new set of fingerprints is not required for any individual who previously submitted fingerprints as part of a background check.

The CA-DFPI will deem information submitted through NMLS on owners and officers as current information. If you previously reported an individual and submitted fingerprints for a background check, but you do not include that individual in NMLS on MU1 and submit an Individual Form (MU2) for that individual through NMLS, that individual will be deemed no longer working in the reported capacity.

If you have a new direct owner or executive officer to report, you may report the new information when you transition to NMLS. If you are reporting a natural person for the first time on Company Form (MU1) and Individual Form (MU2), you must also submit a set of fingerprints for the background check and the required fee.

Natural persons who directly or indirectly own more than 10 percent of the applicant solely as an economic interest without the ability to elect or direct management, or otherwise exercise control of the applicant or the applicant's lending activities in any way, are not required to submit Form MU2 or fingerprints. An applicant should reference [title 10, California Code of Regulations section 1404](#) subdivisions (l) and (m), or the [Background Check Guidance](#), for further information.

24. Am I reporting an individual control person for the first time during the transition to NMLS. How do I submit fingerprints and the required fee?

Fingerprint Requirement: You must submit fingerprints for each individual identified on an *NMLS Individual Form (MU2)* who has not previously submitted a set of fingerprints to the CA-DFPI under the CFL.

For in-state individuals required to submit fingerprints:

- Complete the form [DFPI-CFL Request for Live Scan Service](#) for each individual submitting a set of fingerprints and provide the set of fingerprints through a live scan location in California. A [list of live scan locations](#) may be found on the California Department of Justice's website.
- After submitting fingerprints through the live scan location, provide a copy of the form [DFPI-CFL Request for Live Scan Service](#), completed by the operator at the live scan location, and a \$20 processing fee for each set of fingerprints by mail to the DFPI. The processing fee must be paid by check made payable to the Department of Financial Protection and Innovation. Refer to the [Background Check Guidance](#) for further information.

For out-of-state individuals required to submit fingerprints:

- Individuals unable to submit fingerprints at a live scan location in California must submit fingerprints through a fingerprint hard card.

- Fingerprint hard cards may be obtained from CA-DFPI at CFL.inquiries@dfpi.ca.gov. (The FBI fingerprint hard card (FD-258) is widely available and may be obtained from any source. The form may not be downloaded and an original FD-258 on card stock is required.)
- Submit the completed fingerprint hard card and an \$69 processing fee for each set of fingerprints. The processing fee must be paid by check made payable to the Department of Financial Protection and Innovation. Refer to the [Background Check Guidance](#) for further information.

Indirect Owners

25. Who must I report as an indirect owner?

Identify each indirect owner. Submit an Individual Form (MU2) for any natural person who indirectly owns more than 10 percent of the company, except a natural person who indirectly owns more than 10 percent of the company solely as an economic interest without the ability to elect or direct management, or otherwise exercise control of the company or the company's lending activities in any way. Refer to the [Background Check Guidance](#) for instruction on which individuals must be reported.

A new set of fingerprints is not required for any indirect owner who is a natural person that previously submitted fingerprints as part of a background check under the CFL. If fingerprints have not previously been submitted, a natural person indirect owner of more than 10 percent of the company must submit a set of fingerprints in the manner set forth in the response to Question 24.

Qualifying Individual

26. Who must I report as a qualifying individual?

Identify an on-site/branch manager for the main office location in the Qualifying Individuals section of the Company Form (MU1). The business address of the onsite/branch manager must match the address listed as the "Main Address" on the Company Form (MU1).

Complete an Individual Form (MU2) for each qualifying individual.

If a set of fingerprints was already submitted to the CA-DFPI, fingerprints are not necessary. If the individual has not yet submitted a set of fingerprints for a background check, submit fingerprints in accordance with the fingerprint instructions in the response to Question 24.

For companies engaged in the business of making or brokering commercial loans, identify the “industry type” in NMLS as “Consumer Finance.”

Individual Form (MU2)

27. Do I request a criminal background check or credit report through NMLS?

No. Do not submit a request for a criminal background check through NMLS. In California, federal criminal background check requests must be submitted through the California Department of Justice.

Do not request a credit report through NMLS. The CFL does not require individuals submitting Form MU2 to authorize credit reports.

Document Uploads

28. Must I upload an organizational chart?

An organizational chart is not required if your current chart is on file with the CA-DFPI. If your organizational chart requires an update, upload a current organizational chart that includes a description of the percentage of ownership of all direct and indirect owners. The total direct ownership and indirect ownership percentages must equal 100 percent. Title this document *CA [Company Legal Name] Organizational Chart* and upload it in NMLS under *Organizational Chart/Description* in the *Document Uploads* section of the Company Form (MU1).

29. Must I upload a management chart?

A management chart is not required if your current chart is on file with the CA-DFPI. If your management chart requires an update, upload a current management chart displaying your divisions, directors, officers, and managers (name and title). The chart must also identify compliance reporting and internal audit structure. The named individuals should match those disclosed in the Direct Owners and Executive Officers section of the Company Form (MU1). Title this document *CA [Company Legal Name] Management Chart* and upload it in NMLS under *Management Chart* in the *Document Uploads* section of the Company Form (MU1).

30. Must I upload a business plan?

If your business plan was previously submitted to the CA-DFPI and your business plan has not changed, a new business plan is not required. If your business plan has changed, upload a current business plan on the [Plan of Business form](#).

Clearly state the type of license applied for – lender, broker or lender and broker –at the top of the business plan and describe in sufficient detail the business to be conducted by the applicant under this license, including the following information to the extent applicable:

- The intended sources of capital.
- The intended market for the loans, including the credit worthiness of intended borrowers.
- The intended methods for marketing the loans.
- The anticipated terms of the loans.
- The methods for disbursing funds to the borrower.
- Any products or services offered or required in connection with the loans.
- Any cobranding or joint agreements with other organizations related to the making of the loans.
- Whether the applicant intends to retain or sell the loans, in whole or in part, and the intended purchasers, if applicable.
- Whether any other business is solicited or engaged in at the same place as the proposed lending activity.
- Whether, and to what extent, the applicant intends to use third parties to perform any of its lending functions, such as marketing, underwriting, servicing, or any other functions.

Title this document *CA CFL [Company Legal Name] Business Plan* and upload it in NMLS under the Document Type *Business Plan* in the *Document Uploads* section of the Company Form (MU1).

31. How do I report other business through NMLS?

[Financial Code section 22154](#) requires written authorization for a licensee to conduct the business of making loans in a place of business where any other business is solicited or engaged in. If you have already obtained approval for engaging in other business at a licensed location, you do not need to submit the information again. If you have not yet obtained approval for engaging in other business at a licensed location, submit the request by uploading a document describing the other business being conducted in any office, room, or place of business where the licensee is conducting the business of making loans under the CFL. Provide a detailed description of the activities that are in addition to the business of making consumer or commercial loans or negotiating or performing any act as a broker of such loans. Identify any products or services to be

offered and if applicable, identify any license or registration obtained from another authority authorizing the other business.

If you are seeking approval for other business, upload the request and a description of the activities in NMLS under the Document Type *Business Plan* in the *Document Uploads* section of the Company Form MU1. Title this document *CA CFL [Company Legal Name] Other Business Activities*.

NMLS maintains the most recent upload as the current version of a document. Therefore, when seeking approval for new other business activity at a licensed location, your uploaded document should identify any other business activity at the location that has already been approved by the CA-DFPI (either during initial licensure or from a later request for approval) and identify the new other business activity for which you are currently seeking approval.

Send an email to CFL.Inquiries@dfpi.ca.gov to alert the CA-DFPI that you have updated NMLS and are seeking approval for other business activities at a CFL licensed location.

Electronic Surety Bond

32. Must I convert my bond to an electronic surety bond?

Yes. You must convert your surety bond to an Electronic Surety Bond through NMLS. Follow the NMLS instructions on the [Electronic Surety Bond for Licensees](#) webpage, which explains how to navigate NMLS to access the surety bond functionality and grant authority to your surety bond issuer in NMLS. See the [ESB Adoption Table](#) and the [ESB for NMLS Licensees page](#) of the NMLS Recourse Center for more information.

Initiate the bond conversion before submitting the Company Form (MU1) for transition onto NMLS. The conversion may still be in process when you submit your Form MU1 to transition to NMLS.

A mortgage lender, mortgage broker, or mortgage lender and broker must post a surety bond in an amount based on the table below. For all other finance lenders and brokers, and program administrators, the surety bond posted must be in the amount of \$25,000.

Surety Bond Requirements for Mortgage Lenders and Mortgage Brokers

<i>Dollar Amount of Loans Made in Prior Year</i>	<i>Bond Amount</i>
0 - \$1,000,000	\$25,000
\$1,000,001 - \$50,000,000	\$50,000
\$51,000,001 - \$500,000,000	\$100,000

Over \$500,000,001	\$200,000
--------------------	-----------

Mortgage Call Reports

33. NMLS is requiring I submit a Mortgage Call Report. I do not engage in residential mortgage lending. How do I remove this deficiency?

If you receive a message to submit a mortgage call report but you are not engaged in the business of residential mortgage loan lending, you do not need to take any action. The notices and deficiencies are system-generated for all licensing laws that authorize residential mortgage lending. To remove the deficiency, you may report zero in all categories, or you may just disregard the requests and deficiencies. The deficiencies will not appear on NMLS Public Access and will not affect your license status.

State and Federal Disclosures

34. Do any state or federal disclosures accompany the forms in NMLS?

Yes. The following notices required by state and federal law are included with the Company Form, Individual Form, and Branch Form submitted under the California Financing Law:

NOTICES REQUIRED UNDER STATE AND FEDERAL LAW

INFORMATION PRACTICES ACT OF 1977 (Civil Code section 1798.17)

(a) The Financial Services Division of the Department of Financial Protection and Innovation of the State of California is requesting the information specified in the NMLS Company Form, Individual Form, and Branch Form.

(b) The Deputy Commissioner for Administration, the Department of Financial Protection and Innovation, 2101 Arena Blvd., Sacramento, CA 95831, (866) 275-2677, is responsible for the system of records and shall, upon request, inform individuals regarding the location of the Department of Financial Protection and Innovation's records and the categories of persons who use the information in the records.

(c) The records are maintained pursuant to the California Financing Law (Financial Code section 22000 et seq.).

(d) The submission of all items of information is mandatory. The Department of Financial Protection and Innovation is required to collect social security numbers from all applicants under Family Code section 17520, and social security numbers or federal taxpayer identification numbers under Business and Professions Code section 494.5.

(e) Failure to provide all or any part of the information requested may preclude the Department of Financial Protection and Innovation from approving the application.

(f) The principal purposes within the Department of Financial Protection and Innovation for which the information is to be used are to determine whether (1) a license, registration, or other authority, as allowed under the law, should be accepted, granted, approved, denied, revoked or limited in any way; (2) business entities or individuals licensed or otherwise regulated by the Department of Financial Protection and Innovation are conducting themselves in accordance with applicable laws; and/or (3) laws administered by the Department of Financial Protection and Innovation are being or have been violated and whether administrative action, civil action, or referral to appropriate federal, state or local law enforcement or regulatory agencies, as authorized by law, is appropriate.

(g) Any known or foreseeable disclosures of the information pursuant to subdivision (e) or (f) of Civil Code section 1798.24 may include transfers to other federal, state, or local law enforcement and regulatory agencies, including NMLS as a channeling agent to, from, or on behalf of those federal, state, and local law enforcement and regulatory agencies, as authorized by law.

(h) Subject to certain exceptions or exemptions, the Information Practices Act grants an individual a right of access to personal information concerning the requesting individual that is maintained by the Department of Financial Protection and Innovation.

FEDERAL PRIVACY ACT OF 1974 (Public Law 93-579)

(i) In accordance with Section 7 of the Privacy Act of 1974 (found at 5 U.S.C. § 552a note (Disclosure of Social Security Number)), the following is information on whether the disclosure of a social security account number is voluntary or mandatory, by what statutory or other authority such number is solicited, and what uses will be made of it.

(1) The Department of Financial Protection and Innovation is required to collect social security numbers from all applicants under Family Code section 17520, and social security numbers or federal taxpayer identification numbers under Business and Professions Code section 494.5.

(2) A social security account number or federal taxpayer identification number is solicited pursuant to one or more of the following authorities: subchapter 6, chapter 3 of the California Code of Regulations; sections 22101, 22101.5, 22102, 22105, 22105.1, 22109, and 22109.1 of the Financial Code; section 17520 of the Family Code; and section 494.5 of the Business and Professions Code.

(3) For all persons disclosing a social security account number or federal taxpayer identification number, the number is used to match the information to the names on the list provided by the Department of Child Support Services under Family Code section 17520, and the lists of tax delinquencies provided by the State Department of Tax and Fee Administration and the Franchise Tax Board under Business and Professions Code section 494.5. The social security number may be used, in addition to other information provided, for identification purposes and to conduct a background investigation of the individual by the Department of Justice's Identification and Information Branch or by other federal, state, or local law enforcement agencies, as authorized by law. The social security number may also be used to respond to requests for this number made by child support agencies.

NOTICE REGARDING TAXPAYER INFORMATION

(j) The State Department of Tax and Fee Administration and the Franchise Tax Board are authorized to share taxpayer information with the Department of Financial Protection and Innovation. In the event the state tax obligation is not paid by a licensee, the Department of Financial Protection and Innovation may be required to suspend the license.