

Colorado Lending Source not Mr. Morreale

The Complaint states that Mr. Lopez attempted to influence the SBA's handling of its loan guarantee by communicating with SBA employees on behalf of the owner of Morreale Hotels, Mr. Morreale. That is not an accurate statement. Mr. Lopez was inquiring about the note sale agreement submitted by Colorado Lending Source (CLS) to SBA. CLS is a Certified Development Corporation (CDC) a recognized and approved lender by SBA. CDC's are strategic partners of SBA in working to get access to capital for small businesses.

Mr. Morreale did not submit the note sale agreement to SBA.

In January 2014, the SBA approved the assignment of documents to Colorado Lending Source (CLS) which transferred the servicing and liquidation of the Morreale Hotel/Sketch Restaurant loan to CLS. Mr. Lopez's resigned from SBA in May of 2014.

15 months after leaving the agency, Mr. Lopez communicated with SBA. The email that Mr. Lopez sent to Mr. Varileck on August 5, 2015, makes no mention of Mr. Morreale. The communication identifies that CLS is seeking final approval for the Evergreen Development/SBA note sale agreement. Per the understanding under the assignment of document, CLS was required to obtain Fresno's approval for all actions, requiring approval under SOP and SBA regulations. Mr. Lopez made this perfunctory communication to seek help in obtaining a response for CLS as Mr. Lopez had firsthand experience and knowledge of the agencies systemic challenges in responding in a timely manner to submitted requests.

Mr. Lopez had work with Mr. Mike O'Donnell, Executive Director Colorado Lending Source, throughout his tenure as District Director. Mr. Lopez's understanding was that CLS had received preliminary approval from SBA for the Evergreen Development/SBA note sale agreement and was merely awaiting final approval. He was not attempting to influence the SBA's handling of its loan guarantee as the SBA was not at the time of the communication overseeing the servicing and liquidation of the Morreale Hotel/Sketch Restaurant loan. Mr. Lopez never followed-up on the lack of response from Mr. Varileck.

CLS and SBA not Mr. Morreale were the only parties authorized to determine the most appropriate manner for the Morreale Hotel/Sketch Restaurant loan to be serviced or liquidated.

96 days after no response or acknowledgment by Mr. Varileck, Mr. Lopez called Mr. Nakano, he mentioned that CLS had submitted a request for approval concerning the Morreale Hotel/Sketch Restaurant loan and that they were awaiting a response. Mr. Lopez inquired if Mr. Nakano could obtain an answer for CLS and help bring resolution. He does not make a specific request for a specific resolution. Mr. Lopez had no vested interest in any potential resolution to the matter.

As is outlined in the Complaint, Mr. Lopez, agrees that Mr. Nakano stated he could not speak with Mr. Lopez because he was not the borrower. At the request of Mr. Nakano, Mr. Lopez had Mr. Morreale contact Mr. Nakano.