

MORTGAGE LOAN ORIGINATOR BOARD MINUTES

January 19, 2022

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**MORTGAGE LOAN ORIGINATOR BOARD
MEETING
VIA Webinar**

**January 19, 2022
COLORADO DIVISION OF REAL ESTATE**

A Mortgage Loan Originator Board public meeting was held on January 19, 2022 via webinar. Those Board Members in attendance were Dena Falbo, Chair; Jennifer Heinrich, Vice-Chair; Cindy Emerine; Fred Joseph and Charles "Buzz" Moore.

Attending from the Division of Real Estate were Marcia Waters, Director; Eric Turner, Deputy Director; Penny Elder, ESP Team Manager; Natalie Lutz, Senior Advisor; Gary Kujawski, Education, Communication & Policy Manager; Sarah Halloran, Program Team Lead; Nicole Tribelhorn, Program Team Lead; and Doreen Archuleta, Director's Office. Devin Laiho is present via webinar from the Attorney General's Office.

Notice of the meeting was timely published and the meeting was held pursuant to the Colorado Sunshine Laws, Title 24, Article 6, C.R.S., as amended.

Due to closures of public spaces because of the Coronavirus pandemic, the meeting was conducted via Webinar. The meeting was called to order by Ms. Falbo - Chairwoman, at 9:00 a.m.

HEARING MATTERS:

- A. **Exceptions to the Initial Decision; Colorado Board of Mortgage Loan Originators, Petitioner vs Sheniqua M. Smith, Respondent; Case Number: MLO 2020-0001** - Sue Kim from the Attorney General's Office serves as Conflicts Counsel for the Division of Real Estate in this case.

NOTE: Ms. Heinrich recuses herself from consideration of the Hearing Matter involving Sheniqua M. Smith and leaves the webinar at 9:02 a.m.

EXECUTIVE SESSION:

At 9:03 a.m., it was moved by Mr. Moore, seconded by Mr. Joseph, and approved by more than two-thirds vote of the Board that pursuant to §24-6-402(3)(a)(II), C.R.S. concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding:

- **Exceptions to the Initial Decision; Colorado Board of Mortgage Loan Originators, Petitioner vs. Sheniqua M. Smith, Respondent; Case Number: MLO 2020-0001**

Motion carried.

Executive Session is conducted via Google Meet and begins at 9:13 a.m.

The Board adjourned out of Executive Session at 9:38 a.m. and resumed meeting via webinar that is open to the public.

Decision to Grant or Deny the Request for Oral Arguments in Case No. MLO 2020-0001 -
It was moved by Mr. Joseph and seconded by Ms. Emerine to deny the request for Oral Arguments.

Motion carried.

The Board discussed final disposition of discipline. Following discussion, it was moved by Mr. Joseph and seconded by Mr. Moore to adopt the Findings of Fact and Conclusions of Law in the Initial Decision. **Motion carried.**

It was moved by Mr. Joseph and seconded by Mr. Moore to adopt the Initial Decision and to direct adjudicatory counsel to draft a Final Agency Order reflecting the Board's determination for sanctions to include revocation of the mortgage loan originator's license, public censure and payment of a fine in the amount of \$4,000 (+15% mandatory surcharge). Additionally, the Board delegated authority to Deputy Director Eric Turner to sign the Final Agency Order on behalf of the Board. **Motion carried.**

The Board's discussion of this matter concluded at 9:56 a.m.

NOTE: Ms. Heinrich returns to the webinar at 10:05 a.m.

ORDER OF BUSINESS

Approval of Minutes - November 17, 2021

It was moved by Mr. Moore and seconded by Ms. Emerine to approve the Minutes of November 17, 2021 as submitted.



MLO Minutes_Nov
17, 2021.pdf

Motion unanimously carried.

POLICY MATTERS: None

LICENSING MATTERS:

A. Complaint #2021-2058 (ES) - License Application -

The Board considered this application for a mortgage loan originator's license together with accompanying documentation and information supplied by the applicant.

On November 08, 2021, the applicant was convicted of Prostitution-Soliciting, a Class 3 Misdemeanor. The applicant was sentenced to 12 months Unsupervised Deferred Sentence (ongoing until November 18, 2022) and a fine of \$168.50.

It was moved by Ms. Emerine and seconded by Ms. Heinrich to deny the license application based on §12-10-711(1)(g) and to authorize the applicant to withdraw his license application.

Motion unanimously carried.

B. Complaint #2021-2170 (AH) - License Application -

The Board considered this application for a mortgage loan originator's license together with accompanying documentation and information supplied by the applicant.

On July 13, 2011, the applicant was convicted of Controlled Substance w/o Prescription, a Misdemeanor. The applicant was sentenced to 3 years of probation, 30 days jail, credit for time served, and a fine of \$2,100.00. The applicant has completed all terms of probation and has a \$0 balance. The case is closed.

On March 25, 2021, the applicant was convicted of a Misdemeanor Possess Schedule I, II, III, or IV Controlled Substance. The applicant was sentenced to credit for time served. The case is closed.

It was moved by Ms. Heinrich and seconded by Mr. Moore to approve the license application.

Motion unanimously carried.

C. Complaint #2021-2184 (HF) - License Application -

The Board considered this application for a mortgage loan originator's license together with accompanying documentation and information supplied by the applicant.

The applicant disclosed in the NMLS registry that she had regulatory discipline in the State of Kansas in 2007. The applicant currently holds MLO licenses in AL, AR, FL, KS, OK, & TN. Her license status is active in Kansas where the discipline was imposed.

It was moved by Ms. Emerine and seconded by Mr. Joseph to approve the license application.

Motion unanimously carried.

ATTORNEY GENERAL MATTERS:

NOTE: Mr. Moore recuses himself from consideration of Attorney General Matters - Legal Update - MLO v. Bart Bartholomew and leaves the webinar at 10:20 a.m.

EXECUTIVE SESSION:

At 10:20 a.m., it was moved by Ms. Falbo, seconded by Mr. Joseph, and approved by more than two-thirds vote of the Board that pursuant to §24-6-402(3)(a)(II), C.R.S., and section 24-6-402(3)(a)(III), that the Board enter into an executive session for the following purpose(s):

- Legal Update - MLO v. Bart Bartholomew

Motion carried.

Executive Session is conducted via conference call.

The Board adjourned out of Executive Session at 10:38 a.m. and the Board returned to open session at 10:41 a.m.

MLO v. Bart Bartholomew -

It was moved by Ms. Falbo and seconded by Mr. Emerine to delegate authority to Director Marcia Waters to sign an affidavit or declaration on behalf of the Board in support of SRR's motion to the Federal District Court that seeks to clarify the court's orders from SRR's prior lawsuit on the Board's pending administrative proceedings against respondent Bartholomew.

Motion carried.

Adjourn

The MLO Board meeting adjourned at 10:43 a.m. on January 19, 2022.

Dena Falbo, Chair

Jennifer Heinrich, Vice-Chair

Cindy Emerine, Board Member

Fred Joseph, Board Member

Charles "Buzz" Moore, Board Member

Marcia Waters, Director
Colorado Division of Real Estate