



COLORADO

**Department of
Regulatory Agencies**

Division of Real Estate

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MORTGAGE LOAN ORIGINATOR BOARD MINUTES

November 16, 2022

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**MORTGAGE LOAN ORIGINATOR BOARD
MEETING
VIA Webinar
November 16, 2022
COLORADO DIVISION OF REAL ESTATE**

A Mortgage Loan Originator Board public meeting was held on November 16, 2022 via webinar. Those Board Members in attendance were Dena Falbo, Chair; Jennifer Heinrich, Vice-Chair; Cindy Emerine; and Shirley Thielen. There is one vacancy on the Board.

Attending from the Division of Real Estate were Marcia Waters, Director; Eric Turner, Deputy Director; David Donnelly, Education, Communication & Policy Manager; Penny Elder, ESP Manager; Sarah Halloran, Program Team Lead; Nicole Tribelhorn, Program Team Lead; Eddie Rose, Program Team Lead; and Doreen Archuleta, Board Management. 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.

ORDER OF BUSINESS

Approval of Minutes - October 12, 2022

It was moved by Ms. Heinrich and seconded by Ms. Emerine to approve the Minutes of October 12, 2022 as submitted.



MLO

Minutes_October 12, 2022

Motion unanimously carried.

POLICY MATTERS:

Shirley Thielen - Board Member Introduction -

The Board and Division welcome Shirley Thielen as a public member appointed by the Governor to the Board of Mortgage Loan Originators.

Agenda Items for Next Meeting - None

PUBLIC COMMENT: None.

NOTE: - Complaint Matter A, #2022-862 (DR) and Licensing Matter B, #2022-1434 (CB) will be considered in Executive Session.

LICENSING MATTERS:

A. Complaint #2022-1835 (BH) - 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 September 13, 2021, the applicant was convicted of Misdemeanor Assault 4. The applicant was sentenced to 1-year of probation and ordered to pay restitution in the amount of \$4,281.66. The applicant is on a \$50.00/month payment plan and has a current balance of \$3,081.66.

It was moved by Ms. Emerine and seconded by Ms. Heinrich to deny the license application, based on § 12-10-711(1)(g), C.R.S. The applicant will be allowed to withdraw his application and the Board authorizes Division staff to approve the license application once the outstanding fine balance is paid in full.

Motion unanimously carried.

C. Complaint #2022-1358 (RB) - 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 January 19, 2021, the applicant's company entered into a Stipulation and Settlement Order with the California Department of Real Estate. The applicant's company was ordered to surrender their license for 15 days which was stayed and pay a fine of \$10,158.35. The fine has been paid and the applicant is individually licensed as a loan originator in California.

On March 2, 2016, the applicant was issued a Cease and Desist from the state of Oregon in connection with unlicensed activity. The applicant was ordered to pay a \$3,250.00 fine which was paid.

It was moved by Ms. Emerine seconded by Ms. Heinrich to approve the license application.

Motion unanimously carried.

D. Complaint #2022-786 (MI) - 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 January 18, 2011, a company that the applicant was the president of entered into a Consent Order with the state of Arizona. The company was ordered to pay a \$10,000.00 fine which has been paid. On January 3, 2012, a company that the applicant was president of entered into a Consent Order with the state of Massachusetts, Division of Banking. The company was ordered to pay a \$20,000.00 fine. The state of Massachusetts would not confirm payment of the fine due to the matter not being public record. On February 5, 2016, the applicant was disciplined by the state of Ohio Department of Financial Institutions for failing

to complete eight hours of required continuing education. The applicant was ordered to pay a \$250.00 fine. The fine has been paid.

It was moved by Ms. Heinrich seconded by Ms. Thielen to approve the license application.

Motion unanimously carried.

E. Complaint #2022-1441 (TL) - License Application -

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

In the NMLS registry, the applicant disclosed a Final Order entered by the company that he is the Chief Operating Officer for. The company entered into the Final Order with the Florida Office of Financial Regulation on June 22, 2021. The company was ordered to pay a \$1,000.00 fine. The Final Order does not involve conduct specific to the applicant.

On January 29, 2015, the respondent's company entered into an Order for Affirmative Action with the Texas Department of Savings and Mortgage Lending. The company was ordered to pay a \$4,500.00 fine. The company is compliant with the terms of the order. The Order for Affirmative Action does not involve conduct specific to the applicant.

On May 1, 2012, the applicant was denied renewal of his Texas mortgage loan originator license due to failing to meet continuing education requirements. The applicant has since become relicensed in the state of Texas.

It was moved by Ms. Emerine seconded by Ms. Heinrich to approve the license application.

Motion unanimously carried.

EXECUTIVE SESSION:

At 9:29 a.m., it was moved by Ms. Falbo, seconded by Ms. Emerine, 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:

- A. Complaint Matter A - Complaint #2022-862 (DR)
- B. Licensing Matter B - Complaint #2022-1434 (CB)

Motion unanimously carried.

Executive Session is conducted via conference call.

The Board adjourned out of Executive Session at 10:17 a.m. and the Board returned to open session at 10:09 a.m.

B. Complaint #2022-1434 (CB) - 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 January 11, 2022, the applicant entered into a Consent Order with the State Mortgage Regulators. The applicant agreed to a 90-day surrender of his license in 41 states and a

\$42,000.00 fine (\$1,000.00 in each state and an additional \$1,000.00). All fines have been paid and the applicant is relicensed in 35 of the 41 states. In an effort to remedy any issues with non-compliance, the applicant re-completed the required continuing education prior to the order being finalized. On April 17, 2006, the applicant's California real estate salesperson license application was denied due to failing to disclose a 2014 conviction for DUI.

It was moved by Ms. Heinrich seconded by Ms. Thielen to approve the license application.

Motion unanimously carried.

Complaint A - #2022-862 (DR) -

The investigative report concerning the complaint filed against the respondent in Complaint #2022-862 (DR) was presented to the Board with accompanying documentation and information.

- A. On March 18, 2022, the respondent entered into a Stipulation and Final Agency Order with the Colorado Real Estate Commission. The Stipulation called for a downgrade of the respondent's real estate broker license, \$32,000.00 in restitution, a stayed fine of \$25,875.00, and a 5-year probationary license requiring a high level of supervision. The restitution for this case has been paid and the respondent's Colorado real estate broker license has been inactivated. The probationary license status will remain ongoing when the license is reactivated. The respondent was also previously disciplined by the Board of Mortgage Loan Originators twice in 2010 and the Colorado Real Estate Commission in 2016.
- B. This is a possible violation of:
 - a. § 12-10-711(1)(g), C.R.S. - failure to demonstrate financial responsibility, character, and general fitness;
 - b. § 12-10-713(1)(v), C.R.S. - good faith and fair dealing.

Following discussion, it was moved by Ms. Emerine and seconded by Ms. Heinrich for a settlement offer to include a Stipulation and Final Agency Order and payment of fines totaling \$2,000 (+15% mandatory surcharge).

Motion unanimously carried.

Adjourn

The MLO Board meeting adjourned at 10:34 a.m. on November 16, 2022.

Dena Falbo, Chair

Jennifer Heinrich, Vice-Chair

Cindy Emerine, Board Member

Shirley Thielen, Board Member

Vacancy

Marcia Waters, Director
Colorado Division of Real Estate