



**COLORADO**

**Department of  
Regulatory Agencies**

Division of Real Estate

1560 Broadway, Suite 925  
Denver, CO 80202-5111

## **MORTGAGE LOAN ORIGINATOR BOARD MINUTES**

**March 15, 2023**

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**MORTGAGE LOAN ORIGINATOR BOARD  
MEETING  
VIA Webinar  
March 15, 2023  
COLORADO DIVISION OF REAL ESTATE**

A Mortgage Loan Originator Board public meeting was held on March 15, 2023 via webinar. Those Board Members in attendance were Jennifer Meckstroth, Acting-Chair; Cindy Emerine; Aaron Salladay and Shirley Thielen. Dena Falbo, Chair is excused.

Attending from the Division of Real Estate were Marcia Waters, Director; Eric Turner, Deputy Director; David Donnelly, Education, Communication and Policy Manager; Melissa Phipps, Senior Advisor; Penny Elder, ESP Program Manager; Sarah Halloran, Program Team Lead; Nicole Tribelhorn, 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. Meckstroth, Acting - Chairwoman, at 9:00 a.m.

**ORDER OF BUSINESS**

**Approval of Minutes - February 2, 2023**

It was moved by Ms. Emerine and seconded by Ms. Thielen to approve the Minutes of February 2, 2023 as submitted.



MLO

Minutes\_February 2, 2

**Motion unanimously carried.**

**INTRODUCTIONS:**

- The Board and the Division welcomes Aaron Salladay to the Board of Mortgage Loan Originators. Mr. Salladay is a 5<sup>th</sup> generation Colorado native from the Colorado Springs Area and he has been a mortgage loan originator since 1999.
- The Board and the Division welcome Melissa Phipps to the Division as the Senior Advisor to the Director. Ms. Phipps was formerly with the Attorney General's Office.

## **POLICY MATTERS:**

### **A. Code of Ethics for Boards and Commissions -**

Director Waters presented the newly drafted Code of Ethics for Boards and Commissions which will be used for not only board members, but for task force and working group members who assist the Boards. The Board is requested to sign and return the document.

**Agenda Items for Next Meeting - None**

**PUBLIC COMMENT:** None.

## **COMPLAINT MATTERS:**

### **A. Complaint #2022-1991 (BD) -**

The investigative report concerning the complaint filed against the respondent in Complaint #2022-1991 (BD) was presented to the Board with accompanying documentation and information.

- A. On November 3, 2022, the respondent entered a plea of guilty to Assault 3, a class two misdemeanor. The respondent was ordered to complete an 18-month deferred sentence and pay \$2,481.00 in court costs and fees. The respondent was also ordered to 18 months of supervised probation concurrent with the deferred sentence. The fine was suspended upon successful completion of probation. The respondent has failed to provide a complete response to the Division's notification letter and Final Notice to Comply.
- B. This is a possible violation of:
  - a. § 12-10-713(1)(p), C.R.S. - Fail to notify conviction/plea;
  - b. § 12-10-713(1)(n), C.R.S. - conviction; and
  - c. Board Rule 5.9 - duty to respond.

Following discussion, it was moved by Ms. Emerine and seconded by Ms. Thielen for a settlement offer of a Stipulation for Diversion to include payment of fine in the amount of \$500 and probation to run concurrent with the criminal sentence if the respondent reapplies for a Colorado MLO license.

**Motion unanimously carried.**

### **B. Complaint #2022-2234 (JN) -**

The investigative report concerning the complaint filed against the respondent in Complaint #2022-2234 (JN) was presented to the Board with accompanying documentation and information.

- A. On August 17, 2022, the respondent's mortgage loan broker license and his company's loan originator license were both revoked by the state of Washington's Department of Financial Institutions. The respondent and his company are banned until August 17, 2027. The respondent was ordered to pay a \$12,000.00 fine, a \$496.80 Investigative Fee, and \$11,687.40 for the cost of prosecution. The Washington Department of Financial Institutions confirmed that there have been no payments made on this matter and the fines have been

referred to collections. On December 21, 2022, the respondent self-reported this matter to the Division.

B. This is a possible violation of:

- a. § 12-10-713(1)(w), C.R.S. Discipline of MLO license in another jurisdiction;
- b. § 12-10-713(1)(m), C.R.S. - any part 9 or rule violation;
- c. § 12-10-711(2)(a)(I), C.R.S - license revoked in any jurisdiction; and
- d. Board Rule 5.23.D - immediate notification required.

Following discussion, it was moved by Ms. Emerine and seconded by Mr. Salladay for a settlement offer of a Stipulation and Final Agency Order to include public censure, revocation of the MLO license and payment of fine in the amount of \$3,000.

**Motion unanimously carried.**

**C. Complaint #2022-850 (BP) -**

The investigative report concerning the complaint filed against the respondent in Complaint #2022-850 (BP) was presented to the Board with accompanying documentation and information.

- A. The complainant alleged in her complaint that the respondent who was acting as her Mortgage Loan Originator, failed to timely notify the complainant that her loan for the purchase of a property was denied. The complainant explained that this resulted in the loss of her \$1,000 earnest money deposit and her having to live in a motel because she had already given notice to her apartment.
- B. This is a possible violation of:
  - a. § 12-10-713(1)(b), C.R.S. - promise with intent not to keep; and
  - b. § 12-10-713(1)(v), C.R.S. - good faith / fair dealing.

Following discussion, it was moved by Ms. Emerine and seconded by Ms. Thielen for a settlement offer of a Stipulation and Final Agency Order to include public censure, payment of fine in the amount of \$2,000 and successful completion of education in Ethics.

**Motion unanimously carried.**

**LICENSING MATTERS:**

**A. Complaint #2023-73 (SM) - 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 August 11, 2006, the applicant entered into a Stipulation with the state of New York, Department of Insurance. The applicant was ordered to pay a \$500.00 fine which has been paid. On December 7, 2006, the applicant's Virginia Insurance license was revoked. The applicant was not permitted to reapply for licensure for a period of one year. The applicant did not reapply for licensure after the one-year period expired. On October 22, 2007, the applicant entered into a Stipulation with the State of New York Insurance Department. The applicant was ordered to pay a \$1,000.00 fine which has been paid. On March 22, 2012, the applicant entered into a Stipulation with the State of New York Insurance Department. The applicant was ordered to pay a \$1,500.00 fine which has been paid.

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

**Motion unanimously carried.**

**B. Complaint #2022-2219 (BR) - Preliminary Advisory Opinion -**

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

On March 19, 2015, the applicant was terminated from employment with Farmers Insurance for violation of company policies. As a result of the termination, on September 21, 2015, the applicant was barred by FINRA. On November 5, 2015, the applicant also surrendered his Colorado insurance producer license. The applicant has not reapplied for insurance licensure since this incident occurred. On May 22, 2018, the applicant's Colorado mortgage loan originator license application was denied.

It was moved by Ms. Emerine seconded by Mr. Salladay to issue a positive opinion.

**Motion unanimously carried.**

**C. Complaint #2022-2159 (MR) - 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 10, 2010, the applicant's Pennsylvania Mortgage Loan Originator license was suspended for no longer being employed by a sponsoring company. The applicant is currently licensed in the state of Pennsylvania. On January 29, 2013, the applicant entered into a Stipulation for Diversion with the Colorado Division of Real Estate for failing to complete a required two-hour update course in 2011. The applicant was ordered to pay a \$275.00 fine. The fine was paid and the matter was dismissed.

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

**Motion unanimously carried.**

Ms. Emerine seconded by Ms. Thielen to approve the license application.

**Motion unanimously carried.**

**Adjourn**

The MLO Board meeting adjourned at 9:42 a.m. on March 15, 2023.

ABSENT  
Dena Falbo, Chair

Jennifer Meckstroth, Vice-Chair

Cindy Emerine, Board Member

Aaron Salladay, Board Member

Shirley Thielen, Board Member

Marcia Waters, Director  
Colorado Division of Real Estate