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BEFORE THE DEPARTMENT OF CORPORATIONS

OF THE STATE OF CALIFORNIA

In the Matter of the Statement of Issues of THE CALIFORNIA CORPORATIONS COMMISSIONER, Complainant, vs. SEAN W. WINTHER, Respondent.	NMLS No.: 525258 **STATEMENT OF ISSUES IN SUPPORT OF DENIAL OF MORTGAGE LOAN ORIGINATOR LICENSE**

The Complainant is informed and believes, and based upon such information and belief, alleges and charges Respondent as follows:

I.

INTRODUCTION

Complainant will not issue a mortgage loan originator license to Sean W. Winther ("Respondent" and/or “Winther”) pursuant to Financial Code section 50141 in that Winther pled guilty to four felonies involving an act of fraud, dishonesty, a breach of trust, or money laundering. Financial Code section 50141 provides in relevant part:

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> (a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes at a minimum the following findings:
>
> . . .
>
> (2)(a) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensing and registration, **or at any time preceding the date of application, if such felony involved an act of fraud, dishonesty, a breach of trust, or money laundering**. . . .[Emphasis added.]

II.

THE APPLICATION

On June 28, 2011, Respondent filed an application for a mortgage loan originator license with the California Corporations Commissioner ("Complainant" or "Commissioner") pursuant to the California Residential Mortgage Lending Act ("CRMLA") (Financial Code, §§ 50000 et. seq.), in particular, Financial Code section 50140. Winther submitted his application to the Commissioner by filing Form MU4 through the Nationwide Mortgage Licensing System ("NMLS"). Form MU4 at Question 8 (D)(1) specifically asked: "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?" Respondent answered "yes." In providing details about his felony convictions, Respondent provided a two-page statement in which he admits to pleading guilty for crimes involving a theft and forgery ring. The Respondent provided a copy of Superior Court records and an abstract of judgment. These documents show Respondent pled guilty in 2003 to forgery, grand theft, burglary, and using personal identifying information without authorization. Respondent signed the Form MU4 swearing that the answers were true and complete to the best of Respondent's knowledge.

III.

CRIMINAL CONVICTIONS

As set forth in Section II, Respondent stated in his Form MU4 that he pled guilty to four felonies. The documentation received by the Commissioner during the application process disclosed that Respondent pled guilty to one count of all the following:

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(1) Forgery of a Check – Penal Code section 470(d);

(2) Grand Theft of Personal Property of a value over $400 – Penal Code section 484/487(a);

(3) Second Degree Burglary – Entering with Intent to Committ Theft – Penal Code section 459/460(b); and

(4) Using Personal Identifying Inforamtion Without Auhtorization – Penal Code section 530.5.

Winther was convicted on March 21, 2003, and was sentenced to three years imprisonment. He was ordered to pay fines in the amount of two thousand four hundred ten dollars ($2,410) and to pay restitution to a victim in the amount of twelve thousand nine hundred sixty-nine dollars ($12,969).

IV.

CONCLUSION

Complainant finds, by reason of the foregoing, that Respondent pled guilty to one count each of Forgery of a Check, Grand Theft of Personal Property, Second Degree Burglary – Entering with Intent to Commit Theft, and Using Personal Indentifying Information without Authorization.

THEREFORE, Complainant asserts that Financial Code section 50141 mandates that Complainant not issue a mortgage loan originator license to Respondent under the CRMLA.

WHEREFORE IT IS PRAYED that the determination of Complainant to not issue a mortgage loan originator license to Respondent in connection with Respondent's June 28, 2011 application be upheld.

Dated: July 11, 2012
Sacramento, CA

JAN LYNN OWEN
California Corporations Commissioner

By_____
TIMOTHY L. Le BAS
Senior Corporations Counsel
Enforcement Division

State of California – Department of Corporations