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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 **ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION**

The California Corporations Commissioner ("Commissioner") finds that:

1. 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:

> (a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes at a minimum the following findings:
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> . . .
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> (2)(a) The applicant has not been convicted of, or pled guilty or nolo

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> 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.]

2. 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.

3. As set forth above, 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:

(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 Information Without Auhtorization – Penal Code section 530.5.

4. Regarding these crimes, Winther was convicted on March 21, 2003. Winther was sentenced

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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).

5. On July 11, 2012, the Commissioner issued a Notice of Intention to Issue Order Denying Mortgage Loan Originator License Application and accompanying documents based on the above findings. Respondent was served with these documents on July 17, 2012 through personal service. The Commissioner has received no request for a hearing and the time to request a hearing has expired.

NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the mortgage loan originator license application of Sean W. Winther, as described above, is denied. This order is effective as of the date hereof.

Dated: August 17, 2012
Sacramento, CA

JAN LYNN OWEN
California Corporations Commissioner

By_____
ALAN S. WEINGER
Deputy Commissioner
Enforcement Division

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