

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Deputy Commissioner
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Senior Corporations Counsel
4 Department of Corporations
One Sansome St., Suite 600
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6 Ph: (415) 972-8548
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7 Attorneys for Complainant

8
9 BEFORE THE DEPARTMENT OF CORPORATIONS
10 OF THE STATE OF CALIFORNIA

11
12 In the Matter of the Statement of Issues of THE) File No.
CALIFORNIA CORPORATIONS)
13 COMMISSIONER,) ORDER DENYING MORTGAGE LOAN
ORIGINATOR LICENSE APPLICATION
14 Complainant,)
15 vs.)
16)
17)
18 NICHOLAS LEE HAIDER)
19 Respondent(s).)
20)

21 The California Corporations Commissioner (“Commissioner”) finds that:

22 1. On August 26, 2010, Nicholas Lee Haider (“Respondent”), filed an application for a
23 mortgage loan originator license with the Commissioner pursuant to the California Residential
24 Mortgage Lending Act (“CRMLA”)(Financial Code sections 50000 et. seq.), in particular, Financial
25 Code section 50140. The application was for employment with or working on behalf of Hunter
26 Financial Group as a mortgage loan originator, which employer has its principal place of business
27 located at 1711 W. Greentree Drive, Tempe, Arizona. The application was submitted to the
28 Commissioner by filing Form MU4 through the N~~a~~tionwide Mortgage Licensing System.

ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION

1 2. Form MU4 at Question 8. (D)(1) specifically asked: “Have you been convicted of or pled
2 guilty or nolo contendere (“no contest”) in a domestic, foreign, or military court to any felony?
3 Respondent answered “no”. Respondent signed the Form MU4 swearing that the answers were true
4 and complete to the best of Respondent’s knowledge.

5 3. Documentation subsequently obtained by the Commissioner during the application
6 process revealed that Respondent, on or about June 16, 1998, in the Superior Court of Arizona, Pima
7 County, had been convicted of:

- 8 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or
9 More But Less Than \$3,000, a Class 4 felony, in violation of A.R.S. 13-1802; and
- 10 2) Burglary in the Third Degree, a class 4 felony, in violation of A.R.S. 13-1506.

11 4. Financial Code section 50141 provides in relevant part:

12 (a) The commissioner shall deny an application for a mortgage loan
13 originator license unless the commissioner makes at a minimum the
14 following findings:

14 . . .

15 (2) The applicant has not been convicted of, or pled guilty or nolo
16 contendere to, a felony in a domestic, foreign, or military court
17 during the seven-year period preceding the date of the application
18 for licensing and registration, or at any time preceding the date of
19 application, if such felony involved an act of fraud, dishonesty, a
20 breach of trust, or money laundering. . . .

19 5. The Commissioner finds, by reason of the foregoing, that Respondent has been convicted
20 of: 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or More But
21 Less Than \$3,000, a Class 4 felony, in violation of A.R.S. 13-1802; and 2) Burglary in the Third
22 Degree, a class 4 felony, in violation of A.R.S. 13-1506, both of which constitute felonies involving
23 an act of dishonesty. This finding requires that the Commissioner deny the application pursuant to
24 Financial Code section 50141 (a) (2).

25 6. Financial Code section 50126 provides in relevant part:

26 (a) Upon reasonable notice and opportunity to be heard, the
27 commissioner may deny an application for any of the following
28 reasons:...

 (1) A false statement of a material fact has been made in the
 application...

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7. The Commissioner further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator. This finding is a ground for denying the application under Financial Code section 50126.

8. Financial Code section 50141 further 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:

.....

(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

9. The Commissioner further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator, and has thereby failed to demonstrate such character and general fitness as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently as a mortgage loan originator. This finding requires that the Commissioner deny the application pursuant to Financial Code section 50141 (a) (3).

10. On May 18, 2011, 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 those documents on May 18, 2011 via certified, return receipt mail at the address filed by Respondent on his application with the California Department of Corporations. Return receipt indicates Respondent received the above-described documents on June 4, 2011. The Commissioner has received no request for a hearing and the time to request a hearing has expired.

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NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the mortgage loan originator license application of Nicholas Lee Haider, described in Paragraph 1 above, is denied. This order is effective as of the date hereof.

Dated: July 14, 2011

Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
ALAN S. WEINGER
Deputy Commissioner

1 PRESTON DuFAUCHARD
California Corporations Commissioner
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14 Complainant,)
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18 NICHOLAS LEE HAIDER)
19 Respondent(s).)
20)

21 The California Corporations Commissioner (“Commissioner”) finds that:

22 1. On August 26, 2010, Nicholas Lee Haider (“Respondent”), filed an application for a
23 mortgage loan originator license with the Commissioner pursuant to the California Residential
24 Mortgage Lending Act (“CRMLA”)(Financial Code sections 50000 et. seq.), in particular, Financial
25 Code section 50140. The application was for employment with or working on behalf of Hunter
26 Financial Group as a mortgage loan originator, which employer has its principal place of business
27 located at 1711 W. Greentree Drive, Tempe, Arizona. The application was submitted to the
28 Commissioner by filing Form MU4 through the Nationwide Mortgage Licensing System.

ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION

1 2. Form MU4 at Question 8. (D)(1) specifically asked: “Have you been convicted of or pled
2 guilty or nolo contendere (“no contest”) in a domestic, foreign, or military court to any felony?
3 Respondent answered “no”. Respondent signed the Form MU4 swearing that the answers were true
4 and complete to the best of Respondent’s knowledge.

5 3. Documentation subsequently obtained by the Commissioner during the application
6 process revealed that Respondent, on or about June 16, 1998, in the Superior Court of Arizona, Pima
7 County, had been convicted of:

- 8 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or
9 More But Less Than \$3,000, a Class 4 felony, in violation of A.R.S. 13-1802; and
- 10 2) Burglary in the Third Degree, a class 4 felony, in violation of A.R.S. 13-1506.

11 4. Financial Code section 50141 provides in relevant part:

12 (a) The commissioner shall deny an application for a mortgage loan
13 originator license unless the commissioner makes at a minimum the
14 following findings:

14 . . .

15 (2) The applicant has not been convicted of, or pled guilty or nolo
16 contendere to, a felony in a domestic, foreign, or military court
17 during the seven-year period preceding the date of the application
18 for licensing and registration, or at any time preceding the date of
19 application, if such felony involved an act of fraud, dishonesty, a
20 breach of trust, or money laundering. . . .

19 5. The Commissioner finds, by reason of the foregoing, that Respondent has been convicted
20 of: 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or More But
21 Less Than \$3,000, a Class 4 felony, in violation of A.R.S. 13-1802; and 2) Burglary in the Third
22 Degree, a class 4 felony, in violation of A.R.S. 13-1506, both of which constitute felonies involving
23 an act of dishonesty. This finding requires that the Commissioner deny the application pursuant to
24 Financial Code section 50141 (a) (2).

25 6. Financial Code section 50126 provides in relevant part:

26 (a) Upon reasonable notice and opportunity to be heard, the
27 commissioner may deny an application for any of the following
28 reasons:...

 (1) A false statement of a material fact has been made in the
 application...

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7. The Commissioner further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator. This finding is a ground for denying the application under Financial Code section 50126.

8. Financial Code section 50141 further 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:

.....

(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

9. The Commissioner further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator, and has thereby failed to demonstrate such character and general fitness as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently as a mortgage loan originator. This finding requires that the Commissioner deny the application pursuant to Financial Code section 50141 (a) (3).

10. On May 18, 2011, 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 those documents on May 18, 2011 via certified, return receipt mail at the address filed by Respondent on his application with the California Department of Corporations. Return receipt indicates Respondent received the above-described documents on June 4, 2011. The Commissioner has received no request for a hearing and the time to request a hearing has expired.

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NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the mortgage loan originator license application of Nicholas Lee Haider, described in Paragraph 1 above, is denied. This order is effective as of the date hereof.

Dated: June 29, 2011

Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
ALAN S. WEINGER
Deputy Commissioner

1 PRESTON DuFAUCHARD
California Corporations Commissioner
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12 In the Matter of the Statement of Issues of THE) File No.:
CALIFORNIA CORPORATIONS)
13 COMMISSIONER,) STATEMENT OF ISSUES
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14 Complainant,)
)
15 vs.)
)
16 NICHOLAS LEE HAIDER,)
)
17 Respondent.)
18)
19)

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

22 I
23 INTRODUCTION

24 The proposed order seeks to deny the issuance of a mortgage loan originator license to
25 NICHOLAS LEE HAIDER ("Respondent") pursuant to Financial Code section 50141 in that
26 Respondent has been convicted of two felonies involving an act of fraud, dishonesty, or a breach of
27 trust, or money laundering. Furthermore, he has made a false statement in his application submitted
28 to the Commissioner.

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II

THE APPLICATION

On August 26, 2010, 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 sections 50000 et. seq.), in particular, Financial Code section 50140. The application was for employment with or working on behalf of Hunter Financial Group as a mortgage loan originator, which employer has its principal place of business located at 1711 W. Greentree Drive, Tempe, Arizona. The application was submitted 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 been convicted of or pled guilty or nolo contendere (“no contest”) in a domestic, foreign, or military court to any felony? Respondent answered “no”.

Documents received by the Department of Corporations during the application process disclosed that Respondent had been convicted of 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or More But Less Than \$3,000, a Class 4 felony; 2) Burglary in the Third Degree, a class 4 felony, both on June 16, 1998. Respondent signed the Form MU4 swearing that the answers were true and complete to the best of Respondent’s knowledge.

III

CRIMINAL CONVICTION

The documentation obtained by the Commissioner during the application process revealed that Respondent, on or about June 16, 1998, in the Superior Court of Arizona, Pima County, had been convicted of violating:

1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or More But Less Than \$3,000, a Class 4 felony, in violation of A.R.S. 13-1802;

2) Burglary in the Third Degree, a class 4 felony, in violation of A.R.S. 13-1506.

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) 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. . . .

IV

FALSE STATEMENT IN THE APPLICATION

When Respondent originally completed Form MU4, Question 8. (D)(1) specifically asked: “Have you been convicted of or pled guilty or nolo contendere (“no contest”) in a domestic, foreign, or military court to any felony? Respondent answered “no” to this question. As described above, documentation subsequently obtained by the Commissioner disclosed that Respondent had been convicted of 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or More But Less Than \$3,000, a Class 4 felony; 2) Burglary in the Third Degree, a class 4 felony, both on June 16, 1998.

Financial Code section 50126 provides in relevant part:

(a) Upon reasonable notice and opportunity to be heard, the commissioner may deny an application for any of the following reasons:

(1) A false statement of a material fact has been made in the application.

Respondent’s “no” response to Question 8 (D)(1) was a false statement of a material fact.

V

CHARACTER OF THE RESPONDENT

Financial Code section 50141 further provides in relevant part:

(a) The commissioner shall deny an application for a mortgage loan

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originator license unless the commissioner makes at a minimum the following findings:

.....

(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

By having been convicted of the above-mentioned felonies, by failing to disclose his felony record, and thereby making a false statement of material fact on his application, Respondent has failed to demonstrate such character and general fitness as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently as a mortgage loan originator.

VI
CONCLUSION

Complainant finds, by reason of the foregoing, that Respondent has been convicted of: 1) Theft by Control and/or by Controlling Stolen Property with a Value of \$2,000 or More But Less Than \$3,000, a Class 4 felony, in violation of A.R.S. 13-1802; 2) Burglary in the Third Degree, a class 4 felony, in violation of A.R.S. 13-1506, both of which constitute felonies involving an act of dishonesty.

Complainant further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator, and furthermore has thereby failed to demonstrate such character and general fitness as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently as a mortgage loan originator.

THEREFORE, Complainant asserts that he is mandated under Financial Code section 50141 to deny Respondent’s mortgage loan originator license application under the California Residential Mortgage Lending Act. Complainant further asserts that he is empowered under Financial Code section 50126 to deny same.

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WHEREFORE IT IS PRAYED that the mortgage loan originator application filed by Respondent on August 26, 2010 be denied.

Dated: May 16, 2011

San Francisco, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
DOUGLAS M. GOODING
Senior Corporations Counsel