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9
10 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
11 OF THE STATE OF CALIFORNIA

12 In the Matter of:) NMLS No. 1334854
13)
14 THE COMMISSIONER OF BUSINESS) STATEMENT OF ISSUES
OVERSIGHT,)
15)
16 Complainant,)
v.)
17 CHARLES JEFFREY HALIBURTON, as an)
18 individual,)
19 Respondent.)
20)
21)

22 Jan Lynn Owen, the Commissioner of Business Oversight (Commissioner), is informed and
23 believes, and based on such information and belief, alleges and charges Respondent Charles Jeffrey
24 Haliburton (Haliburton) as follows:

25 I.

26 **Jurisdiction and Venue**

27 1. Under the provisions of Financial Code section 22109.1, the Commissioner brings this
28

1 action to deny the mortgage loan originator license application submitted by Haliburton, a convicted
2 felon.

3 2. The Commissioner is authorized to administer and enforce the provisions of the
4 California Finance Lenders Law (Fin. Code, § 22000 et seq.) (CFL) and the rules and regulations
5 promulgated thereunder.

6 **II.**

7 **Statement of Facts**

8 3. On or about February 16, 2016, Haliburton submitted an individual MU4 License
9 Form (MU4) to the Department of Business Oversight (Department), through the Nationwide
10 Multistate Licensing System (NMLS), seeking licensure as a mortgage loan originator.

11 4. A subsequent review of Haliburton’s criminal background check disclosed that he had
12 been convicted of bank robbery, a felony, in 1984. But Haliburton had not informed the Department
13 of the criminal conviction, or provided documents relating to the conviction, when he first applied for
14 his mortgage loan originator license on or about February 16.

15 5. The Department’s examiner sent Haliburton a notification, through NMLS, requesting
16 he amend his mortgage loan originator application to include an explanation of the circumstances
17 surrounding his criminal conviction, and to provide copies of any relevant documents.

18 6. On or about June 7, 2016, Haliburton submitted through NMLS an amended MU4.
19 The amended application included a changed response to disclosure item (F)(1), which went from
20 “No” to “Yes” in response to the prompt that asked if the applicant had “ever been convicted of or
21 pled guilty . . . to any felony?” In his amended MU4, Haliburton admitted his 1984 felony conviction
22 and provided copies of court documents relating to the conviction.

23 7. The records provided by Haliburton disclose that on or about July 18, 1984 he entered
24 a plea of guilty to felony bank robbery in federal court. Haliburton has not provided any
25 documentation demonstrating that the felony conviction was expunged or pardoned.

26 **III.**

27 **Applicable Statutes**

28 8. Financial Code section 22109.1 provides in pertinent 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[.]

IV.

Prayer

The Commissioner finds that Haliburton does not meet at least one of the minimum requirements for the issuance a mortgage loan originator license as provided by Financial Code section 22109.1. Haliburton failed to disclose his felony conviction in the initial MU4, and therefore has not demonstrated the financial responsibility, character, and general fitness necessary 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 under the CFLL and subdivision (a)(3) of section 22109.1 of the Financial Code.

By reason of the foregoing, failing to disclose a prior felony criminal conviction, the Commissioner shall deny Haliburton’s application for a mortgage loan originator license.

WHEREFORE IT IS PRAYED that the mortgage loan originator license application filed by Charles Jeffrey Haliburton be denied.

Dated: June 6, 2017
Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
Blaine A. Noblett
Senior Counsel
Enforcement Division