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6 Attorneys for Complainant

7 BEFORE THE DEPARTMENT OF CORPORATIONS  
8 OF THE STATE OF CALIFORNIA

9  
10 In the Matter of the Statement of Issues of THE ) NMLS No.: 525258  
11 CALIFORNIA CORPORATIONS )  
12 COMMISSIONER, )  
13 Complainant, ) **STATEMENT OF ISSUES IN SUPPORT OF**  
14 vs. ) **DENIAL OF MORTGAGE LOAN**  
15 SEAN W. WINTHER, ) **ORIGINATOR LICENSE**  
16 Respondent. )  
17 \_\_\_\_\_ )

18  
19 The Complainant is informed and believes, and based upon such information and belief,  
20 alleges and charges Respondent as follows:

21 **I.**  
22 **INTRODUCTION**

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

27 ///

28 ///

1 (a) The commissioner shall deny an application for a mortgage loan  
2 originator license unless the commissioner makes at a minimum the  
3 following findings:

4 (2)(a) The applicant has not been convicted of, or pled guilty or nolo  
5 contendere to, a felony in a domestic, foreign, or military court  
6 during the seven-year period preceding the date of the application  
7 for licensing and registration, **or at any time preceding the date of  
8 application, if such felony involved an act of fraud, dishonesty, a  
9 breach of trust, or money laundering.** . . . [Emphasis added.]

10 **II.**  
11 **THE APPLICATION**

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

26 **III.**  
27 **CRIMINAL CONVICTIONS**

28 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:

- 1 (1) Forgery of a Check – Penal Code section 470(d);
- 2 (2) Grand Theft of Personal Property of a value over \$400 – Penal Code section 484/487(a);
- 3 (3) Second Degree Burglary – Entering with Intent to Commit Theft – Penal Code section
- 4 459/460(b); and
- 5 (4) Using Personal Identifying Information Without Authorization – Penal Code section
- 6 530.5.

7 Winther was convicted on March 21, 2003, and was sentenced to three years imprisonment.

8 He was ordered to pay fines in the amount of two thousand four hundred ten dollars (\$2,410) and to

9 pay restitution to a victim in the amount of twelve thousand nine hundred sixty-nine dollars

10 (\$12,969).

11 **IV.**

12 **CONCLUSION**

13 Complainant finds, by reason of the foregoing, that Respondent pled guilty to one count each

14 of Forgery of a Check, Grand Theft of Personal Property, Second Degree Burglary – Entering with

15 Intent to Commit Theft, and Using Personal Identifying Information without Authorization.

16 THEREFORE, Complainant asserts that Financial Code section 50141 mandates that

17 Complainant not issue a mortgage loan originator license to Respondent under the CRMLA.

18 WHEREFORE IT IS PRAYED that the determination of Complainant to not issue a

19 mortgage loan originator license to Respondent in connection with Respondent’s June 28, 2011

20 application be upheld.

21

22 Dated: July 11, 2012

23 Sacramento, CA

JAN LYNN OWEN  
California Corporations Commissioner

24

25

26 By \_\_\_\_\_

27 TIMOTHY L. Le BAS

28 Senior Corporations Counsel  
Enforcement Division

1 ALAN S. WEINGER  
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8 OF THE STATE OF CALIFORNIA

9 In the Matter of the Statement of Issues of THE ) NMLS No.: 525258  
10 CALIFORNIA CORPORATIONS )  
11 COMMISSIONER, )  
12 Complainant, ) **ORDER DENYING MORTGAGE LOAN**  
13 vs. ) **ORIGINATOR LICENSE APPLICATION**  
14 SEAN W. WINTHER, )  
15 Respondent. )  
16 \_\_\_\_\_ )

17  
18 The California Corporations Commissioner (“Commissioner”) finds that:

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

22 Financial Code section 50141 provides in relevant part:

23 (a) The commissioner shall deny an application for a mortgage loan  
24 originator license unless the commissioner makes at a minimum the  
25 following findings:

26 . . .

27 (2)(a) The applicant has not been convicted of, or pled guilty or nolo  
28

///  
28

1                   contendere to, a felony in a domestic, foreign, or military court  
2                   during the seven-year period preceding the date of the application  
3                   for licensing and registration, **or at any time preceding the date of**  
4                   **application, if such felony involved an act of fraud, dishonesty, a**  
5                   **breach of trust, or money laundering. . .**[Emphasis added.]

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

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

- 23                   (1) Forgery of a Check – Penal Code section 470(d);  
24                   (2) Grand Theft of Personal Property of a value over \$400 – Penal Code section 484/487(a);  
25                   (3) Second Degree Burglary – Entering with Intent to Commit Theft – Penal Code section  
26                   459/460(b); and  
27                   (4) Using Personal Identifying Information Without Authorization – Penal Code section  
28                   530.5.

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

1 to three years imprisonment. He was ordered to pay fines in the amount of two thousand four  
2 hundred ten dollars (\$2,410) and to pay restitution to a victim in the amount of twelve thousand nine  
3 hundred sixty-nine dollars (\$12,969).

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

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

12  
13 Dated: August 17, 2012  
14 Sacramento, CA

JAN LYNN OWEN  
California Corporations Commissioner

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16  
17 By \_\_\_\_\_  
18 ALAN S. WEINGER  
19 Deputy Commissioner  
20 Enforcement Division  
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