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10 BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
 11 OF THE STATE OF CALIFORNIA

12 In the Matter of:)	NMLS NO.: 2089159
13)	
14 THE COMMISSIONER OF FINANCIAL PROTECTION AND INNOVATION,)	
15 Complainant,)	ORDER DENYING MORTGAGE LOAN
16 v.)	ORIGINATOR LICENSE APPLICATION
17 KENNETH GEORGE MOORE, JR.,)	
18 Respondent.)	

19 _____
 20 The Commissioner of Financial Protection and Innovation (Commissioner) finds:

- 21 1. The Commissioner has jurisdiction over the licensing and regulation of persons and
 22 entities engaged in the business of making, brokering or servicing residential mortgage loans,
 23 including mortgage loan originators, under the California Financing Law (CFL) (Fin. Code,
 24 § 22000 et seq.), and California Residential Mortgage Lending Act (CRMLA) (Fin. Code, § 50000
 25 et seq.). The Commissioner is authorized to administer the CFL, CRMLA, and the rules and
 26 regulations promulgated in title 10 of the California Code of Regulations (CCR).
 27 2. On May 18, 2021, Kenneth George Moore, Jr. (Moore) submitted a mortgage loan
 28 originator (MLO) license application to the Department of Financial Protection and Innovation

1 (Department) by filing a uniform application form (Form MU4) through the Nationwide Mortgage
2 Licensing System & Registry (NMLS).

3 3. To become licensed by the Commissioner as an MLO, an individual must submit a
4 Form MU4 through the NMLS, which contains a detailed set of instructions for filing license
5 applications, including answering the Disclosure Questions, and a checklist of items to be
6 completed and uploaded by the applicant, who is fully responsible for meeting all the requirements
7 of the license.

8 4. The Disclosure Questions in the Form MU4 must be answered truthfully and
9 correctly. Further clarification in the Disclosure Explanations section is required for any “Yes”
10 responses and certain “No” responses. All MLO applicants and licensees are required to promptly
11 amend or update their responses when material changes occur by submitting an amended Form
12 MU4.

13 *MLO License Application*

14 5. From May 18, 2021 to June 6, 2021, Moore submitted four Form MU4s. A review of
15 Moore’s MU4 filings from May 18, 2021 to June 6, 2021, revealed “No” responses to all Disclosure
16 Questions, including Criminal Disclosure questions F(1) and H(1):

17 F (1) Have you ever been convicted of or pled guilty or nolo
18 contendere (“no contest”) in a domestic, foreign, or military court to
19 any felony?

20 H (1) Have you ever been convicted of or pled guilty or nolo
21 contendere ("no contest") in a domestic, foreign, or military court to
22 committing or conspiring to commit a misdemeanor involving: (i)
23 financial services or a financial services related business, (ii) fraud,
24 (iii) false statements or omissions, (iv) theft or wrongful taking of
25 property, (v) bribery, (vi) perjury, (vii) forgery, (viii) counterfeiting, or
26 (ix) extortion?

27 6. The Department discovered that Moore has a felony conviction for theft with intent
28 to defraud from 2003, and a misdemeanor theft conviction from 2014.

29 *2003 Felony Conviction – Palm Beach County, Florida*

30 7. In August of 2003, Moore was arrested in Palm Beach, Florida for theft of gift
31 certificates valued at \$2,265.00 that had not been turned in at his place of employment. Moore was

1 charged with the felony theft offense of organized scheme to defraud and obtain property in the
2 Criminal Division of the Circuit Court of the Fifteenth Judicial Circuit of Florida, in and for Palm
3 Beach County.

4 8. On October 31, 2003, Moore pleaded guilty to, and was convicted of one count of
5 felony organized scheme to defraud in the Circuit Court of Palm Beach County, Florida.

6 9. The Court sentenced Moore to probation for 24 months, and ordered Moore to pay
7 restitution to his previous employer in the amount of \$3,430.00.

8 *Violating Probation Order*

9 10. In May of 2005, Moore was arrested for, and admitted to, violating his 2003
10 probation order. Moore was ordered to serve 24 days in county jail for the probation violation, and
11 ordered to remit to the prosecution a money order in the amount of \$3,000.00 payable to the victim.

12 *2014 Misdemeanor Theft Conviction – Tarrant County, Texas*

13 11. In July of 2014, Moore was charged with the felony offense of theft of property in
14 the Criminal District Court of Tarrant County, Texas. The State of Texas included a lesser offense
15 of misdemeanor theft.

16 12. On December 5, 2014, Moore pleaded guilty to, and was convicted of Class A
17 misdemeanor theft of property.

18 *Amended Form MU4 Filings*

19 13. On June 7, 2021, *after* the Department discovered the convictions, Moore submitted
20 an amended Form MU4 changing his answer to Criminal Disclosure Question (F) to “Yes.” On
21 June 16, 2021, Moore submitted an amended Form MU4 changing his answer to Criminal
22 Disclosure Question (H) to “Yes.”

23 14. The Commissioner must deny an application for an MLO license unless the
24 Commissioner finds that the applicant has not been convicted of, or pled guilty to, a felony in a
25 domestic, foreign, or military court at any time preceding the date of application, if the felony
26 involved an act of fraud, dishonesty, or a breach of trust, or money laundering. (Fin. Code,
27 § 22109.1, subd. (a)(2)(A), Fin. Code, § 22172, subd. (a)(2), Fin. Code, § 50141, subd. (a)(2)(A),
28 and Fin. Code, § 50513, subd. (a)(2).)

1 15. As described in paragraphs 7-9, above, Moore was convicted of one count of felony
2 organized scheme to defraud in 2003, which involved an act of fraud, dishonesty, or a breach of
3 trust.

4 16. As such, Moore does not meet the minimum criteria for licensure under the CFL and
5 CRMLA, and the Commissioner must deny Moore’s application for an MLO license.

6 17. The Commissioner must deny an application for an MLO license if the application
7 fails to demonstrate such financial responsibility, character, and general fitness as to command the
8 confidence of the community and to warrant a determination that the mortgage loan originator will
9 operate honestly, fairly, and efficiently within the purposes of this division. (Fin. Code, § 22109.1,
10 subd. (a)(3), Fin. Code, § 22172, subd. (a)(2), Fin. Code, § 50141, subd. (a)(3), 50513, subd. (a)(2).)

11 18. As described in paragraphs 7-12, above, Moore failed to truthfully answer the
12 Criminal Disclosure Questions and failed to disclose his felony and misdemeanor convictions by
13 withholding information in his Form MU4 filings submitted between May 18, 2021 and June 6,
14 2021.

15 19. Moore disclosed the convictions on June 7, 2021, and June 16, 2021, *after* the
16 Department discovered the convictions and prompted Moore to amend his application.

17 20. The 2003 felony theft conviction involved defrauding his former employer, which
18 shows a deceitful and dishonest character. In addition, Moore violated the Court’s probation order,
19 which reflects poorly on his character, and shows a disregard and disrespect for law and order.

20 21. The 2014 theft conviction shows a pattern of dishonesty and further reflects poorly
21 on his character.

22 22. The theft and fraud convictions and probation violation, and failure to disclose the
23 convictions show that Moore lacks the necessary character and general fitness to operate honestly
24 and truthfully, as required by Financial Code sections 22109.1, subdivision (a)(3), and 50141,
25 subdivision (a)(3).

26 23. As such, Moore does not meet the minimum criteria for licensure under the CFL and
27 CRMLA, and the Commissioner must deny Moore’s application for an MLO license.

28 24. The Commissioner may deny an MLO license application if the applicant withholds

1 information or makes a material misstatement in an application for a license or license renewal.
2 (Fin. Code, §§ 22172, subd. (a)(2), and 50513, subd. (a)(2).)

3 25. As described in paragraphs 7-12, above, Moore failed to truthfully answer the
4 Criminal Disclosure Questions by withholding information about his felony and misdemeanor
5 convictions in his Form MU4 filings submitted between 18, 2021 and June 6, 2021. Moore
6 amended his response and disclosed the convictions *after* the Department discovered the
7 convictions and prompted him to disclose the convictions.

8 26. As such, the Commissioner is authorized to deny Moore’s application for an MLO
9 license.

10 27. On February 9, 2022, the Commissioner issued a Notice of Intention to deny
11 Moore’s MLO license application, Statement of Issues, and accompanying documents (Denial
12 Notice) based on the above findings.

13 28. On February 11, 2022, Moore was personally served with the Denial Notice. Moore
14 did not request a hearing and the time to request a hearing has expired.

15 NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the application for a
16 mortgage loan originator license of Kenneth George Moore, Jr. is denied. This order is effective as
17 of the date thereof.

18 Dated: March 11, 2022
19 Sacramento, California

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation



20 By: _____
21 MARY ANN SMITH
22 Deputy Commissioner
23 Enforcement Division
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