

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2013-AH-0003

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

BRIAN MCWILLIAMS

RESPONDENT

**ORDER DENYING APPLICATION FOR
MORTGAGE LOAN ORIGINATOR REGISTRATION**

* * * * *

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Financial Institutions (“DFI”), and hereby enters this **Order Denying Application for Mortgage Loan Originator Registration** of Brian McWilliams (“Respondent”). In support, DFI states as follows:

FINDINGS OF FACT

1. The Department of Financial Institutions (“DFI”) is the agency of Kentucky state government charged with administering the provisions of the Mortgage Loan Company and Mortgage Loan Broker Act (“Act”), KRS Chapter 286.8, and the rules and regulations and orders enacted pursuant to the Act.

2. The Respondent has applied for a certificate of registration as a loan originator, pursuant to KRS 286.8-255. His Nationwide Mortgage Licensing System and Registry number is 184232.

3. During the course of reviewing Respondent’s application information, DFI determined that in October, 2007, Respondent pled guilty to a misdemeanor charge of “false pretenses”. Essential elements of “false pretenses” are fraud, breach of trust, and dishonesty.

4. On December 6, 2012, DFI mailed a letter to Respondent via certified mail, return receipt requested, to his last known address, 30114 Warley Ct., Novi, MI, 48377. This letter advised Respondent that his FBI background check reflected grounds for denial of his application for registration and offered Respondent fourteen (14) days within which to withdraw his application or else his application for registration would be denied.

5. On January 2, 2013, the letter was returned to DFI unclaimed.

6. Respondent's mortgage loan originator registration application is still pending. Sufficient grounds exist for denying that application.

STATUTORY AUTHORITY

7. No person shall transact business in Kentucky as a mortgage loan originator, or mortgage loan processor unless that person is registered with DFI and complies with all the applicable requirements of KRS Chapter 286.8. *See* KRS 286.8-255(1); *See Also* KRS 286.8-030(1)(c).

8. Pursuant to KRS 286.8-044(1), "Notice of entry of any order of suspension or denial of a license, registration, or claim of exemption to any applicant, registrant, or licensee shall be given in writing and served personally or sent by certified mail to the last known address of the person affected. The affected person, upon timely written request to the executive director, shall be entitled to a hearing in accordance with the provisions of KRS Chapter 13B; but if no written request is received within twenty (20) days of service of the notice, the executive director shall enter a final order suspending or denying the license or registration."

9. KRS 286.8-090(1) states that DFI may deny a registration if the applicant:

(k) Has been convicted of any misdemeanor of which an essential element is fraud, breach of trust, or dishonesty, or any felony, or has pending against him any felony charge;

CONCLUSIONS OF LAW

10. Respondent has pled guilty to a misdemeanor of which an essential element is fraud, breach of trust, or dishonesty.

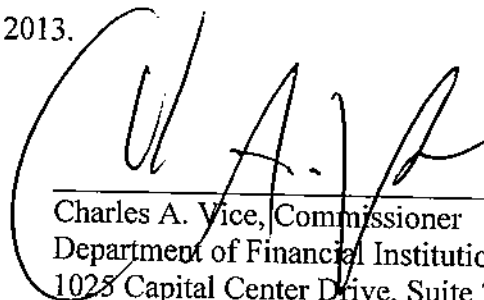
11. Based on this guilty plea, the Commissioner may refuse to issue a mortgage loan originator registration to Respondent, pursuant to KRS 286.8-090(1)(k).

12. In this case, it is appropriate to deny Respondent's mortgage loan originator registration based on the nature of the misdemeanor to which Respondent pled guilty.

ORDER

Based on the Findings of Fact, Statutory Authority, and Conclusions of Law set forth above, the Commissioner **ORDERS** that the application of Respondent Brian McWilliams for a certificate of registration as a mortgage loan originator is **DENIED**.

Executed on the 8th day of January, 2013.



Charles A. Vice, Commissioner
Department of Financial Institutions
1025 Capital Center Drive, Suite 200
Frankfort, 40601

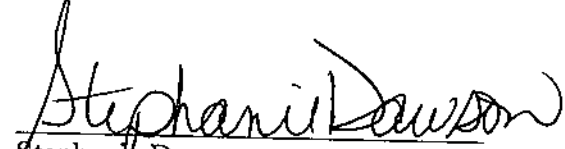
NOTICE OF RESPONDENT'S RIGHTS

1. The Commissioner of the Kentucky Department of Financial Institutions has entered an Order denying your application for a certificate of registration.
2. You have the right to request a hearing in this matter and have the right to be represented by legal counsel at all stages of these proceedings.
3. You are hereby notified that you must request a hearing with DFI within twenty (20) days of service of the Order. If requested, an administrative hearing shall be held pursuant to the provisions of KRS Chapter 13B and 808 KAR 12:030. If a hearing request is not filed within twenty (20) days, DFI shall seek a final order from the Commissioner denying the application for certificate of registration as a mortgage loan originator.

Certificate of Service

I hereby certify that a copy of the foregoing **Order Denying Application for Mortgage Loan Originator Registration** was sent by certified mail to, return receipt requested, on this the 8th day of January, 2013 to:

Brian McWilliams
30114 Warley Ct.
Novi, MI 48377


Stephanie Dawson
Department of Financial Institutions