

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2011-AH-0181**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

GAMAL ABDUL ALI

RESPONDENT

**FINAL ORDER DENYING APPLICATION FOR
MORTGAGE LOAN PROCESSOR REGISTRATION**

* * * * *

Comes now the Commonwealth of Kentucky, by and through the Commissioner of the Department of Financial Institutions (“DFI”), and hereby enters this **Final Order**, pursuant to KRS Chapter 286.8, denying the application for mortgage loan processor registration of Gamal Abdul Ali (“Respondent”):

FINDINGS OF FACT

1. The DFI is responsible for regulating and licensing mortgage loan brokers, mortgage loan companies, mortgage loan originators, and mortgage loan processors in accordance with the provisions set forth in KRS Chapter 286.8, the Mortgage Licensing and Regulation Act (the “Act”).

2. Respondent has applied for registration as a mortgage loan processor, pursuant to KRS 286.8-255. His Nationwide Mortgage Licensing System and Registry number is 822223.

3. During the course of reviewing Respondent’s application information and criminal history, the DFI determined that Respondent has a prior felony conviction for a crime involving fraud or dishonesty.

4. On September 9, 2011, the DFI mailed a letter to Respondent's last known address requesting that he provide additional information about and an explanation of his criminal record within ten (10) days thereafter, including copies of any final disposition, guilty plea, judgment, conviction or dismissal of each such charge, and warning that failure to respond will result in the denial of his application for registration.

5. On September 16, 2011, the DFI received an unsigned letter of explanation purportedly from Respondent admitting his prior guilty plea and conviction for a crime involving the writing of bad checks, but asserting the belief that the conviction "may have" been of a misdemeanor charge. Respondent failed to produce any documentation in support thereof, as directed by the DFI in its September 9, 2011 letter.

6. On September 27, 2011, the DFI mailed a second letter to Respondent's last known address. This letter advised Respondent that his criminal record prevented his eligibility for registration as a mortgage loan processor, and offered Respondent an additional twenty (20) days within which to respond or voluntarily withdraw his application for registration.

7. Also on September 27, 2011, Respondent contacted the DFI by telephone and requested that a copy of the DFI's September 27, 2011 letter be e-mailed to him at Gamal.Ali@genworth.com. The DFI complied with this request on that date, and reminded Respondent to respond by the deadline set forth therein.

8. Respondent failed to further respond to the DFI, and failed to submit the documentation and information required by the DFI in this matter.

9. On October 27, 2011, the DFI entered an Order Denying Application for Mortgage Loan Originator Registration (“Order”) against Respondent. The Order was mailed via certified mail, return receipt requested, to Respondent’s last known address.

10. On November 28, 2011, the DFI’s October 27, 2011 was returned undelivered and marked “Unclaimed.”

11. More than twenty (20) days have passed since the DFI received notice that the Order was returned undelivered delivered to Respondent’s last known address.

12. The DFI has not received a written request from Respondent for a hearing in this matter.

STATUTORY AUTHORITY

13. No person shall transact business in Kentucky as a mortgage loan originator or a mortgage loan processor unless that person is registered with the DFI, has been issued a current certificate of registration by the 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).

14. Pursuant to KRS 286.8-255(9)(b), “No mortgage loan originator or mortgage loan processor shall be granted or shall be entitled to maintain a certificate of registration unless he or she satisfies the following minimum standards for registration: ...The applicant has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any domestic, foreign, or military court...[d]uring the seven (7) year period preceding the date of the application for registration or renewal of registration; or...[a]t any time preceding such date of application for registration or renewal of registration, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering.”

15. Pursuant to 808 KAR 12:021(7), "If any applicant fails to provide or respond to a request for additional information within ninety (90) days of submission to the department, the application shall be abandoned."

16. Pursuant to KRS 286.8-090(1), "The executive director may...refuse to issue or renew a license, registration or exemption...if the executive director finds that the person, applicant, licensee, or registrant:

(a) Does not meet, no longer meets, or has failed to comply with the requirements of this subtitle; ...

(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; ...[or]

(p) Has abandoned an application by failing to provide the executive director any information required under this subtitle, or requested by the executive director, to complete an application.

17. 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."

18. Pursuant to KRS 286.8-044(3), service by certified mail shall be complete upon the earlier of the following:

(a) The date on which the person receives the mail;

(b) The date on which the agency receives the return receipt; or

(c) The date on which the agency receives notice that the mail has been returned undelivered.

CONCLUSIONS

19. Respondent has failed to demonstrate that he has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any domestic, foreign, or military court...[d]uring the seven (7) year period preceding the date of the application for registration or renewal of registration; or...[a]t any time preceding such date of application for registration or renewal of registration, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering.

20. At a minimum, Respondent has admitted to having been convicted of a misdemeanor of which an essential element is fraud, breach of trust, or dishonesty.

21. In addition, Respondent has abandoned his application for registration by failing to provide or respond to a request for additional information made on the Commissioner's behalf under the Act in order to complete said application.

22. The Order Denying Application for Mortgage Loan Processor Registration was properly served upon Respondent via certified mail to his last known address in accordance with KRS 286.8-044(2) and 808 KAR 12:030.

23. Service of the Complaint upon Respondent was complete by no later than November 28, 2011, pursuant to KRS 286.8-044(3)(a-c).

24. Respondent failed to appeal the Order Denying Application for Mortgage Loan Originator Registration by filing a written request for a hearing. Thus, Respondent's right to a hearing has been waived in this matter.

ORDER

Based on the findings of fact, statutory authority, and conclusions set forth above, the Commissioner **ORDERS** that the application of Respondent Gamal Abdul Ali for a certificate of registration as a mortgage loan processor is **DENIED**.

This is a **FINAL AND APPEALABLE ORDER**. This Final Order shall become effective upon completion of service as set forth in KRS 286.8-044, KRS 13B.120, and KRS 13B.050.

IT IS SO ORDERED on this the 29th day of December, 2011.



CHARLES A. VICE
COMMISSIONER

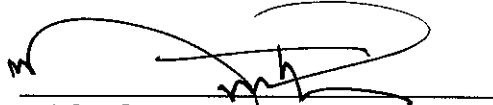
NOTICE OF APPEAL RIGHTS

Pursuant to KRS 286.8-210, you are hereby notified that you have the right to appeal this Final Order of the Commissioner. If you chose to appeal, you must file a written Notice of Appeal with the Franklin Circuit Court within sixty (60) days after entry of this Final Order. A copy of any Appeal Petition must also be served on the Commissioner.

Certificate of Service

I hereby certify that a copy of the foregoing Final Order Denying Application for Mortgage Loan Processor Registration was sent by certified mail, return receipt requested, and by first class mail, on this the 27th day of December, 2011 to:

Gamal Abdul Ali
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