BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

FILED
JUL 08 2015
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

STATE OF OKLAHOMA, ex rel., DEPARTMENT OF CONSUMER CREDIT,	)	
Petitioner	)	
v.	)	Case No. 15-0077-DIS
MICHAEL BOLTON,	)	
Respondent	)	

FINAL AGENCY ORDER

ON THE 24th day of April, 2015, at approximately 11:17 a.m., the above numbered and entitled cause (scheduled for 9:30 a.m.) came on for hearing at the Office of the Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

The State of Oklahoma, ex rel. Oklahoma Department of Consumer Credit (the "Department" or "Petitioner"), was represented by the Department's General Counsel Roy John Martin and the Respondent Michael Bolton, whose mailing address of record is c/o Everett Financial Inc., 101 E. Park Boulevard, Suite 600, Plano, Texas 75074 (the "Respondent"), did not appear in person or through an attorney, after such Respondent having been mailed a copy of the Notice and Order of Hearing filed by the Department herein on March 31, 2015 (the "Notice of Hearing"), in Case No. 15-0077-DIS, pursuant to the requirements of Article II of the Administrative Procedures Act (the "APA"), 75 O.S. §§ 308a-323, by first class U.S. Mail certified with return receipt requested to the Respondent, at the address given to the Department

by the Respondent at c/o Everett Financial Inc., 101 E. Park Boulevard, Suite 600, Plano, Texas 75074 and was delivered to the Respondent by a representative of the U.S. Postal Service as verified through the certified return receipt signed by F. Henderson on April 3, 2015, on behalf of the Respondent which has been filed herein.

The Department's General Counsel Roy John Martin, announced that he had not heard from or spoken to the Respondent about his appearance at the hearing in person or through an attorney. Mr. Martin indicated that as the Respondent had not contacted the Department at any time prior to the scheduled date and time of the hearing. Continuing, Mr. Martin further indicated that the Department was recommending that the Respondent pay a fine of Two Hundred Dollars ($200.00), that the Respondent pay a license renewal late fee, that the Respondent pay for the costs of the hearing, that the Respondent's license as a mortgage loan originator be and remain suspended until such time as all fees, fines and hearing costs are all fully paid to the Department, and that a Cease and Desist Order be issued against the Respondent to cease and desist from acting as an Oklahoma licensed mortgage loan originator until such time as all fees, fines and hearing costs are all fully paid to the Department. Continuing, Mr. Martin indicated that he wished to secure, in the absence of the Respondent who had an opportunity for a hearing and for whom he had good service, a judgment by default pursuant to 75 O.S., §309(E).

Accordingly, the Independent Hearing Examiner announced from the bench that his recommendation in this matter to the Department's Administrator would be that the Respondent pay a fine of Two Hundred Dollars ($200.00), that the Respondent pay a renewal late fee, that the Respondent's license as a mortgage loan originator be and remain suspended until such time as all fees, fines and hearing costs are all fully paid to the Department, and that a Cease and Desist

Order be issued against the Respondent to cease and desist from acting as an Oklahoma licensed mortgage loan originator until such time as all fees, fines and hearing costs are all fully paid to the Department, and as the Respondent is not the prevailing party in this matter, that the Respondent pay for the costs of the hearing (being those costs of the Independent Hearing Examiner incurred in this matter as authorized in 59 O.S., §2095.17(D)).

Having considered all of the evidence and being fully advised in the premises as to the above matter, and find by clear and convincing evidence as follows, and makes the following disciplinary recommendations as set forth at the SAFE Act, 59 O.S. §§ 2095-2095.26.

JURISDICTION AND AUTHORITY

The Administrator of Consumer Credit (the "Administrator") has administrative authority to administer, interpret and enforce the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act ("SAFE Act"), 59 O.S. §§ 2095 et seq., 59 O.S. § 2095.1 (2).

Penalties

1. In order to ensure the effective supervision and enforcement of the SAFE Act, the Administrator may, after notice and hearing pursuant to Article II of the Administrative Procedures Act, 75 O.S. §§ 308a et seq., impose any or any combination of the following penalties for violations of the SAFE Act:

(a) deny, suspend, revoke, censure, place on probation or decline to renew a license issued pursuant to the SAFE Act for a violation of the SAFE Act, any rules promulgated pursuant to the SAFE Act and any order of the Administrator issued pursuant to the SAFE Act;

(b) deny, suspend, revoke, censure, place on probation or decline to renew a

license if an applicant or licensee fails at any time to meet the requirements of the SAFE Act or withholds information or makes a material misstatement in an application for a license or renewal of a license;

(c) order restitution against entities or individuals subject to the SAFE Act for violations of the SAFE Act or

(d) issue orders or directives under the SAFE Act as follows:

(i) order or direct entities or individuals subject to the SAFE Act to cease and desist from conducting business, including immediate temporary orders to cease and desist;

(ii) order or direct entities or individuals subject to the SAFE Act to cease any harmful activities or violations of the SAFE Act, including immediate temporary orders to cease and desist;

(iii) enter immediate temporary orders to cease business under a license issued pursuant to the authority of the SAFE Act if the Administrator determines that such license was erroneously granted or the licensee is currently in violation of the SAFE Act;

(iv) order or direct such other affirmative action as the Administrator deems necessary, or

(v) impose a civil penalty of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation of the SAFE Act against a licensee or any other entity or individual subject to the SAFE Act, not to exceed Five Thousand Dollars ($5,000.00) for all violations resulting from a single incident or transaction. 59 O.S. § 2095.17.

FINDINGS OF FACT

The Administrator of Consumer Credit finds that the following facts were proven through the Respondent's default by clear and convincing evidence:

1. The proceedings in this matter were conducted in accordance with the provisions of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, 59 O.S. §§ 2095 et seq. and Article II of the Administrative Procedures Act, 75 O.S. §§ 308a-323.

2. The Respondent failed to appear in person or through an attorney at the hearing on April 24, 2015, at the scheduled time of 9:30 a.m. or later that same morning when his case was heard at approximately 11:17 a.m., received notice of the hearing in this matter set for April 24, 2015, at 9:30 a.m., by first class U.S. Mail, certified with return receipt requested through mail-delivery of a copy of the original Notice of Hearing filed in this matter on March 31, 2015, served upon the Respondent as verified through the certified return receipt filed herein signed by F. Henderson on April 3, 2015, at the address given to the Department by the Respondent at c/o Everett Financial Inc., 101 E. Park Boulevard, Suite 600, Plano, Texas 75074, by a representative of the U.S. Postal Service.

3. The licensing system of record for mortgage brokers and mortgage loan originators in the State of Oklahoma is NMLS.

4. The Respondent is licensed as a mortgage loan originator in the State of Oklahoma pursuant to the SAFE Act with the following licensing information indicated by NMLS:

(a) Oklahoma license number MLO06917;

(b) NMLS unique identifier number/company ID 221038.

(c) Mailing address of record at c/o Everett Financial Inc., 101 E. Park Boulevard,

Suite 600, Plano, Texas 75074.

5. The Respondent's license renewal fee was not paid on or before December 1, 2014.

6. The Respondent failed to pay $10.00 in late license renewal fees.

CONCLUSIONS OF LAW

The Administrator of Consumer Credit concludes as follows:

1. The Respondent has violated 59 O.S. § 2095.6(M)(2) for failure to pay the late renewal fee as prescribed by rule of the Commission on Consumer Credit.

2. The Respondent has violated the Oklahoma Administrative Code 160:5-1-2(8)(D) for failure to pay the late fee assessed per day beginning on December 1, 2014.

3. The Respondent has violated 59 O.S. § 2095.18(8) for failure to comply with the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, or rules promulgated under this act or failure to comply with any other state or federal law, including any rules thereunder, applicable to any business authorized or conducted under the SAFE Act.

ORDER

Based upon the findings of fact and conclusions of law in this individual proceeding and based in part upon the recommendation of the Independent Hearing Examiner, the Administrator of Consumer Credit issues the following orders:

The Respondent is hereby found to be licensed as a mortgage loan originator in the State of Oklahoma pursuant to the SAFE Act with the following licensing information indicated by NMLS: (a) Oklahoma license number MLO06917; (b) NMLS unique identifier number/company ID 221038; (c) mailing address of record at c/o Everett Financial Inc., 101 E. Park Boulevard,

Suite 600, Plano, Texas 75074, that has violated 59 O.S. § 2095.18(8) for failure to comply with the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, or rules promulgated under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act or failure to comply with any other state or federal law, including any rules thereunder, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

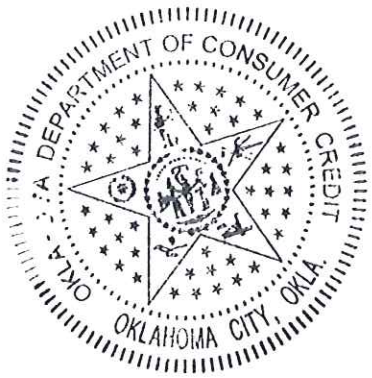
1. The Respondent shall pay the late license renewal fees in the amount of Ten Dollars ($10.00) which was not paid and in violation of 59 O.S. § 2095.6(M)(2) for failure to pay the late renewal fee as prescribed by rule of the Commission on Consumer Credit for which violations, the Respondent shall be fined in the amount of Two Hundred Dollars ($200.00).

2. The Respondent's license as a mortgage loan originator in the State of Oklahoma pursuant to the SAFE Act shall be and remain suspended until such time as all fees, fines and hearing costs are all fully paid to the Department, and that a Cease and Desist Order be issued against the Respondent to cease and desist from acting or resuming to act as an Oklahoma licensed mortgage loan originator until such time as all fees, fines and hearing costs are all fully paid to the Department and to permanently continue to so cease and desist until such time, if ever, as the Respondent pays all of the aforesaid fees, fines and hearing costs, and that, as the Respondent, is not the prevailing party in this matter, the Respondent should be assessed the costs of the Independent Hearing Examiner incurred in this matter as authorized in 59 O.S., §2095.17(D).

3. As the Respondent is not the prevailing party in this matter, the Respondent shall be assessed two hundred and eight dollars ($208.00) in costs incurred in this matter as authorized

in 59 O.S. § 2095.17(D).

So ordered this___day of July 2015.



Scott Lesher
Administrator of Consumer Credit
State of Oklahoma