BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

FILED
JUN 14 2016
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

STATE OF OKLAHOMA, ex rel., DEPARTMENT OF CONSUMER CREDIT,	)	
PETITIONER,	)	
v.	)	Case No. 15-0221-DIS
AMERICA'S LENDER LLC,	)	
RESPONDENT,	)	

FINAL AGENCY ORDER

This matter was heard on the 8th day of April, 2016, at approximately 9:37 a.m., before Bryan Neal, Assistant Attorney General and Independent Hearing Examiner appointed by the Administrator of Consumer Credit 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 America's Lender LLC., (the "Respondent"), did not appear in person or through an attorney, after such Respondent having been served a copy of the Notice of Hearing filed by the Department herein on December 17, 2015 in Case No. 15-0221-DIS, pursuant to the requirements of Article II of the Administrative Procedures Act (the "APA"), 75 O.S. §§ 308a-323, together with service of a copy of a Continuance filed by the Department herein on February 22, 2016, to continue the hearing in this matter to April 8, 2016, by personal service on Nicholas Moore (as the owner of the Respondent) through the Respondent's Representative Charlie Gates

as Operations Manager, 2800 W. Broadway, Muskogee, Oklahoma 74401, through a Private Process Server, OK Court Services & Collections, Inc., 313 State Street, Muskogee, Oklahoma 74401, a representative of which named Christy D. Mounger, PS# PSS-13-19, signed a Proof of Service Affidavit attesting to personal service delivery of the Notice of Hearing and the Continuance on February 22, 2016, copies of each of which were presented in the hearing.

The Department's General Counsel Roy John Martin announced that he had not heard from or spoken to the Respondent about its appearance at the hearing in person or through an Attorney.

The Department's General Counsel indicated that he wished to secure, in the absence of the Respondent who had an opportunity for a hearing, a judgment by default pursuant to 75 O.S. §309(E). Accordingly, the Independent Hearing Examiner announced from the bench that, as notice was proper in this matter, it would be his recommendation to the Administrator that a default judgment be granted in this matter.

After reviewing the administrative record of this individual proceeding, reviewing the arguments, testimony and evidence presented at the April 8, 2016, hearing and reviewing the Proposed Order filed by Independent Hearing Examiner, Bryan Neal, the Administrator of Consumer Credit issues the following findings, conclusions and orders:

JURISDICTION AND AUTHORITY

1. The Administrator of Consumer Credit ("Administrator") is charged with the administration and enforcement of the Oklahoma Secure and Fair Enforcement for Mortgage Licensing 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 by clear and convincing evidence:

1. The proceedings in this matter were conducted in accordance with the provisions of the SAFE Act, 59 O.S. §§ 2095-2095.25 and Article II of the APA, 75 O.S. §§ 308a-323.

2. The Respondent, who did not appear the hearing on April 8, 2016, at 9:30 a.m., in person or through an attorney, received notice of the hearing in this matter ultimately set through a Continuance for April 8, 2016, at 9:30 a.m., by personal service on Nicholas Moore (as the owner of the Respondent according to information supplied from the records of the NMLS) through the Respondent's Representative Charlie Gates as Operations Manager, 2800 W. Broadway, Muskogee, Oklahoma 74401, through a Private Process Server, OK Court Services & Collections, Inc., 313 State Street, Muskogee, Oklahoma 74401, a representative of which named Christy D. Mounger, PS# PSS-13-19, signed a Proof of Service Affidavit attesting to personal service delivery of the Notice of Hearing and the Continuance on February 22, 2016, copies of

each of which were presented in the hearing and are on file with the Petitioner.

3. The licensing system of record for mortgage brokers, mortgage lenders and mortgage loan originators in the State of Oklahoma is the Nationwide Mortgage Licensing System and Registry (NMLS).

4. The Respondent, America's Lender LLC., is an active domestic limited liability company in the State of Oklahoma, filing number 3512164907, and is licensed as a mortgage broker in the State of Oklahoma pursuant to the SAFE Act with the following licensing information indicated by NMLS:

(a) Oklahoma license number MB001281;

(b) NMLS unique identifier number/company ID 146199.

(c) Mailing address of record at 2800 W. Broadway, Muskogee, Oklahoma 74401.

5. On September 23, 2015, Petitioner e-mailed Respondent the original invoice for examination fees to be reimbursed by Respondent.

6. On September 23, 2015, Petitioner mailed the invoice for examination fees, via certified mail, which was signed for and received at 2800 W. Broadway, Muskogee, Oklahoma 74401 on October 26, 2015.

7. As of December 16, 2015, the Respondent had failed to pay $500.00 in examination reimbursement fees.

8. At some point well after the payment due date and after the Notice of Hearing and the Continuance were personally served on the Respondent on February 22, 2016, and prior to the hearing on April 8, 2016, the Respondent did pay the required $500.00 in examination reimbursement fees to the Petitioner.

CONCLUSIONS OF LAW

The Administrator of Consumer Credit concludes that based on the evidence and testimony in this individual proceeding that:

1. Article II of the Administrative Procedures Act, 75 O.S., §309(E), provides that informal disposition may be made of any individual proceeding by default.

2. The Respondent has violated the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, 59 O.S. §2095.23(C), and rules promulgated under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, OAC 160:5-1-2(8)(I), for failure to timely pay an examination fee when due as required by the Administrator.

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 the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act.

ORDER

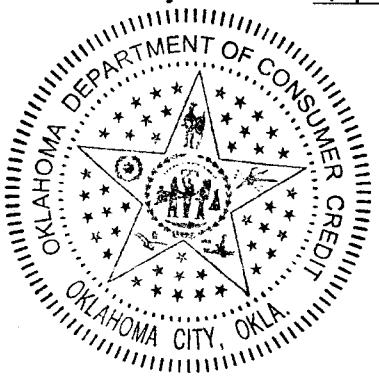
Based upon the findings of fact and conclusions of law in this individual proceeding and based upon the recommendation of the Independent Hearing Examiner, the Administrator of Consumer Credit issues the following orders:

1. The Respondent, having been found to be in violation of Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, 59 O.S. §§ 2095.18(8) and 59 O.S. §2095.23(C),

and rules promulgated under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, OAC 160:5-1-2(8)(I), for failure to timely pay an examination fee when due as required by the Administrator, for which violations the Respondent as a licensee shall pay a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00) as authorized in 59 O.S.§ 2095.17.

2. As the Respondent is not the prevailing party in this matter, the Respondent shall pay costs in the amount of $ 289.00 incurred in this matter as authorized in 59 O.S., § 2095.17(D).

WITNESS my hand this 14th day of June, 2016.



SCOTT LESHER
Administrator of Consumer Credit
State of Oklahoma