BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

FILED
MAR 15 2016
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

STATE OF OKLAHOMA, ex rel., DEPARTMENT OF CONSUMER CREDIT,	)	
Petitioner	)	
v.	)	Case No. 15-0212-DIS
MCM HOLDINGS, INC.,	)	
Respondent	)	

FINAL AGENCY ORDER

On the 15th day of January, 2016, at approximately 9:37 a.m. (after providing additional time to the Respondent or its legal counsel, if any, to appear beginning at 9:30 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 before Independent Hearing Examiner, Bryan Neal.

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 MCM Holdings, Inc., whose mailing address is 14100 Palmetto Frontage Road, Suite 300, Miami Lakes, Florida 33016 (the "Respondent"), did not appear in person or through an attorney, after such Respondent having been served a copy of the Notice and Order of Hearing filed by the Department herein on December 3, 2015 (the "Notice of Hearing"), setting the January 15, 2016, hearing date and time in Case No. 15-0212-DIS, pursuant to the requirements of Article II of the Administrative Procedures Act (the "APA"), 75

O.S. §§ 308a-323, by certified U.S. Mail, return receipt requested, served on and received by the Respondent on December 7, 2015, as verified by a signed return receipt (green card) signed by someone on behalf of the Respondent and a sworn Affidavit of Service from the Department's General Counsel, Roy John Martin, that such service was secured, copies of each of which were presented in the hearing. When asked if the Department had secured good service on the Respondent for the January 15, 2016, hearing, General Counsel Roy John Martin, stated that he believed that he had secured good service.

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. Mr. Martin noted for the record that the Respondent surrendered its license as a mortgage lender in the State of Oklahoma pursuant to the SAFE Act through the NMLS on December 15, 2015, a date eight (8) days after the Notice of Hearing was received by the Respondent through certified U.S. Mail, return receipt requested.

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, as notice was proper in this matter, it would be his recommendation to the Administrator that a default judgment be granted in this matter.

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, 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 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 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 January 15, 2016, at 9:30 a.m., in person or through an attorney, received notice of the hearing in this matter set for January 15, 2016, at 9:30 a.m., by service on the Respondent by certified U.S. Mail, return receipt requested, served on and received by the Respondent on December 7, 2015, as verified by a signed return receipt (green card) signed by someone on behalf of the Respondent and a sworn Affidavit of Service from the Department's General Counsel, Roy John Martin, that such service was secured, 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 NMLS.

4. The Respondent, MCM Holdings, Inc., is a registered foreign for profit business corporation in the State of Oklahoma, registration number 2312407435, and was licensed as a mortgage lender in the State of Oklahoma pursuant to the SAFE Act with the following licensing information indicated by NMLS:

(a) Oklahoma license number ML010019;

(b) NMLS unique identifier number/company ID 213236.

(c) Mailing address of record at 14100 Palmetto Frontage Road, Suite 300, Miami Lakes, Florida 33016.

5. On March 30, 2015, a mortgage lender examination engagement letter, questionnaire and data request (examination information request) was submitted by the Petitioner to the Respondent at the email address of record of the Respondent as indicated by NMLS. A response deadline of April 20, 2015, was provided.

6. The Respondent provided a partial response to the examination information request on May 25, 2015.

7. The Petitioner submitted requests to the Respondent via certified mail, return receipt requested, on June 2, 2015, and June 10, 2015, requesting clarification regarding responses to the questionnaire and requesting copies of the Respondent's policies and procedures. A deadline of June 17, 2015, was provided regarding the June 10, 2015, request.

8. The Petitioner received a revised questionnaire from the Respondent and a copy of the Respondent's policies and procedures on June 18, 2015.

9. The Petitioner submitted an email to the Respondent on July 9, 2015, requesting

clarification to various questionnaire responses of the Respondent and the Petitioner requested additional policies and procedures from the Respondent with a response deadline of July 15, 2015.

10. As of December 3, 2015, the Respondent had not responded to the July 9, 2015, examination information request of the Petitioner.

11. The Respondent surrendered its license as a mortgage lender in the State of Oklahoma pursuant to the SAFE Act through the NMLS on December 15, 2015, a date eight (8) days after the Notice of Hearing was received by the Respondent through certified U.S. Mail, return receipt requested.

CONCLUSIONS OF LAW

The Administrator makes the following conclusions of law through the Respondent's default.

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 59 O.S. § 2095.18(8) and 2095.23(D) and (E) for failing 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, by failing to make available to the Administrator, upon request, records relating to the requirements of the SAFE Act for mortgage lenders and by failing to make or compile reports or prepare other information as directed by the Administrator in order to carry out the purposes of 59 O.S. §2095.23, including, but not limited to:

1. Accounting compilations;

2. Information lists and data concerning loan transactions in a format prescribed by the Administrator; or

3. Such other information deemed necessary to carry out the purposes of 59 O.S. §2095.23.

ORDER

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

1. The Respondent, having been found to be in violation of 59 O.S. §§ 2095.18(8) and 2095.23 (D) and (E), by failing to comply with the SAFE Act and/or rules promulgated under the SAFE Act, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, by failing to make available to the Administrator, upon request, records relating to the requirements of the SAFE Act for mortgage lenders and by failing to make or compile reports or prepare other information as directed by the Administrator in order to carry out the purposes of 59 O.S. §2095.23, including, but not limited to:

1. Accounting compilations;

2. Information lists and data concerning loan transactions in a format prescribed by the Administrator; or

3. Such other information deemed necessary to carry out the purposes of 59 O.S. §2095.23;

for which violation the Respondent is ordered to pay a civil penalty in the amount of Two Thousand Five Hundred Dollars ($2,500.00) as authorized in 59 O.S.§ 2095.17.

2. The Respondent, having been found to be in violation of 59 O.S. §§ 2095.18(8) and 2095.23 (D) and (E), by failing to comply with the SAFE Act and/or rules promulgated under the SAFE Act, applicable to any business authorized or conducted under the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, by failing to make available to the Administrator, upon request, records relating to the requirements of the SAFE Act for mortgage lenders and by failing to make or compile reports or prepare other information as directed by the Administrator in order to carry out the purposes of 59 O.S. §2095.23, including, but not limited to:

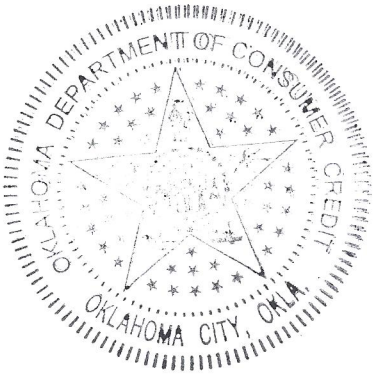
1. Accounting compilations;
2. Information lists and data concerning loan transactions in a format prescribed by the Administrator; or
3. Such other information deemed necessary to carry out the purposes of 59 O.S. §2095.23;

which Respondent, having surrendered its Oklahoma mortgage lender license through NMLS on December 15, 2015, is ordered to immediately cease and desist from acting as a mortgage lender in Oklahoma under 59 O.S. §§ 2095.2(13)(a), to permanently continue to so cease and desist until such time, if any, as the Respondent is able to meet the requirements of the SAFE Act and/or rules promulgated under the SAFE Act to become licensed in Oklahoma as a mortgage lender and actually secures a valid Oklahoma mortgage lender license as required under the SAFE Act and/or rules promulgated under the SAFE Act, and until such time, if any, as the

Respondent fully pays the Department the civil penalty assessed in this order and the costs of the Independent Hearing Examiner incurred in this matter as hereinafter provided.

3. As the Respondent is not the prevailing party in this matter, the Respondent shall be assessed the costs of the Independent Hearing Examiner incurred in this matter in the amount of Two Hundred Ninety Seven Dollars and Fifty Cents ($297.50) as authorized in 59 O.S., § 2095.17(D).

So ordered on this 15th day of March, 2016



Scott Lesher
Administrator of Consumer Credit
State of Oklahoma