PRESTON DuFAUCHARD
California Corporations Commissioner
ALAN S. WEINGER
Deputy Commissioner
DOUGLAS M. GOODING (083518)
Senior Corporations Counsel
Department of Corporations
One Sansome St., Suite 600
San Francisco, CA 94104
Ph: (415) 972-8548
Fx: (415) 972-8550

Attorneys for Complainant

BEFORE THE DEPARTMENT OF CORPORATIONS

OF THE STATE OF CALIFORNIA

In the Matter of the Statement of Issues of THE CALIFORNIA CORPORATIONS COMMISSIONER, Complainant, vs. NICHOLAS LEE HAIDER Respondent(s).	File No. ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION

The California Corporations Commissioner ("Commissioner") finds that:

1. On August 26, 2010, Nicholas Lee Haider ("Respondent"), filed an application for a mortgage loan originator license with the Commissioner pursuant to the California Residential Mortgage Lending Act ("CRMLA")(Financial Code sections 50000 et. seq.), in particular, Financial Code section 50140. The application was for employment with or working on behalf of Hunter Financial Group as a mortgage loan originator, which employer has its principal place of business located at 1711 W. Greentree Drive, Tempe, Arizona. The application was submitted to the Commissioner by filing Form MU4 through the Nationwide Mortgage Licensing System.

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2. Form MU4 at Question 8. (D)(1) specifically asked: "Have you been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony? Respondent answered "no". Respondent signed the Form MU4 swearing that the answers were true and complete to the best of Respondent's knowledge.

3. Documentation subsequently obtained by the Commissioner during the application process revealed that Respondent, on or about June 16, 1998, in the Superior Court of Arizona, Pima County, had been convicted of:

1) Theft by Control and/or by Controlling Stolen Property with a Value of $2,000 or More But Less Than $3,000, a Class 4 felony, in violation of A.R.S. 13-1802; and

2) Burglary in the Third Degree, a class 4 felony, in violation of A.R.S. 13-1506.

4. Financial Code section 50141 provides in relevant part:

> (a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes at a minimum the following findings:
> . . .
> (2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensing and registration, or at any time preceding the date of application, if such felony involved an act of fraud, dishonesty, a breach of trust, or money laundering. . . .

5. The Commissioner finds, by reason of the foregoing, that Respondent has been convicted of: 1) Theft by Control and/or by Controlling Stolen Property with a Value of $2,000 or More But Less Than $3,000, a Class 4 felony, in violation of A.R.S. 13-1802; and 2) Burglary in the Third Degree, a class 4 felony, in violation of A.R.S. 13-1506, both of which constitute felonies involving an act of dishonesty. This finding requires that the Commissioner deny the application pursuant to Financial Code section 50141 (a) (2).

6. Financial Code section 50126 provides in relevant part:

> (a) Upon reasonable notice and opportunity to be heard, the commissioner may deny an application for any of the following reasons:…
> (1) A false statement of a material fact has been made in the application…

7. The Commissioner further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator. This finding is a ground for denying the application under Financial Code section 50126.

8. Financial Code section 50141 further provides in relevant part:

> (a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes at a minimum the following findings:
> ……..
>
> (3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

9. The Commissioner further finds, by reason of the foregoing, that Respondent has made a false statement of material fact in his application for mortgage loan originator, and has thereby failed to demonstrate such character and general fitness as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently as a mortgage loan originator. This finding requires that the Commissioner deny the application pursuant to Financial Code section 50141 (a) (3).

10. On May 18, 2011, the Commissioner issued a Notice of Intention to Issue Order Denying Mortgage Loan Originator License Application and accompanying documents based on the above findings. Respondent was served with those documents on May 18, 2011 via certified, return receipt mail at the address filed by Respondent on his application with the California Department of Corporations. Return receipt indicates Respondent received the above-described documents on June 4, 2011. The Commissioner has received no request for a hearing and the time to request a hearing has expired.

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NOW GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the mortgage loan originator license application of Nicholas Lee Haider, described in Paragraph 1 above, is denied. This order is effective as of the date hereof.

Dated: July 14, 2011

Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By_____
ALAN S. WEINGER
Deputy Commissioner

State of California – Department of Corporations