

STATE OF NEBRASKA
Department of Banking & Finance

IN THE MATTER OF:)	ORDER REQUIRING
)	SUBMISSION OF
Mortgage Loan Originator)	CRIMINAL HISTORY REPORTS
License Renewal Requests)	IN CONNECTION WITH
)	MORTGAGE LOAN ORIGINATOR
)	RENEWAL REQUESTS

THIS MATTER comes before the Nebraska Department of Banking and Finance (“DEPARTMENT”), by and through its Director, pursuant to its authority under the Residential Mortgage Licensing Act, Neb. Rev. Stat. §§ 45-701 to 45-754 (Reissue 2010; Cum. Supp. 2012; LB 290, 2013) (“the Act”).

1. Neb. Rev. Stat. § 45-732(1) (Reissue 2010) provides that all mortgage loan originator licenses expire on December 31st and that such licenses may be renewed annually by submitting to the Director a request for renewal and any supplemental material as required by the Director.

2. Neb. Rev. Stat. § 45-732(2) (Reissue 2010) provides that a mortgage loan originator must continue to meet the minimum standards for license issuance under subdivisions (1)(a) through (f) of Section 45-729 in order to qualify for renewal.

3. Neb. Rev. Stat. § 45-729(1)(b)(i) (LB 290, 2013) requires that prior to issuing a mortgage loan originator license, the DEPARTMENT must find that the applicant for a mortgage loan originator license must not have been convicted of, or pleaded guilty or nolo contendere or its equivalent to, in a domestic, foreign, or military court, of a misdemeanor under any state or federal law which involves dishonesty or fraud or which involves any aspect of the business of a mortgage banker, depository institution, or

installment loan company unless such individual has received a pardon for such conviction or such conviction has been expunged, except that the Director may consider the underlying crime, facts, and circumstances of a pardoned or expunged conviction in determining the applicant's eligibility for a license.

4. Neb. Rev. Stat. § 45-729(1)(b)(ii) (LB 290, 2013) requires that prior to issuing a mortgage loan originator license, the DEPARTMENT must find that the applicant has not been convicted of, or pleaded guilty or nolo contendere or its equivalent to, in a domestic, foreign, or military court of any felony under state or federal law unless such individual has received a pardon for such conviction or such conviction has been expunged, except that the Director may consider the underlying crime, facts, and circumstances of a pardoned or expunged conviction in determining the applicant's eligibility for a license.

5. In order for the DEPARTMENT to make a determination regarding a mortgage loan originator's criminal history at the time of a renewal request, as required by Neb. Rev. Stat. § 45-732(2) (Reissue 2010), it is necessary for the DEPARTMENT to review the mortgage loan originator's current criminal history. Therefore, the Director has determined that it is necessary for a mortgage loan originator to submit a criminal history report as supplemental material to the DEPARTMENT via the Nationwide Mortgage Licensing System & Registry ("NMLS") at the time that renewal is requested.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED as follows:

1. All requests for renewal of a mortgage loan originator license shall include a criminal history report submitted to the DEPARTMENT via the NMLS. The

DEPARTMENT shall conduct a full review of an applicant's criminal history as part of the review of the license renewal request.

2. A copy of this Order shall be made publicly available on the DEPARTMENT's website. In addition, the DEPARTMENT shall provide notice to each mortgage loan originator licensed as of the date of this Order by emailing a copy of this Order to the email address of record in the NMLS.

3. This Order shall remain in effect until subsequently modified or vacated by Order of the Director.

4. The effective date of this Order shall be the date of the Director's signature.

DATED this 17th day of September, 2013.



**STATE OF NEBRASKA
DEPARTMENT OF BANKING AND FINANCE**

By: John Munn
John Munn, Director
1526 K Street, Suite 300
Lincoln, Nebraska 68508
(402) 471-2171