

JEAN R. URANGA  
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BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE

STATE OF IDAHO

In re Mortgage Loan Originator)	)	
License Application of:	)	
	)	Docket No. 2015-16-03
ALLAN RAY EICHHORN,	)	
NMLS ID No. 117272,	)	HEARING OFFICER'S FINDINGS
	)	OF FACT, CONCLUSIONS OF LAW
Applicant.	)	AND PRELIMINARY ORDER
	)	

This matter came on for an evidentiary hearing on December 2, 2015, at 9:00 a.m. Brian Nicholas, Deputy Attorney General, appeared on behalf of the Department of Finance. Allan Eichhorn appeared representing himself.

**FINDINGS OF FACT**

1. Mr. Eichhorn is a resident of the State of Idaho. On October 15, 2015, Mr. Eichhorn submitted an on-line application to the Department of Finance for a Mortgage Loan Originator License. Four pages of the application were admitted as Exhibit A.

2. On Exhibit A, Page 1, Sections (D) and (H) specifically ask:

(D) Do you have any unsatisfied judgments or liens against you?

. . . .

(H) (1) Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to committing or conspiring to commit a misdemeanor involving: (i) financial services or a financial services-related business, (ii) fraud, (iii) false statements or omissions, (iv) theft or wrongful taking of property, (v) bribery, (vi) perjury, (vii) forgery, (viii) counterfeiting, or (ix) extortion?

Mr. Eichhorn answered these questions: "No." On Page 3 of Exhibit A, Mr. Eichhorn certified that the information provided is current, true, accurate and complete and has been provided under penalty of perjury.

3. Thereafter, the Department of Finance, through Erin Van Engelen, obtained a credit report on Mr. Eichhorn. That credit report revealed that Mr. Eichhorn had several outstanding state and federal tax liens which he had failed to disclose on his application. Ms. Van Engelen obtained copies of the tax lien filings from the Idaho Secretary of State. She also obtained copies of the federal tax liens from Ada County.

4. In his defense, Mr. Eichhorn admitted Exhibits 1 and 2 which indicate he is making payments on the state and federal tax liens. Unfortunately, the question specifically requires disclosure of "unsatisfied liens" and when he filled out the application these liens were still unsatisfied even though he was making payments.

5. With respect to his "No" answer on the question regarding criminal charges, Ms. Van Engelen obtained a FBI report and found

a reported misdemeanor petty theft charge in Canyon County. She then obtained copies of the criminal charges from Canyon County and found Mr. Eichhorn pled guilty to a petty theft charge May 21, 2009. He was required to pay restitution of \$22,928.06 for cashing checks which turned out to be bad checks with insufficient funds.

6. The Hearing Officer finds that Mr. Eichhorn did provide material misstatements in responses to his application by failing to disclose the criminal conviction and the state and federal tax liens.

### CONCLUSIONS OF LAW

7. Idaho Code §26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the Nationwide Mortgage License System and Registry (NMLSR).

8. Pursuant to Idaho Code §26-31-306(1)(h), before an application for license can be approved the Applicant must provide all information on the application.

9. The Director shall require mortgage loan originators to be licensed and as part of the application, and the Director can require applicants to submit to credit checks and provide information on any criminal charges. Idaho Code §26-31-311.

10. Pursuant to Idaho Code §26-31-313, the Director may deny a license if an applicant withholds information or makes a material misstatement in an application for licensure. Further, Idaho Code §26-31-305 requires that all applicants for licensure update application forms as necessary to keep all information current.

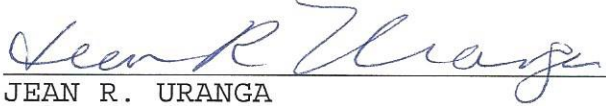
11. In his initial application, the Mr. Eichhorn made material misstatements of fact. He failed to disclose his criminal charge and his state and federal tax liens.

12. The Mr. Eichhorn has made a material misstatement of fact in his application which provides grounds to deny his application for licensure.

### PRELIMINARY ORDER

Based upon the foregoing, IT IS HEREBY ORDERED That the Department's Order Denying Mortgage Loan Originator License Application of Mr. Eichhorn dated October 28, 2015, should be AFFIRMED.

DATED This 10th day of December, 2015.

  
JEAN R. URANGA  
Hearing Officer

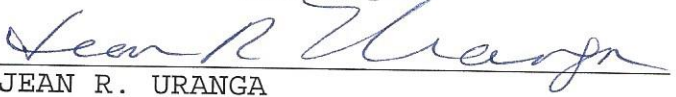


CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 10th day of December, 2015, I served true and correct copies of the foregoing HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND PRELIMINARY ORDER by emailing and depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to:

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