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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE  
OF THE STATE OF IDAHO**

In re Mortgage Loan Originator  
License Renewal Application of:

BENJAMIN ALEXANDER-OWENS  
ANDERSON,  
NMLS ID No. 320166,

Applicant.

Docket No. 2021-16-19

**ORDER DENYING MORTGAGE LOAN  
ORIGINATOR LICENSE APPLICATION AND  
NOTICE OF THE OPPORTUNITY TO  
REQUEST A HEARING**

The Director of the State of Idaho, Department of Finance (Director), pursuant to the Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 et seq. (the Act), and in particular §§ 26-31-306(1)(d) and (h) and 26-31-313(1)(a) and (b) of the Act, hereby issues the following Findings of Fact, Conclusions of Law, and Order Denying Mortgage Loan Originator License Application, and Notice of the Opportunity for a Hearing (Order).

**FINDINGS OF FACT**

1. The Applicant, BENJAMIN ALEXANDER-OWENS ANDERSON, a resident of the state of California, holds NMLS number 320166 and applied for an Idaho Mortgage Loan Originator (MLO)

license by filing an individual Form MU4 through the online Nationwide Mortgage Licensing System and Registry (NMLSR or NMLS). This application was attested to and submitted December 17, 2020 by the Applicant.

2. The application Form MU4 seeks information about an individual applicant's qualifications to be licensed as a mortgage loan originator. A section of the application is entitled "Disclosure Questions" and consists of a series of questions that inquire into an applicant's history regarding financial, criminal, civil, judicial and regulatory matters.

3. Pertinent to the Applicant's qualifications were questions under section (K) "Has any State or federal regulatory agency or foreign financial regulatory authority or self-regulatory organization (SRO) ever:":

"(5) revoked your registration or license?"

"(6) denied or suspended your registration or license or application for licensure, disciplined you, or otherwise by order, prevented you from associating with a financial services-related business or restricted your activities?"

"(9) entered an order concerning you in connection with any license or registration?"

4. The Applicant provided "yes" responses to these questions. In the Disclosure Explanation section of his application, the Applicant made the following explanation to his "yes" responses (quoted as written on the application):

I was involved in a business dispute in 2014, whereby Guaranteed Rate recruited me as a loan officer from Mount Olympus Mortgage company as a loan officer. While I was closing my pipeline at Mount Olympus Guaranteed Rate set up a transition team for me to be able to refer new clients while I closing my business at Mount Olympus. There was dispute over clients and commissions, the case went to court, the jury ruled in the favor of mount Olympus against Guaranteed Rate. I was named as a co defendant. There were several errors made thru the trial, and the judge even offered his opinion that the case could be eligible for mistrial or appeal. After the case was

ruled and a finding was issued in the favor of the plaintiff, the judge heard post trial motions. Thru the post trial motions our attorneys presented several legal arguments. After hearing all post trial arguments the judge ordered a new trial. All parties subsequently settled, the case was fully dismissed and there was no judgment recorded. I did not disclose the court case until trial was over to the DBO. I was advised by Legal Counsel at Guaranteed Rate not to disclose until the case was heard, so I disclosed along side Guaranteed Rate my employer. The DBO decided to hold a hearing in lieu of my failure to disclose, and decided to revoke my license for this reason. I was following the guidance and advice of Guaranteed Rate and my legal counsel and was advised not to disclose the complaint because the legal team felt it lacked merit. I have accepted the DBO's decision and will continue to work on re applying for my CA license in the coming years.

5. The Applicant disclosed on his MU4 Application that in addition to California, three other states revoked his MLO license: Illinois, Washington, and Ohio.

6. Consistent with normal practice, a Department examiner conducted an assessment of the Applicant using various sources of information, including the Applicant's NMLS record, to determine if the Applicant demonstrates sufficient financial responsibility, character, and general fitness in order to be licensed as a mortgage loan originator.<sup>1</sup>

7. The examiner obtained copies of the enforcement actions taken against the Applicant by the above-referenced states as follows:

a. Department of Business Oversight of the State of California (DBO)

- Proposed Decision, issued on December 5, 2018 by the Administrative Law Judge, Office of Administrative Hearings, Case No. 320166, OAH No. 2018050193;
- Order of Decision, ordered on February 21, 2019 by the Commissioner of Business Oversight, Case No. 320166, OAH No. 2018050193 (adopting the Proposed Decision issued by the Administrative Law Judge); and
- Order Revoking Mortgage Loan Originator License of Respondent Ben Alexander-Owens Anderson, issued on February 26, 2019 by the Commission of Business Oversight (revoked the Applicant's California MLO license effective March 23, 2019).

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<sup>1</sup> Conducted pursuant to Part 3 of the Act titled "The Idaho Secure and Fair Enforcement for Mortgage Licensing Act" (Idaho S.A.F.E. Mortgage Licensing Act), Idaho Code § 26-31-306.

b. State of Illinois, Department of Financial and Professional Regulation, Division of Banking

- Order Revoking Mortgage Loan Originator License, issued on April 9, 2019, No. 2019-MLO-02.

c. State of Washington, Department of Financial Institutions, Division of Consumer Services

- Statement of Charges and Notice of Intent to Enter an Order to Revoke License, Prohibit from Industry, Impose Fine, Collect Investigation Fee and Recover Costs and Expenses, issued by the Director for the Division of Consumer Services on March 27, 2019, No. C-19-2640-19-SC01; and
- Final Order, issued on April 26, 2019, by the Acting Director for the Division of Consumer Services (revocation of Applicant's Washington MLO license).

d. State of Ohio, Department of Commerce, Division of Financial Institutions, Consumer Finance

- Division Order – Permanent Revocation of Mortgage Loan Originator License & Notice of Appellate Rights, issued on June 26, 2019, Case No. M2019-49, by the Deputy Superintendent for Consumer Finance.

8. The California Proposed Decision set out Factual Findings that provided more specific detail related to the set of facts the Applicant briefly wrote about in the Disclosure Explanations of his application. According to these Factual Findings, the Applicant obtained a California MLO license in 2010 and the DBO initiated the revocation process in 2018 after it discovered that the Applicant had failed to amend his ongoing California MLO licensing application as required between June 2014 and June 2016 to disclose several adverse items, including tax liens entered against him and that he had been named as a defendant in civil lawsuit filed in June 2014 by his former employer, a mortgage lending company. He also failed to disclose that after a jury trial was held in March 2016, he was found liable on eight causes of action, including fraud, breach of fiduciary duty, conversion, and misappropriation of confidential information, in connection with a financial services related activity.

9. The Administrative Law Judge's proposed decision, which was upheld and incorporated into the February 26, 2019, Commissioner of Business Oversight order, to revoke the Applicant's California MLO license for failing to disclose the adverse items concluded that the Applicant did not meet the minimum requirements that demonstrate "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 [the California Residential Mortgage Lending Act.]' (Fin. Code, § 505141, subd. (a)(3).)"

10. As a result of the California MLO license revocation, the regulatory agencies in Illinois, Washington, and Ohio revoked the MLO licenses that the Applicant held in their states for not meeting the standards required to be licensed as an MLO.

11. On October 21, 2020, the Commissioner of the Department Financial Protection and Innovation (the CA DFPI is the successor to the CA Department of Business Oversight) issued an order denying the Applicant's petition for reinstatement of his MLO license. In this Order, the Commissioner determined that the Applicant, "has failed to show that he is presently capable of meeting the threshold standards required for a mortgage loan originator and that he no longer poses a threat to the public."

12. The revocations of the Applicant's MLO licenses, as well as the extent of Applicant's conduct leading to the revocations, demonstrate that the Applicant does not have the character and fitness sufficient to warrant belief that he will operate honestly and fairly within the purposes of the Act. These bases justify the denial of his Idaho mortgage lender license application.

## FINDINGS AND CONCLUSIONS OF LAW

13. The allegations set forth in paragraphs 1 through 12 above are fully incorporated herein by this reference.

14. Idaho Code § 26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the Nationwide Mortgage Licensing System and Registry (NMLSR), in a form required by the Director.

15. Idaho Code § 26-31-306(1)(a) provides that the Director “shall not issue a mortgage loan originator license an applicant has never had a mortgage loan originator license, or other mortgage related license, revoked in any governmental jurisdiction.

16. Idaho Code § 26-31-306(1)(d) provides that the Director “shall” not issue a mortgage loan originator license under the Act unless the Director makes a finding that an applicant has demonstrated financial responsibility, character and general fitness sufficient 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 the Act.

17. The Director is required to deny the application because the Applicant’s MLO licenses in four other states have been revoked. The Director also finds it appropriate to deny the application because the pattern of conduct that the Applicant showed leading to the four revocation orders does not demonstrate the character and general fitness sufficient to command the confidence of the community and to warrant a determination that the Applicant will operate honestly, fairly, and efficiently with Idaho consumers. These revocations and the pattern of conduct by the Applicant resulting in the revocations establish independent bases for the

Director to deny the Applicant's request for an Idaho mortgage loan originator license pursuant to Idaho Code § 26-31-306(1)(a) and (d).

**ORDER**

**NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PURSUANT TO IDAHO CODE §§ 26-31-313(1)(a) and (b), IT IS HEREBY ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION ATTESTED TO AND SUBMITTED ON DECEMBER 17, 2020 BY BENJAMIN ALEXANDER-OWENS ANDERSON, NMLS #320166, IS DENIED.**

**NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING**

18. The Applicant is HEREBY NOTIFIED that the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION is a final order of the Director denying the license application, subject to the Applicant's right to timely file a request for a hearing on the question of his qualifications for a mortgage loan originator license under the Act, pursuant to Idaho Code § 26-31-305(6)(a). Such request for a hearing must be in writing and submitted to the Department within fifteen (15) days after the service of this Order. A copy of the request for hearing shall be served on the following:

Erin Van Engelen  
Consumer Finance Bureau Chief  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

A copy of the request for contested case and hearing shall also be served on the Department's counsel in this matter:

Thomas A. Donovan  
Deputy Attorney General  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

Alternatively, the Applicant may email the request for hearing to: [CFLegal@finance.idaho.gov](mailto:CFLegal@finance.idaho.gov).

19. If the Applicant timely requests a hearing, the Director of the Department, or a Hearing Officer acting on the Director's behalf, will notify the Applicant of the date, time and place of the hearing, as well as the name and contact information of the presiding officer.

20. Any hearing and subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.* and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).


21. Pursuant to Idaho Code § 26-31-305(6), if a hearing is held, the Applicant shall reimburse, pro rata, the Director for her reasonable and necessary expenses incurred as a result of the hearing.

**IT IS SO ORDERED.**

DATED this 20 day of April 2021.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

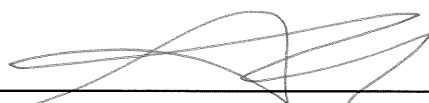
  
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PATRICIA R. PERKINS, Director



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of April 2021, I caused a true and correct fully-executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY FOR A HEARING to be served on the following by the designated means:

Benjamin Alexander-Owens	<input checked="" type="checkbox"/>	U.S. mail, postage prepaid
Anderson	<input checked="" type="checkbox"/>	certified mail
1567 E Valley Rd	<input type="checkbox"/>	facsimile _____
Montecito, CA 92861	<input checked="" type="checkbox"/>	email: BAnderson@Ba365.live

  
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Paralegal