

LAWRENCE G. WASDEN
Attorney General

A. RENÉ MARTIN – I.S.B. #3188
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Telephone: (208) 332-8092
Facsimile: (208) 332-8016
rene.martin@finance.idaho.gov

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

In the Matter of the Application for a) Docket No: 2009-16-07
Mortgage Loan Originator License of:)
)
) **CONSENT ORDER**
RICHARD DALE MILLWARD)
)
)
_____)

Gavin M. Gee, Director of the State of Idaho, Department of Finance (Director) and RICHARD DALE MILLWARD (the Respondent), have agreed to resolve by this Consent Order, without the necessity of a hearing, the above-captioned administrative proceeding, which was brought pursuant to the Idaho Residential Mortgage Practices Act, Idaho Code § 26-3101 *et seq.* (the Act). The Director deems it appropriate and in the public interest to enter into this Consent Order, and the Respondent voluntarily consents thereto, intending to be legally bound thereby. The State of Idaho, Department of Finance, Consumer Finance Bureau (Department), and the Respondent hereby stipulate and agree as follows:

RESPONDENT

1. The Respondent is an individual who resides at 4212 Edward Drive, Salt Lake City, Utah 84124. The Respondent is currently employed as a principal lending manager for Springwater Capital, a Utah company.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

2. On May 16, 2002, a Stipulation and Agreement and Order was entered against the Respondent by the Division of Real Estate of the Department of Commerce of the State of Utah (Utah Order). The Respondent's signature appears in the "Stipulation" portion of the Utah Order. The Utah Order reflects that the Respondent agreed to suspension of his real estate broker's license for twenty-four (24) months and for the imposition of probationary status during that time period, as sanctions, in settlement of two separate cases. The Respondent's violations referenced in the Utah Order that led to such sanctions included: (1) his failure to supervise a real estate sales agent working under the Respondent's real estate broker's license, and (2) in a separate case, while he acted as a principal broker for a real estate brokerage, the Respondent's failure to exercise reasonable supervision over a real estate broker and failure to take personal responsibility for a trust account.

3. On September 1, 2009, the Department received notice from the Nationwide Mortgage Licensing System and Registry (NMLSR) that the Respondent had filled out an online application, called a FORM MU4, seeking issuance by the Department of a mortgage loan originator license. The "Regulatory Action" portion of the FORM MU4, included questions that inquired:

(a) Whether any state or federal regulatory agency had ever found the Respondent to have been involved in a violation of a financial services-related business regulation;

(b) Whether any state or federal regulatory agency had ever entered an order against the Respondent in connection with a financial services-related activity; and

(c) Whether any state or federal regulatory agency had ever denied, suspended, or revoked the Respondent's registration or license, or disciplined the Respondent.

4. "Financial services or financial services related," as used in the questions referenced in paragraph 3 above, is defined as follows in written instructions on the NMLSR online Resource Center for completion of the FORM MU4:

FINANCIAL SERVICES OR FINANCIAL SERVICES RELATED –
Pertaining to securities, commodities, banking, insurance, consumer lending, or real estate (including, but not limited to: acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage broker, real estate salesperson or agent, closing agent, title company, or escrow agent).

5. On the FORM MU4, the Respondent answered "no" to all the questions referenced in paragraph 3 above, despite the existence of the Utah Order referenced in paragraph 2 above.

6. Under those circumstances, the Department concluded, in part, that the Respondent's "no" answers to the questions referenced in paragraph 3 above constituted a material misstatement in an application for a license, and on September 21, 2009, issued the Order Denying Mortgage Loan Originator License Application and Notice of the Opportunity for

a Hearing (License Denial Order), which order denied the Respondent's application for an Idaho mortgage loan originator license.

7. On October 6, 2009, the Department received notice from the Respondent that he requested a hearing concerning the License Denial Order, pursuant to the Idaho Administrative Procedure Act.

CONCLUSIONS AND SANCTIONS

8. The purpose of this Consent Order is to resolve the issues relating to the Respondent's application for a mortgage loan originator license and the Department's denial of the Respondent's license application, through the imposition of sanctions as set forth in the following paragraphs.

9. The Respondent admits to the suspension in the Utah Order of his real estate broker's license for twenty-four (24) months and for the imposition of probationary status during that time period, as sanctions, in settlement of two separate cases, as referenced in paragraph 2 and elsewhere above.

10. The Respondent admits that he failed to disclose on the FORM MU4 in application for an Idaho mortgage loan originator license the Utah Order and the facts and circumstances underlying such order.

11. The Respondent asserts that he failed to disclose the Utah Order on the FORM MU4 because he did not think that the suspension of his Utah real estate broker's license was "financial services related." The Respondent represents that he assumed that term related to services performed by financial planners, bankers, stock brokers, loan officers, etc. The Respondent maintains that he had no intent to hide, deceive, or mislead, and that this was simply a misunderstanding of the definition of the term "financial services related."

12. The Respondent agrees to pay to the Department by no later than October 16, 2009 the amount of five hundred dollars (\$500) as an administrative penalty for providing misleading answers to the questions on the FORM MU4 as referenced in paragraph 5 and elsewhere above.

13. Upon payment of the five hundred dollar (\$500) administrative penalty referenced in the previous paragraph, and the execution by the Respondent of this Consent Order, the Department shall rescind the License Denial Order. Such rescission shall be deemed effective immediately upon the Respondent's payment of the administrative penalty and his execution of this Consent Order. The rescission shall have the effect of the License Denial Order never having been issued, and the Department shall consider such License Denial Order null and void.

14. If the Respondent wishes to obtain an Idaho mortgage loan originator license, no new application will be required. In that event, the Respondent will be required to complete the license application previously submitted through the NMLSR, this time providing the appropriate disclosures. Once that step has been fully and properly completed, the Department agrees to issue to the Respondent an Idaho mortgage loan originator license.

15. The Respondent knowingly, willingly, voluntarily, and irrevocably consents to the entry of this Consent Order, and agrees that he fully understands all of the terms and conditions contained herein. By voluntarily entering into this Consent Order, the Respondent waives any right to a hearing or appeal concerning the License Denial Order served on the Respondent by the Director on September 21, 2009.


WHEREFORE, in consideration of the foregoing, the Department and the Respondent, intending to be legally bound thereby, do hereby execute this Consent Order.

DATED this 27th day of October, 2009.


RICHARD DALE MILLWARD

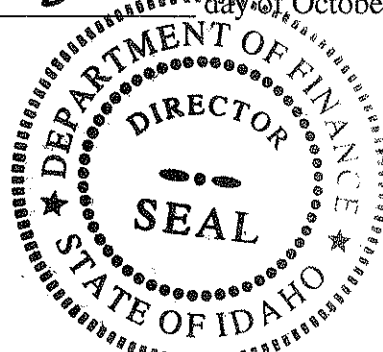
DATED this 3rd day of ~~October~~ November, 2009.

STATE OF IDAHO
DEPARTMENT OF FINANCE


MICHAEL LARSEN
Consumer Finance Bureau Chief

IT IS SO ORDERED.

DATED this 3rd day of October, 2009.



STATE OF IDAHO
DEPARTMENT OF FINANCE


GAVIN M. GEE, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of Nov., 2009, I caused a true and correct copy of the foregoing CONSENT ORDER to be served on the following by the designated means:

Richard Dale Millward
4212 Edward Drive
Salt Lake City, Utah 84124

- U.S. mail, postage prepaid
- Certified mail
- Facsimile
- Hand delivery

