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

In re Mortgage Loan Originator  
License Application of:

MIRCEA CRISTIAN SAUCIUC,  
NMLS ID No. 975784,

Applicant.

Docket No. 2021-16-39

**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)(b)(ii), (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, MIRCEA CRISTIAN SAUCIUC, a resident of the state of Kansas, holds NMLS number 975784 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 on February 9, 2021 by the Applicant and was submitted on the Applicant's behalf on the same date by Sean Wetherhold of Freedom Mortgage Corporation.

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:

...  
(2) found you to have been involved in a violation of a financial services-related business regulation(s) or statute(s)?

...  
(4) entered an order against you in connection with a financial services-related activity?

...  
(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?

(7) barred you from association with an entity regulated by such commissions, authority, agency, or officer, or from engaging in a financial services-related business?

...

4. The applicant responded with a "no" to each of the questions quoted above.

5. Consistent with normal practice, a Department examiner conducted an assessment of the Applicant using various sources of public information 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>

6. The examiner obtained a public record background information report through LexisNexis, which reflected that the Applicant had a disciplinary action taken against him in 2017 by the self-regulatory organization Financial Industry Regulatory Authority (FINRA). She obtained a copy of the Letter of Acceptance, Waiver and Consent (AWC) from FINRA's website, which was entered into by the Applicant and the Vice President and Chief Counsel of FINRA in late 2017.

7. According to the AWC, the Applicant accepted and consented to FINRA's findings, without admitting or denying those findings, that he bought and sold shares of stock for one of his customers, from the customer's investment account, exercising discretion without obtaining the required written authorization and with an unsuitable recommendation in his capacity as a General Securities Representative for an investment bank/financial services company.

8. According to the terms of the AWC, the Applicant also consented to the imposition of a \$10,000 fine, a 60-day suspension from associating with any FINRA-member firm in any capacity, and the disgorgement of commissions he received as a result of buying and selling shares of stock while he was not authorized to do so by his customer and transactions that were unsuitable given the customer's investment profile.

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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.

9. The Applicant provided negative responses on his Form MU4 to disclosure questions (K)(2), (4), (6) and (7) at the time his application was submitted to the Department on February 9, 2021.

10. The Applicant's failure to disclose the FINRA AWC on his Form MU4 to reflect that a self-regulatory organization had taken disciplinary action against him constitutes a material misrepresentation and relevant omission in the Applicant's responses to the application disclosure questions (K)(2), (4), (6) and (7).

11. On May 28, 2021 the Department provided the Applicant notice of an intent to deny the application within approximately one month based on the information set forth above unless the Applicant was able to provide documentation to satisfy the Department that disclosure of the FINRA AWC was not required. The notice alternatively provided the Applicant the opportunity to withdraw the application. The Applicant failed to provide the requisite documentation or withdraw the application by the stated deadline.

#### **FINDINGS AND CONCLUSIONS OF LAW**

12. The findings set forth in paragraphs 1 through 11 above are fully incorporated herein by this reference.

13. Idaho Code § 26-31-304 provides that an individual shall not engage in the business of a mortgage loan originator without first obtaining, and maintaining annually, a license.

14. Idaho Code § 26-31-305(1) provides that an applicant for a license shall apply through the NMLS in a form prescribed by the Director and that "Each form shall include such content as the director may reasonably require..."

15. Pursuant to Idaho Code § 26-31-306(1)(h), before an application for license can be approved, an applicant must provide all information on the application as required per Idaho Code § 26-31-305. Idaho Code § 26-31-305(10) further provides that an applicant shall make complete disclosure of all information as set forth in the application.

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. Pursuant to Idaho Code § 26-31-313(1)(a) and(b), the Director may deny a license if an applicant withholds information or makes a material misstatement in an application for a license.

18. The Applicant failed to affirmatively answer disclosure questions (K)(2), (4), (6) and (7) to reflect the FINRA enforcement action against him as required by Idaho Code § 26-31-305(1). This justifies the Director denying the Applicant's mortgage loan originator license pursuant to Idaho Code § 26-31-306(1)(d) and (h) and § 26-31-313(1)(a) and (b).

19. The Director finds it appropriate to deny the application because the Applicant's failure to provide complete information on the Form MU4 regarding the FINRA regulatory action demonstrates that the Applicant lacks the appropriate character and 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.

Because the Director cannot make the requisite findings under Idaho Code § 26-31-306(1)(d), it is appropriate to deny the Applicant's request for an Idaho mortgage loan originator license, pursuant to Idaho Code § 26-31-313(1).

**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 BY MIRCEA CRISTIAN SAUCIUC, NMLS NUMBER 975784, ON FEBRUARY 9, 2021 AND SUBMITTED ON MR. SAUCIUC'S BEHALF ON THE SAME DATE BY SEAN WETHERHOLD OF FREEDOM MORTGAGE CORPORATION IS DENIED.**

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

20. 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).

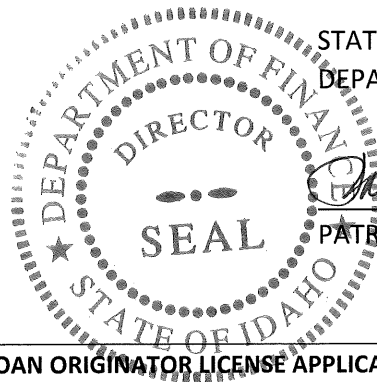
21. If the Applicant timely requests a hearing, the Director of the Department, or a Hearing Officer acting on the Director's behalf, will notify the Applicant of further steps including the date, time and place of the hearing.

22. 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).

23. 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 15<sup>th</sup> day of July 2021.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

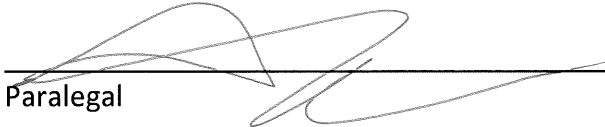
PATRICIA R. PERKINS, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of July 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:

Mircea Cristian Sauciuc  
419 S Chestnut ST  
Olathe, KS 66061

- U.S. mail, postage prepaid
- certified mail
- facsimile \_\_\_\_\_
- email: Mircea.sauciuc@freedommortgage.com

  
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Paralegal