

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Duane Markillie
NMLS No. 1194325,

Enforcement Case No. 14-12272

Applicant.

Issued and Entered,
this 3rd day of March, 2015,
by Rhonda J. Fossitt,
Senior Deputy Director

**ORDER OF DENIAL
OF MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION**

**I.
STATEMENT OF LAW**

1. The Director of the Department of Insurance and Financial Services (DIFS)¹ regulates and licenses Mortgage Loan Originators in Michigan pursuant to the Mortgage Loan Originator Licensing Act, 2009 P.A. 75, as amended, MCL 493.131 *et seq.* (the Act).
2. Section 9(1)(d) of the Act prohibits the Director from issuing a license unless the Director finds that, “[t]he applicant has demonstrated financial responsibility, character, and general fitness that commands the confidence of the community and warrants a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this act.” MCL 493.139(1)(d).
3. Section 33(1)(a) of the Act empowers the Director to investigate an applicant for licensing to determine compliance with the Act. MCL 493.163(1)(a).

¹ Pursuant to Executive Order 2013-1, effective March 18, 2013, the Office of Financial and Insurance Regulation is now known as the Department of Insurance and Financial Services (DIFS). During the pending of this matter all authority, powers, duties, functions and responsibility of the Commissioner of the Office of Financial and Insurance Regulation were transferred to the Director of DIFS (the Director).

II.
FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On or about September 10, 2014, DIFS received a mortgage loan originator application from Mr. Duane Markillie (Applicant), NMLS No. 1194325, for a license to originate mortgage loans under the Act.
2. Pursuant to Section 33(1)(a) of the Act, MCL 493.163(1)(a), DIFS Consumer Finance Section conducted a background investigation of Applicant to determine whether Applicant satisfied the conditions of Section 9(1) of the Act, MCL 493.139(1).
3. The background investigation revealed the following:
 - a. On or about November 4, 2003, Applicant was convicted in the State of Michigan, 7th Judicial Circuit Court by a guilty plea to three felony counts, including: home invasion-1st degree, in violation of MCL 750.110a(2); weapon-firearms-larceny, in violation of MCL 750.357b; and felony firearm, in violation of MCL 750.227b.
 - b. In response to the abovementioned convictions, Applicant stated, "I started doing drugs and that lead me to a path were [*sic*] I lost my house, car, and job. When I didn't have a vehicle I was subjected to getting rides from whomever I could. I got caught up riding around with a person that was breaking into homes and stealing. It started with taking bottles from garages and item's [*sic*] to pawn. I was out of money and he started giving me substantial amount's [*sic*] of money to keep my habit going just to sit as a lookout. I knew this was wrong, but I was in a bad place and did it anyways...." Respondent further indicated that he served 5 years and 9 months in prison.
 - c. According to an August 20, 2003 statement Applicant provided to the Flushing Township Police Department, Applicant met Charles Young at a party where Young advised him that he needed some help with his painting business. Applicant and Young did a few painting jobs and Applicant noticed that Young would go up to a house, knock on the door, and then go around to the back of the house, and exit a short time later. Applicant stated that he knew Young was stealing property from homes, and after noticing how easy it was to break into homes, he began participating in several home invasions. Applicant alerted the police to several home invasions that both he and Young committed.
 - d. The police statement further stated:

"Det Neering further inquired about the residence on Reid Rd. near Linden Rd., on the date of 8-18-2003, as ... [Applicant] stated that he in fact did break into that residence. [Applicant] ... stated that he had been riding around the area on a bicycle, which he stated he got from a house on Bristol

Rd and that he gone to the front door and knocked not getting an answer, walked around to the garage which he found the garage door open, as well as the entry door to the residence. [Applicant] ... stated that once inside the house, he started looking around and noted the video camera and some change. [Applicant] ... further stated that also while in the house he was confronted by a dog, which he stated startled him, but the dog did not bark or do anything and he just petted the dog. [Applicant] ... stated that he placed all the items in plastic bag and left the house....”

- e. While Applicant indicated to DIFS that he was only a lookout for his partner who committed the crimes, based on his statement to the police it appears that he fully participated in the home invasions. Therefore, Applicant was not honest in his response to DIFS concerning his criminal activities.
4. Based on the foregoing facts, the Director finds and concludes that the Applicant’s criminal history and his unwillingness to be forthright regarding his participation in the abovementioned crimes, indicates that Applicant is unable to conform his behavior to comply with the law and, therefore, the Applicant has failed to demonstrate the “character” and “general fitness that commands the confidence of the community” and warrants a determination that the Applicant “will operate honestly, fairly and efficiently,” as required to satisfy Section 9(1)(d) of the Act, MCL 493.139(1)(d).
5. Based on the foregoing facts, the Director finds and concludes that Applicant has failed to meet the minimum licensing requirements of Section 9(1) of the Act, MCL 493.139(1), and is therefore ineligible for licensure under the Act.

III. ORDER

Based on the Statement of Law, Findings of Fact, and Conclusions of Law above, it is **ORDERED** that:

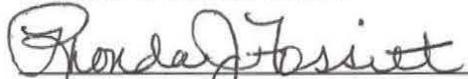
1. The application of Duane Markillie for licensure as a Mortgage Loan Originator under the Act shall be and hereby is **DENIED**.
2. Duane Markillie shall immediately cease and desist from conducting any activities that require licensure under the Act.

**IV.
APPEAL**

3. This Order of Denial is an administrative order subject to judicial review pursuant to the Michigan Constitution, MCL Const. Art. 6, § 28, and subject to Section 631 of the Revised Judicature Act, MCL 600.631.

Dated: March 3, 2015

DEPARTMENT OF INSURANCE AND
FINANCIAL SERVICES



Rhonda J. Fossitt,
Senior Deputy Director