

**STATE OF MICHIGAN**  
**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**  
**OFFICE OF FINANCIAL AND INSURANCE SERVICES**  
**Before the Commissioner of Financial and Insurance Services**

**Martin Anumba**  
**d/b/a Majestic Mortgage Network**  
**Petitioner**

**Case No. 06-578-MB**  
**Docket No. 2006-789**

v

**Office of Financial and Insurance Services**  
**Respondent**

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**For the Respondent:**

**Marlon Roberts**  
**Office of Financial & Insurance Services**  
**611 W. Ottawa, 3rd Floor**  
**Lansing, MI 48933**

**For the Petitioner:**

**Deano C. Ware**  
**Deano C. Ware, P.C.**  
**P.O. Box 40162**  
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**Issued and entered**  
**this 10th day of August 2007**  
**by Linda A. Watters**  
**Commissioner**

**FINAL DECISION**

The Administrative Law Judge issued a Proposal for Decision (PFD) dated June 15, 2007. She recommended that the Commissioner refuse to issue Petitioner a mortgage broker's license. Petitioner filed exceptions to the PFD.

Petitioner's exceptions challenge four of the reasons the ALJ cited in support of her recommendation that Petitioner not be granted a mortgage broker license: 1) failure to disclose employment history; 2) alteration of letters of reference; 3) failure to file Michigan tax returns for the years 2000, 2001, and 2002; and 4) "reconstructed" W-2 forms Petitioner submitted with his OFIS licensing application. These issues are discussed below.

1. Disclosure of employment information

Petitioner agrees that he did not fully disclose his employment history but claims that because he did not complete an earlier application it was improper for the ALJ to conclude that he had reason to know that he should have disclosed “all” his prior employment. This argument is wholly unpersuasive in that both prior and present application forms require disclosure of “business experience/employment record during the past 10 years.” Nothing on the form supports a conclusion that limited disclosure is permitted. (See Exhibit # 1, pages 12 and 13.)

Petitioner additionally claims that it was improper for the ALJ to conclude he had failed to disclose employment by several affiliates of one employer when there was no proof that Petitioner was ever in a position to know that those business entities were separate and had separate tax identification numbers. As the ALJ noted in finding of fact #14, Petitioner’s failure to separately distinguish among the several affiliates of “Royal Mortgage” was not a significant error. It is not an error significant enough to justify the denial of a mortgage broker license and is not relied upon in making this licensing decision.

2. Letters of Reference

Petitioner acknowledges altering two letters of reference which he submitted to OFIS in support of his license application. Petitioner altered the dates of the two letters to make them appear to be recent letters. By the time of the altered dates the authors of the letters had left the mortgage businesses where they had been employed when the letters were written. Under Michigan’s mortgage broker licensing system, applicants are required to identify all the entities to whom the applicant will submit mortgage business. The letters were required by OFIS staff. Since the authors of the letters were no longer in a position to accept mortgage business from

Petitioner, the letters significantly misrepresent Petitioner's status in the mortgage lending community. Submission of such misleading letters is, by itself, sufficient to deny a mortgage broker's license.

3. Tax Returns

The OFIS licensing staff noted during the licensing review that Petitioner had not filed Michigan tax returns for the years 2000, 2001, and 2002. Petitioner claims in his exception #34 that he thought his returns had been filed by the tax preparer he had hired. The filing of tax returns is a personal responsibility of the taxpayer. The repeated failure to file returns over several years is not one which can casually be excused by blaming a tax preparer. As with the letters of recommendation, the failure to file tax returns is, by itself, sufficient ground for license denial.

4. W-2 Forms

Petitioner was required to submit copies of W-2 forms as part of his mortgage broker application. Petitioner submitted to OFIS several W-2 forms which were revealed during the application review to have been generated by Petitioner himself, not by his employers. Petitioner justifies this conduct by saying he could not find the actual W-2 and therefore was required to "reconstruct" the W-2 forms himself. Petitioner did not disclose to OFIS that the submitted W-2 forms were documents he had generated himself. This lack of candor is yet another reason to decline to license petitioner as a mortgage broker.

Several of Petitioner's other exceptions simply state a disagreement with specific ALJ findings of fact. These statements were not accompanied by any explanation relating the

statement to the underlying issue of Petitioner's fitness to be licensed as a mortgage broker.

These exceptions are not adopted.

The Commissioner notes that none of Petitioner's exceptions contain specific references to the hearing record. With a hearing transcript in excess of 600 pages and 53 admitted exhibits, Petitioner's failure to provide specific references to the record undermines the persuasiveness of Petitioner's arguments. The Commissioner notes that the ALJ's findings of fact are all supported with references to the hearing transcript and exhibits. The Commissioner will not reject the ALJ's findings in favor of assertions that are offered without supporting references the hearing record.

The Commissioner finds that the factual findings in the PFD are in accordance with the preponderance of the evidence and the conclusions of law are supported by reasoned opinion. The PFD is attached, adopted, and made part of this final decision.

### **ORDER**

Therefore, it is ORDERED that Petitioner's application to be licensed as a mortgage broker is denied.