

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

**Before the Director of the Department of Insurance and Financial Services**

In the matter of:

**Brian Keith McWilliams**  
NMLS No. 184232

**Enforcement Case No. 16-13144**

Applicant.

\_\_\_\_\_ /

Issued and entered,  
this 30<sup>th</sup> day of August, 2016  
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) 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 25(1)(b) of the Act provides the Director with the authority to deny an application for a mortgage loan originator license, if the applicant withholds information in an application for a license. MCL 493.155(1)(b).
3. 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).
4. 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).

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On or about November 19, 2015, DIFS received a mortgage loan originator (MLO) application in the name of Brian Keith McWilliams (Applicant), Nationwide Mortgage Licensing System (NMLS) No. 184232, for a license to originate mortgage loans under the Act. The application includes the Uniform Individual Mortgage License/Registration Consent Form's Regulatory Action Disclosure Questionnaire (MU4).
2. Pursuant to Section 33(1)(a) of the Act, MCL 493.163(1)(a), DIFS' Consumer Finance Section conducted a background investigation of the Applicant to determine whether the Applicant satisfies the conditions of Section 9(1) of the Act, MCL 493.139(1).
3. The background investigation conducted pursuant to the November 19, 2015, MLO application, revealed the following:
  - a. Since Applicant's 2010 Chapter 7 bankruptcy discharge, he has defaulted on multiple financial obligations. He has settled with each creditor for less than the full amount owed. Applicant has failed to explain his credit delinquencies to DIFS Staff as requested.
  - b. Applicant failed to disclose an outstanding 2015 civil judgment on his MU4.
  - c. Applicant is unfit for licensure as evidenced by the following conduct that he disclosed on his MU4: in 2007, at the age of 31, Applicant was convicted of "Misdemeanor False Pretenses - \$200 or more but less than \$1,000."
  - d. Applicant is unfit for licensure as evidenced by the following conduct that he disclosed on his MU4: on January 8, 2013, the Commonwealth of Kentucky, Department of Financial Institutions, denied Applicant's MLO license application due to his 2007 "Misdemeanor False Pretenses" conviction. The denial Order states, "Respondent has pled guilty to a misdemeanor of which an essential element is fraud, breach of trust, or dishonesty."
4. Applicant attested that the information contained in his MU4, including information that accompanied the application, was current, true, accurate and complete and his statements were made under penalty of perjury, or unsworn falsification to authorities, or similar provision of law.
5. Applicant knew or should have known that he was required to answer "Yes" to the Financial Disclosure Question "D" on the MU4. Applicant failed to disclose the outstanding 2015 civil judgment. The attestation section of the application also advised Applicant that, "If an applicant made a false statement of a material fact in this application or in any documentation provided to support the foregoing application, then the foregoing application may be denied."

6. Based on the foregoing facts and the DIFS record compiled as part of its investigatory function, the Director finds and concludes that Applicant has not demonstrated the financial responsibility, character and general fitness that commands the confidence of the community and does not warrant a determination that Applicant will operate honestly, fairly and efficiently as required to satisfy Section 9(1)(d) of the Act, MCL 493.139(1)(d).
7. 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 Brian Keith McWilliams for licensure as a Mortgage Loan Originator under the Act shall be and hereby is **DENIED**.
2. Brian Keith McWilliams shall immediately **CEASE** and **DESIST** from conducting any activities that require licensure under the Act.

### DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

  
Rhonda J. Fossitt  
Senior Deputy Director

Dated: August 30, 2016

### IV. APPEAL

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 the Revised Judicature Act, MCL 600.631.