

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

In the matter of:

Office of Financial and Insurance Regulation,
Petitioner

v

James Brandon,
Respondent

Enforcement Case No. 10-10190
Agency No. 11-010-M

For the Petitioner:

James Westrin
Office of Financial & Insurance Regulation
P.O. Box 30220
Lansing, MI 48909-7720

For the Respondent:



Issued and entered
this 7th day of October 2011
by R. Kevin Clinton
Commissioner

FINAL DECISION

I. BACKGROUND

On July 8, 2011, an Order Referring Complaint for Hearing and Order to Respond was issued to Respondent James Brandon. The Order set forth detailed allegations that Respondent had violated provisions of the Mortgage Brokers, Lenders, and Servicers Licensing Act (MBLSLA), MCL 445.1651, *et seq.* The Order required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the complaint, request an adjournment, or file a statement that Respondent planned to attend the hearing. Respondent failed to take any of these actions.

On September 19, 2011, the Petitioner filed a Motion for Final Decision. Respondent did not file a response to the motion. Given Respondent's failure to take one of the actions required by the order for hearing and his failure to answer the motion for final decision, the Petitioner's motion is granted. The administrative complaint, being unchallenged, is accepted as true. Based on the administrative complaint and supporting documents, the Commissioner makes the following findings of fact and conclusions of law.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Sections 18a(1) – (3) of the MBLSLA, MCL 445.1668a(1) – (3), provide:
 - (1) If in the opinion of the commissioner a person has engaged in fraud, the commissioner may serve upon that person a written notice of intention to prohibit that person from being employed by, an agent of, or control person of a licensee or registrant under this act or a licensee or registrant under a financial licensing act. For purposes of this section, “fraud” shall include actionable fraud, actual or constructive fraud, criminal fraud, extrinsic or intrinsic fraud, fraud in the execution, in the inducement, in fact, or in law, or any other form of fraud.
 - (2) A notice issued under subsection (1) shall contain a statement of the facts supporting the prohibition and, except as provided under subsection (7), set a hearing to be held not more than 60 days after the date of the notice. If the person does not appear at the hearing, he or she is considered to have consented to the issuance of an order in accordance with the notice.
 - (3) If after a hearing held under subsection (2) the commissioner finds that any of the grounds specified in the notice have been established, the commissioner may issue an order of suspension or prohibition from being a licensee or registrant or from being employed by, an agent of, or control person of any licensee or registrant under this act or a licensee or registrant under a financial licensing act.
2. Beginning in November 2006, Respondent James Brandon was employed as a loan officer by Premium Mortgage Group, LLC of Livonia, Michigan. In November and December 2006, while acting as a loan officer, Respondent Brandon materially misrepresented facts in connection with five residential mortgage loan applications. Respondent made the misrepresentations with the intent to defraud third parties, in this case mortgage lenders, in violation of section 18a(1) of the MBLSLA, MCL 445.1668a(1).

III. ORDER

In accordance with section 18a(3) of the MBLSLA, MCL 445.1668a(3), Respondent James Brandon is prohibited from being a licensee or registrant under the MBLSLA and is also prohibited from being employed by, an agent of, or controlling any licensee or registrant under the MBLSLA or a licensee or registrant under a financial licensing act.



R. Kevin Clinton
Commissioner