

**STATE OF ARKANSAS  
SECURITIES DEPARTMENT**

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**IN THE MATTER OF**

**LICENSE NO. 21850**

**GLEN ROBERTSON,  
An employee of Union Mortgage, Inc.**

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**ORDER NO. C-06-023-06-CD01**

**CEASE AND DESIST ORDER**

On this date before the Arkansas Securities Commissioner (hereinafter referred to as the "Commissioner") is the matter of the above referenced individual (hereinafter referred to as "Respondent"), and the issue of his compliance with the Arkansas Fair Mortgage Lending Act (hereinafter referred to as "the Act"). The Staff of the Arkansas Securities Department (hereinafter referred to as the "Staff"), allege that Respondent has failed to comply with the proper licensing requirements of the Act and has obtained evidence indicating Respondent has continued to conduct business in the State of Arkansas after expiration of his loan officer license and after being advised by the Staff to cease all mortgage loan activity until such time as his license was renewed. Based upon the records on file with the Commissioner, and the representations of Staff, the Commissioner finds:

## FINDINGS OF FACT

1. The Act became effective on January 1, 2004. A requirement of the Act is that a loan officer timely files a renewal application, FMLA Form LO-003 "Loan Officer License Renewal Application," with the Arkansas Securities Department (hereinafter referred to as "Department") no later than sixty days prior to the expiration of their current license.
2. The files on record with the Commissioner reflect that Respondent had a loan officer license with the Department, # 21850.
3. Respondent failed to timely file a loan officer renewal application with the Department. His loan officer license expired on February 28, 2006.
4. On March 30, 2006, Respondent filed FMLA Form 003 "Principals, Officers, Trustees, Directors, and Managers," listing branch manager as his title. Respondent submitted a fifty dollar renewal fee and a fifty dollar late renewal fee.
5. On April 13, 2006, Staff requested from Respondent FMLA LO-003 "Loan Officer License Renewal Application," and a notarized statement confirming he has not conducted any unlicensed mortgage loan activity from March 1, 2006 to the present due to the expiration of his loan officer license. In the event there had been unlicensed mortgage loan business, the Department requested Respondent provide a list of all solicitations, all loan applications that had been accepted, processed, and/or funded and closed by Respondent without a license. A copy of this request was provided to the main company, Union Mortgage, Inc.
6. On May 15, 2006, Respondent advised the Staff that he was unable to provide them with a notarized statement that he had not conducted any unlicensed activity

from March 1, 2006 to the present. Staff advised Respondent he would need to provide the Department with a list of all solicitations, all loan applications that have been accepted, processed, and/or funded and closed that Respondent had handled without a license.

7. On May 25, 2006, Respondent submitted FMLA LO-003 "Loan Officer License Renewal Application," but failed to provide the notarized statement or a list of loans solicited, applications accepted, processed, and/or funded and closed by Respondent without a license.
8. On May 25, 2006, Respondent contacted the Department concerning the hiring and licensing of a Loan Officer and the impact of their criminal background on licensing. He advised the Staff his business had become busy and he needed a new loan processor quickly.
9. Respondent has failed to provide information to the Department in response to a direct request for the information and his recent statements indicate he continues to conduct business without a license.

#### **APPLICABLE CODE PROVISIONS**

10. Ark. Code Ann. § 23-39-503 (b) provides that it is unlawful for any person, other than an exempt person, to act or attempt to act, directly or indirectly, as a mortgage broker, mortgage banker, loan officer, or mortgage servicer with any person located in Arkansas without first obtaining a license from the Commissioner.

11. Ark. Code Ann. § 23-39-514 (b)(1) provides that upon finding that any action of a person is in violation of the Act, the Commissioner may summarily order the person to cease and desist from the prohibited action.
12. Ark. Code Ann. § 23-39-506 (c) (1) provides that each licensed loan officer wishing to renew a license shall file an application with the commissioner in the form prescribed by the commissioner no later than sixty (60) days prior to the expiration date of the license.

### CONCLUSIONS OF LAW

13. The Act provides that each loan officer wishing to renew a license shall file an application with the commissioner in the form prescribed by the commissioner no later than sixty (60) days prior to the expiration date of the license. Ark. Code Ann. § 23-39-506 (c) (1).
14. Respondent was a licensed loan officer with the Department. Respondent's loan officer license expired on February 28, 2006. Respondent was required to file a renewal application with the commissioner in the form prescribed by the commissioner no later than sixty (60) days prior to the expiration date of the license. Ark. Code Ann. § 23-39-506 (c) (1).
15. Respondent did not file the appropriate form for renewal of his loan officer application until eighty-six (86) days after his loan officer license expired.
16. Respondent has not provided the requested information regarding his unlicensed activity.

17. Respondent has continued to conduct business without a license in the State of Arkansas.

18. The Commissioner is authorized to order a person to cease and desist from a prohibited action upon a finding of a violation of the Act. Ark. Code Ann. § 23-39-514 (b) (1).

### **ORDER**

IT IS HEREBY ORDERED that the license of the Respondent is hereby suspended, effective immediately, until such time as Respondent has complied with the renewal application requirements of the FMLA and has provided information regarding his unlicensed mortgage loan activity. Respondent is hereby ordered to Cease and Desist from all mortgage loan brokering activities in Arkansas until such time as compliance with the licensing requirements of the FMLA has been achieved and the information requested by the Department regarding his unlicensed activity has been provided. Failure to comply with the Cease and Desist provision of this order could subject the Respondent to a civil penalty of up to twenty-five thousand dollars (\$25,000.00) per violation. Ark. Code Ann. § 23-39-514 (d)(3)(A).

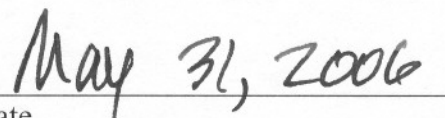
IT IS FURTHER ORDERED that all pending mortgage loan applications now held by Glen Robertson, either involving Arkansas consumers or Arkansas property, shall immediately be transferred to a duly registered loan officer and proof of such filed with the Department within ten (10) days of the receipt of this Order.

Respondent may request a hearing before the Commissioner in accordance with Ark. Code Ann. § 23-39-514. Any request for a hearing must be made in writing and delivered to the Commissioner within thirty (30) days from the date on which notice of

the order is sent by the Commissioner to the addresses mentioned above by first class mail, postage prepaid. If the respondents do not request a hearing and the Commissioner does not order a hearing, the order will remain in effect until it is modified or vacated by the Commissioner.

IT IS SO ORDERED:

  
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Michael B. Johnson  
Arkansas Securities Commissioner

  
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Date