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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING AND SECURITIES
550 WEST SEVENTH AVENUE, SUITE 1940
ANCHORAGE, ALASKA 99501

In the Matter of:)
)
Thomas Hayes)
)
Respondent)
Case No. 2010-001084

CONSENT ORDER

I. INTRODUCTION

The Alaska Department of Commerce, Community, and Economic Development, Division of Banking and Securities, ("Division") administers the Alaska Mortgage Lending Regulation Act, Alaska Statutes ("AS") 06.60. Having conducted an investigation under AS 06.60.250, the Division finds as follows:

II. FACTUAL ALLEGATIONS

2.1. Respondent.

A. Thomas Hayes, ("Respondent") maintains a principal place of business at Nationwide Mortgage Concepts LLC, located at 40380 Desert Creek Lane, Rancho Mirage, California. The Nationwide Mortgage Licensing System (NMLS) number for Thomas Hayes is 15743. The NMLS number for Nationwide Mortgage Concepts LLC is 4133.

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1 **2.2. Factual Background.**

2 A. Respondent was operating as a mortgage loan originator and worked as an employee
3 or under exclusive contract for Nationwide Mortgage Concepts LLC. Respondent does not hold a
4 mortgage loan originator license in Alaska to originate mortgage loans.

5 C. Respondent originated 30 (thirty) loans from March 10, 2009 until approximately June
6 10, 2010.

7 **2.3. Prohibited Acts.**

8 Counts 1-30 – Unlicensed Activity

9 The Division has found that employee Thomas Hayes originated 30 (thirty) mortgage loan
10 transactions (truncated) from March 10, 2009 through June 10, 2010.

COUNTS 1-30

1	1-HU-783	16	16-VO-196
2	2-SP-591	17	17-HA-518
3	3-MU-707	18	18-WI-897
4	4-BR-412	19	19-CR-405
5	5-MA-025	20	20-ST-301
6	6-AL-146	21	21-ER-063
7	7-PU-786	22	22-SA-687
8	8-HA-178	23	23-SP-008
9	9-FI-337	24	24-MO-182
10	10-ST-996	25	25-CH-647
11	11-BO-472	26	26-IV-429
12	12-GO-886	27	27-AM-798
13	13-EP-709	28	28-CO-949
14	14-WA-370	29	29-GL-922
15	15-MA-653	30	30-VA-472

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1 **4.4. Fine/Reimbursement.** Respondent agrees to pay to the Division the civil penalties
2 and reimbursements for the following violations and investigative fees:

3 The Division seeks a civil penalty of \$33,690.28 (thirty three thousand six hundred ninety dollars
4 and twenty-eight cents) plus investigative fees of \$1,406.25 (one thousand four hundred six
5 dollars and twenty five cents), for a total of \$35,096.53 (thirty five thousand ninety six dollars and
6 fifty three cents). The sum is to be paid to the Division in monthly payments of \$1,875.00 (one
7 thousand eight hundred seventy five dollars). Payments are due on the 15th day each month with
8 the first payment commencing on January 1, 2011, and will continue until payment in full. In the
9 event payments required by the Division within the time specified are late or not received, a
10 penalty of \$100.00 (one hundred dollars) a day for each day the payment is late will be charged in
11 accordance with AS 06.01.035(h). The payment may be in the form of a certified check or money
12 order made payable to the State of Alaska, delivered to the attention of Marilyn White, Licensing
13 Examiner, Department of Commerce, Community And Economic Development, Division of
14 Banking and Securities, 550 West Seventh Avenue, Suite 1940, Anchorage, Alaska 99501.

15 **4.5. Payment Due Date.** The first payment under paragraph 4.4 is due (shall be
16 postmarked) no later than January 15, 2011 after this fully-executed Consent Order is delivered to
17 Respondent.

18 **4.6. Authority to Execute Order.** The undersigned warrants that he has full power and
19 right to execute this Consent Order.

20 **4.7. Representatives/Successors.** This Consent Order shall be binding on all employees,
21 agents, officers, directors, and other representatives, successors, or assigns of Respondent.

22 **4.8. Waiver of Hearing.** Respondent has been informed of his right to a hearing before
23 an administrative law judge, and has waived his right to a hearing and any administrative and

1 judicial review of the Consent Order or the issues raised in this matter. Respondent understands
2 and agrees that it is relieving the Division of the burden of proving the facts admitted in this
3 Consent Order.

4 **4.9. Non-compliance with Order.** Respondent understands that his failure to abide by
5 the terms and conditions of this Consent Order may provide grounds for the denial of licensure or
6 for further legal action by the Division, including an action to revoke or suspend licensure of
7 Respondent. If Respondent fails to perform its obligations under this Consent Order, Respondent
8 shall reimburse the Division for its costs, including attorney's fees, incurred in pursuing such legal
9 action.

10 **4.10. Agreement Read and Understood/Advice of Counsel.** Respondent has read and
11 understands this Consent Order in its entirety, having had an unrestricted opportunity to obtain the
12 advice of counsel in regard to the meaning of this Consent Order.

13 **4.11. Amendment.** This Consent Order may be modified only by written amendment
14 signed by both parties.

15 **4.12. Effective Date.** This agreement is effective when signed by the Division Director.

16 **4.13. It Is Hereby Ordered.** That the license, held by the Respondent, will be on
17 probation, and shall be subject to the following terms and conditions:

18 Respondent's license shall be on probation for 18 (eighteen months) from the effective date
19 of this Order. If Respondent fails to comply with any term or condition of this Consent Order, his
20 license may be immediately suspended or Respondent may be subject to other disciplinary action
21 pursuant to AS 06.60. In addition, any suspended portion of the civil fine will be immediately due.
22 If Respondent fully complies with all of the terms and conditions of this license probation, the
23 probationary period will end as conditioned under this Order.

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ACKNOWLEDGMENT

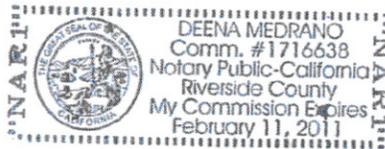
STATE OF California)

: ss.

COUNTY OF Riverside)

I HEREBY CERTIFY that on the 17 day of December, 2010,
before me, the undersigned, a Notary Public in and for the State of _____ personally
appeared Thomas Hayes, known to me to be the person whose
name is subscribed to this Consent Order, who stated that he is Thomas Hayes and is authorized
to sign on its behalf, and acknowledged that he executed the same voluntarily and of his own will
for the uses and purposes set forth therein.

SUBSCRIBED AND SWORN TO before me this 17 day of
December, 2010.



/s/ Deena Medrano
Notary Public in and for the
County of Riverside
State of California
My commission expires: February 11, 2011

Susan Bell, Commissioner
Department of Commerce, Community, and Economic
Development

DATED: December 20, 2010

By: /s/ Lorie L. Hovanec
Lorie L. Hovanec, Director
Division of Banking & Securities

LH: LH