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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING AND SECURITIES

In the matter of:)
)
)
Donald D. Dyer) ORDER NO: 13-0580-C
) ORDER IMPOSING CIVIL PENALTY
) AND CONSENT TO ORDER
)
)
)
Respondent.)
_____)

The Director of the Department of Commerce, Community, and Economic Development, Division of Banking and Securities (the Department) has conducted an investigation into the conduct of Donald D. Dyer (Respondent), and has determined that Respondent violated certain provisions of AS 06.60¹ et seq. (the Alaska Mortgage Lending Regulation Act).

Respondent agrees that the Department has jurisdiction over respondent and these matters pursuant to the Alaska Mortgage Lending Regulation Act.

Respondent wishes to resolve and settle this matter with the Department. As evidenced by the authorized signature on this Order, respondent consents to the entry of this Order assessing a civil penalty based on the Conclusions of Law and Order. Respondent waives his right to hearing under AS 44.62 et seq. (the Alaska Administrative Procedure Act) and the Alaska Mortgage Lending Regulation Act.

I. FACTS

1. At all times relevant to this order, Respondent was employed by Envision Lending Group, Inc. (Envision) located at 9000 Glacier Highway, Suite 302, Juneau Alaska.

¹ All state statutory citations refer to the 2008 version of the Alaska Mortgage Lending Regulation Act, which was in effect at the time of the conduct described in the findings of fact.

1 Envision’s principal place of business was 10813 South River Front Parkway, Suite 300,
2 South Jordan, Utah. Envision held Alaska Mortgage License number 100169, which it
3 surrendered on December 31, 2009. Envision is no longer in business.

4 2. Respondent first began working as a mortgage loan officer in June 2003. The Alaska
5 Mortgage Lending Regulation Act became effective on July 1, 2008 and required all persons
6 previously operating as a mortgage lender, broker or loan originator to be licensed in the
7 State of Alaska by March 1, 2009. Respondent was first licensed as a Mortgage Loan
8 Originator in Alaska on March 3, 2009 (license number AK220223). Respondent’s license
9 became inactive on September 7, 2010 and was terminated on January 1, 2011.

10 3. On December 18, 2008, CZ applied for a Federal Housing Administration (FHA)
11 refinance loan through Respondent. The Good Faith Estimate (GFE) signed by CZ showed
12 an estimated amount due from the borrower at closing of \$2,132.06.

13 4. The HUD-1 signed by the borrower on February 3, 2009 showed no amount due from
14 the borrower at closing.

15 5. On the day of closing, February 3, 2009, Respondent notified CZ that \$2,147.00 was
16 due by the borrower to close the loan. Respondent instructed CZ to write a postdated check
17 made out to respondent personally to cover the funds respondent had arranged to be paid as a
18 “broker credit” so that the loan could close. JZ, wife of CZ, gave the check to Respondent on
19 February 4, 2009, as requested, but ultimately put a stop payment on the check.

20 6. CZ and his wife JZ filed a complaint with the Division of Banking and Securities on
21 February 23, 2009.

22 II. CONCLUSIONS OF LAW

23 1. AS 06.60.330 requires all mortgage loan officers to comply with AS 06.60.340.

24 2. By failing to comply with AS 06.60.340, Respondent is subject to a civil penalty

1 under AS 06.60.420.

2 **III. ORDER**

3 Respondent is ordered to pay a civil penalty in the amount of \$1,900 under AS
4 06.60.420. Payment shall be made to the State of Alaska, Division of Banking and Securities
5 according to the following schedule:

- 6 1. \$500 paid on Monday, January 27, 2014;
7 2. \$100 paid monthly, on February 20th, March 20th, April 20th, 2014;
8 3. \$1100 balance paid in full on Friday, May 9, 2014.

9 The Department may execute judgment for failure to comply with the payment schedule.

10
11 **IT IS SO ORDERED.**

12
13 SUSAN BELL, Commissioner
Department of Commerce, Community and Economic Development

14
15 January 24, 2014

16 Date

/s/ Kevin Anselm

Kevin Anselm, Director
Division of Banking and Securities

17
18 **Consent to Entry of Order**

19 Donald D. Dyer (Respondent) hereby acknowledges that he has read the foregoing
20 Consent Order, is aware of his right to a hearing and appeal in this matter, and has waived
21 the same.

22 Respondent admits the jurisdiction of the Department of Commerce, Community and
23 Economic Development, Division of Banking and Securities (Division) and further consents
24

1 to entry of this Consent Order by the Division as settlement of the issues contained in this
2 Consent Order.

3 Respondent understands that this Consent Order resolves all pending matters
4 currently known to the Division and that upon execution of this order, there are no open
5 cases involving Respondent. However, the Department reserves the right to take further
6 actions to enforce this order or to take appropriate action upon discovery of new violations of
7 the Alaska Mortgage Lending Regulation Act not presently known to the Division.

8 Respondent enters into this Consent Order voluntarily and understands that this
9 Consent Order is a public document.

10
11 01/24/2014 _____
12 Date

11 /s/ Donald D. Dyer _____
12 Donald D. Dyer

13 Contact Person:
14 Kristy Naylor
15 Securities Examiner
16 (907) 269-7675

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