

# ORDER

**BEFORE THE ADMINISTRATOR  
STATE OF WISCONSIN  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF BANKING**

TO: John Antes  
919 Lochmoore Drive  
Waunakee, WI 53597  
Respondent

## I. PURPOSE OF THIS ORDER

The purpose of this Order is to revoke the certificate of registration as a loan originator that was issued to John ("Jon") Antes by the division on November 26, 2003.

## II. JURISDICTION

1. The State of Wisconsin, Department of Financial Institutions, Division of Banking ("division") shall enforce and carry out all laws relating to mortgage bankers, mortgage brokers and loan originators in the State of Wisconsin, and shall enforce and cause to be enforced every law relating to the supervision and control thereof, pursuant to subch. III, ch. 224, Stats.

2. John Antes ("Antes") holds a certificate of registration as a loan originator with the division, certificate of registration #11834. (Ex. 1) Respondent is located at 919 Lochmoore Drive, Waunakee, Wisconsin.

## III. POWERS OF THE DIVISION

3. Pursuant to s. 224.72(4r), Stats., if the division finds that the surety bond, security or insurance policy filed by a mortgage banker or mortgage broker has been canceled without the required notice to the division, the division may summarily suspend the mortgage banker's or mortgage broker's registration.

4. Pursuant to s. 224.72(7m), Stats., the division may not issue or renew a certificate of registration if the applicant has failed to provide any information required under s. 224.72(2)(c)1., Stats.; is delinquent for certain taxes; and for such other matters as set forth therein.

5. Pursuant to ss. 224.77(1)(a) to (r), Stats., the division may deny an application submitted to it under s. 224.72, Stats., or may revoke, suspend or limit the certificate of registration of a mortgage banker, loan originator or mortgage broker, or may reprimand a mortgage banker, loan originator or mortgage broker for any of the grounds set forth therein.

6. Pursuant to s. 224.77(1m), Stats., the division may assess against a person who is registered under ch. 224, Stats., a forfeiture of not more than \$2,000 for each violation enumerated under ss. 224.77(1)(a) to (o) or (r), Stats.

7. Pursuant to s. 224.77(2), Stats., the division may revoke, suspend or limit a certificate of registration issued under subch. III, ch. 224, Stats., or reprimand a mortgage banker or mortgage broker registered under the subch. III, ch. 224, Stats., if a director, officer, trustee, partner or member of the mortgage banker or mortgage broker or a person who has a financial interest in or is in any way connected with the operation of the mortgage banker's or mortgage broker's business is guilty of any act or omission which would be cause for refusing to issue a certificate of registration to that individual.

8. Pursuant to s. 224.77(3)(a), Stats., the division may issue general and special orders necessary to prevent or correct actions by a mortgage banker, loan originator or mortgage broker that constitute cause under s. 224.77, Stats., for revoking, suspending or limiting a certificate of registration.

9. Pursuant to s. 224.77(3)(b), Stats., special orders may direct a mortgage banker, loan originator or mortgage broker to cease and desist from engaging in a particular activity or may direct the mortgage banker, loan originator or mortgage broker to refund or remit certain amounts.

10. Pursuant to s. 224.77(5), Stats., if the division finds a mortgage banker, loan originator or mortgage broker has violated ss. 224.77(1)(p) or (q), the division shall, for the first offense, suspend the registration of the mortgage banker, loan originator or mortgage broker for not less than 90 days, and for the 2<sup>nd</sup> offense, revoke the registration of the mortgage banker, loan originator or mortgage broker.

11. Pursuant to s. 224.77(6), Stats., the division shall restrict or suspend the registration of a mortgage banker, loan originator or mortgage broker for the proceedings and expenses set forth therein.

12. Pursuant to s. 224.77(7), Stats., the division shall revoke the certificate of registration of a mortgage banker, loan originator or mortgage broker for the tax matters set forth therein.

#### **IV. FINDINGS**

13. The division finds as follows:

a. On or about November 18, 1999, the division received a "Loan Originator Application" for "Jon" Antes. (Ex. 2) In response to the loan originator application question "Have you ever been convicted of a misdemeanor or a felony? Provide details about the crime, including conviction date, court and penalty. (Do not include minor traffic convictions, but do include Driving While Intoxicated (DWI) convictions.)," Antes answered "No." The loan originator application received for Antes included a "Loan Originator Affidavit," which indicates, in part: "I state that I am the person referred to on this application and that all the answers set forth are strictly true in each respect. I understand that false or forged statements made in connection with this application may be grounds for revocation of my license or other disciplinary action." Antes signed the "Loan Originator Affidavit" on November 12, 1999, in the presence of a notary. On December 1, 1999, the division issued "Jon" Antes loan originator certificate of registration #11834.

b. On or about October 30, 2001, the division received a "Loan Originator License Renewal" application for "Jon" Antes. (Ex. 3) In response to the loan originator license renewal application question "Has the applicant ever been convicted of any misdemeanor or felony in this state or any other state? Provide details about the misdemeanor or felony, including but not limited to conviction, conviction date, penalty and court. Do not include minor traffic convictions, but do include Driving While Intoxicated (DWI) or Driving Under Influence (DUI) convictions.," Antes answered "No." The loan originator license renewal application received for Antes included a "Certification," which indicates: "I hereby certify that the statements in this renewal application are true and correct to the best of my knowledge and belief." Antes printed his name as "Jon Antes," and signed the "Certification" on September 11, 2001. On November 2, 2001, the division renewed "Jon" Antes' loan originator certificate of registration #11834.

c. On or about October 15, 2003, the division received a "Loan Originator License Renewal" application for "Jon" Antes. (Ex. 4) In response to the loan originator license renewal application question "Has the applicant ever been convicted of any misdemeanor or felony in this state or any other state? Provide details about the misdemeanor or felony, including but not limited to conviction, conviction date, penalty and court. Do not include minor traffic convictions, but do include Driving While Intoxicated (DWI) or Driving Under Influence (DUI) convictions.," Antes answered "No." The loan originator license renewal application received for Antes included a "Certification," which indicates: "I hereby certify that the statements in this renewal application are true and correct to the best of my knowledge and belief." Antes printed his name as "John Antes," and signed the "Certification" on September 22, 2003. On November 26, 2003, the division renewed "Jon" Antes' loan originator certificate of registration #11834.

d. On November 19, 2004, the division conducted a circuit court case search on "Jon" Antes with a birthdate of July 2, 1974. No misdemeanor or felony convictions were located.

e. On November 19, 2004, the division conducted a circuit court case search on "John" Antes with a birthdate of July 2, 1974. The following misdemeanor and felony convictions were located:

i. On June 15, 1993, Antes was convicted of "Retail Theft," a misdemeanor, and was sentenced to pay a fine (case 93CM780). (Ex. 5)

ii. On August 5, 1993, Antes was convicted of "Operate Vehicle W/O Consent & Abandon," a misdemeanor, and was sentenced to pay a fine (case 93CM1287). (Ex. 6)

iii. On October 26, 1993, Antes was convicted of "Retail Theft," a misdemeanor, and was sentenced to 20 days in jail (case 93CM2955). (Ex. 7)

iv. On February 15, 1994, Antes was convicted of "Burglary," a felony, with a "Habitual Criminality" modifier, and was sentenced to 3 years probation (case 93CF2034). (Ex. 8)

v. On March 4, 1996, Antes was convicted of “Retail Theft,” a misdemeanor, with “Party to a crime” and “Habitual Criminality” modifiers, and was sentenced to 2 years probation (case 95CM3340). (Ex. 9)

vi. On May 17, 1996, Antes was convicted of “Issuance of Worthless Checks (<=\$1000),” a misdemeanor, and was ordered to pay costs (case 95CM593). (Ex. 10)

f. Section 224.77(1)(m), Stats., indicates the division may revoke a loan originator certificate of registration if the division finds that the loan originator engaged in conduct which constitutes improper, fraudulent or dishonest dealing. Antes engaged in conduct which constitutes improper, fraudulent or dishonest dealing as follows:

i. the six convictions noted in paragraphs 13 e i – vi;

ii. failure to disclose his convictions on the loan originator application the division received for Antes on or about November 18, 1999;

iii. failure to disclose his convictions on the loan originator license renewal application the division received for Antes on or about October 30, 2001;

iv. failure to disclose his convictions on the loan originator license renewal application the division received for Antes on or about October 15, 2003;

v. signing of an affidavit under oath that all answers in the application the division received for Antes on or about November 18, 1999 were true in each respect, when they were not true in each respect;

vi. signing of a certification that the statements in the application the division received for Antes on or about October 30, 2001 were true and correct to the best of his knowledge and belief, when they were not true and correct;

vii. signing of a certification that the statements in the application the division received for Antes on or about October 15, 2003 were true and correct to the best of his knowledge and belief, when they were not true and correct;

viii. submitting, or causing to be submitted, to the division on or about November 18, 1999, a loan originator application that contained material misrepresentations;

ix. submitting, or causing to be submitted, to the division on or about October 30, 2001, a loan originator license renewal application that contained material misrepresentations; and

x. submitting, or causing to be submitted, to the division on or about October 15, 2003, a loan originator license renewal application that contained material misrepresentations.

g. Section 224.77(1)(a), Stats., indicates the division may revoke a loan originator certificate of registration if the division finds that the loan originator made a material misstatement in an application for registration, or in information furnished to the division. Antes made the following material misstatements in his applications for registration:

i. On the loan originator application received by the division or about November 18, 1999, Antes answered no to the question “Have you ever been convicted of a misdemeanor or a felony? Provide details about the crime, including conviction date, court and penalty. (Do not include minor traffic convictions, but do include Driving While Intoxicated (DWI) convictions.)”;

ii. On the loan originator license renewal application received by the division or about October 30, 2001, Antes answered no to the question “Has the applicant ever been convicted of any misdemeanor or felony in this state or any other state? Provide details about the misdemeanor or felony, including but not limited to conviction, conviction date, penalty and court. Do not include minor traffic convictions, but do include Driving While Intoxicated (DWI) or Driving Under Influence (DUI) convictions.”;

iii. On the loan originator license renewal application received by the division or about October 15, 2003, Antes answered no to the question “Has the applicant ever been convicted of any misdemeanor or felony in this state or any other state? Provide details about the misdemeanor or felony, including but not limited to conviction, conviction date, penalty and court. Do not include minor traffic convictions, but do include Driving While Intoxicated (DWI) or Driving Under Influence (DUI) convictions.”;

iv. On the loan originator application received by the division on or about November 18, 1999, Antes signed an affidavit under oath that all answers in the application were true in each respect, when they were not true in each respect;

v. On the loan originator license renewal application received by the division on or about October 30, 2001, Antes signed a certification that the statements in the application were true and correct to the best of his knowledge and belief, when they were not true and correct;

vi. On the loan originator license renewal application received by the division on or about October 15, 2003, Antes signed a certification that the statements in the application were true and correct to the best of his knowledge and belief, when they were not true and correct;

vii. On the loan originator application received by the division on or about November 18, 1999, the “Name of Applicant” was completed as “Jon Antes.” Antes’ first name, as set forth on each of the criminal cases for which he was convicted is “John”; and

viii. On the loan originator license renewal application received by the division on or about October 30, 2001, Antes printed his name in the “Certification”

portion of the application as "Jon Antes." Antes' first name, as set forth on each of the criminal cases for which he was convicted is "John."

h. Section 224.77(1)(i), Stats., indicates the division may revoke a loan originator certificate of registration if the division finds that the loan originator demonstrated a lack of competency to act as a loan originator in a way which safeguards the interests of the public. Section 43.04(8), Admin. Code, indicates that being convicted of a crime, the circumstances of which substantially relate to the practice of a loan originator, demonstrates a lack of competency to act as a loan originator in a way which safeguards the interests of the public. Since 1993, Antes has been convicted of six crimes dealing with theft, burglary, or the issuance of worthless checks.

i. Section 224.77(1)(i), Stats., indicates the division may revoke a loan originator certificate of registration if the division finds that the loan originator demonstrated a lack of competency to act as a loan originator in a way which safeguards the interests of the public. Section 43.04(9), Admin. Code, indicates that failing to notify the department of any criminal conviction, the circumstances of which substantially relate to the practice of a loan originator, demonstrates a lack of competency to act as a loan originator in a way which safeguards the interests of the public. Antes failed to notify the department of his criminal convictions.

## V. ORDER

14. **Based on the foregoing, IT IS HEREBY ORDERED that Antes' loan originator certificate of registration #11834 is revoked.**

15. The provisions of this Order shall be binding upon Antes. The provisions of the Order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this Order shall have been modified, terminated, suspended, or set aside by the division.

16. The effective date of this Order shall be the date it is served. Pursuant to s. 227.48, Stats., service is effective upon mailing.

Dated at Madison, Wisconsin this 6th day of December, 2004.

By: \_\_  
Michael J. Mach, Administrator  
State of Wisconsin  
Department of Financial Institutions  
Division of Banking  
P.O. Box 7876  
345 W. Washington Avenue, 4<sup>th</sup> Floor  
Madison, WI 53707-7876  
tel. (608) 266-0451

## NOTICE OF PROCEDURE TO REQUEST HEARING

Pursuant to Wisconsin Statutes section 224.77(3)(c), orders of the division of banking are subject to review as provided in Wisconsin Statutes chapter 227. Pursuant to Wisconsin Statutes section 224.77(3m), a person whose certificate of registration has been denied, revoked or suspended may request a hearing under s. 227.42, *et seq.* within 30 days after the date of denial.

**Four criteria must be met before the division of banking will grant a hearing.** Wisconsin Statute section 227.42(1) states as follows:

*“[A]ny person filing a written request with an agency for hearing shall have the right to a hearing if:*

*(a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;*

*(b) There is no evidence of legislative intent that the interest is not to be protected;*

*(c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and*

*(d) There is a dispute of material fact.*

All four criteria must be met. In particular, the attention of an individual or entity requesting a hearing is directed to the requirement to demonstrate that there is a dispute of material fact regarding the basis for the action being taken by the division.

**For a request for a hearing to receive consideration by the division, the request must be received by the division within 30 days of the date of the denial.**

The request shall be sent to:

Michael J. Mach, Administrator  
State of Wisconsin  
Department of Financial Institutions  
Division of Banking  
P.O. Box 7876  
345 W. Washington Avenue, 4<sup>th</sup> Floor  
Madison, WI 53707-7876