

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

2/22/07 - Sent
REG + CERT
To KRAUSE +
ACCREDIBLE

TO: Accredible Mortgage Company LLC
3395 West College Avenue
Appleton, WI 54914
Respondent

Nancy Krause
[REDACTED]
Neenah, WI 54956
Respondent

PURPOSE

1. This is an order issued by the Administrator, State of Wisconsin, Department of Financial Institutions, Division of Banking and directed to respondents.

JURISDICTION and AUTHORITY

2. 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. Ch. 224, subch. III, Stats.

3. Neither respondent holds a certificate of registration under ch. 224, subch. III, Stats., with the division. Upon information and belief, respondents are located at the addresses indicated above.

4. 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. Sec. 224.77(3)(a), Stats.

5. 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. Sec. 224.77(3)(b), Stats.

6. 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. Sec. 224.77(1m), Stats.

FINDINGS

The division finds as follows:

7. On or about December 15, 2006, the division received a mortgage broker license application from Accredible Mortgage Company, LLC ("Accredible"). The application identifies Nancy Krause ("Krause") as 50% owner and Donald Krause as 50% owner.
8. On January 9, 2007, the division revoked Krause's certificate of registration as a loan originator. **Ex. I.**
9. On January 10, 2007, Accredible's application for a mortgage broker certificate of registration was denied by the division. **Ex. II.**
10. On or about February 20, 2007, the division obtained a copy of an advertisement that had been sent to a Wisconsin resident from Accredible. The advertisement is post marked February 16, 2007, and indicates, in part, "Make life easier with a lower payment on your mortgage. Call Nancy Krause at 920-740-1925 to find out what your options are for obtaining a 1% mortgage loan and hear about our revolutionary loan that lets you pay off your mortgage faster without changing your spending habits." **Ex. III.**
11. Pursuant to s. 224.72(1m), Stats., a person may not act as a mortgage banker, loan originator or mortgage broker, use the title "mortgage banker", "loan originator" or "mortgage broker", or advertise or otherwise portray himself or herself as a mortgage banker, loan originator or mortgage broker, unless the person has been issued a certificate of registration from the division.
12. Accredible and Krause are violating s. 224.72(1m), Stats., by acting as a mortgage banker, loan originator or mortgage broker, using the title "mortgage banker", "loan originator" or "mortgage broker", or advertising or otherwise portraying himself or herself as a mortgage banker, loan originator or mortgage broker without a certificate of registration from the division.
13. Pursuant to s. 224.77(3)(b), Stats., special orders issued by the division may direct a mortgage banker, loan originator or mortgage broker to cease and desist from engaging in a particular activity.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

14. Accredible shall not act as a mortgage banker or mortgage broker, use the title "mortgage banker" or "mortgage broker", or advertise or otherwise portray itself as a mortgage banker or mortgage broker.
15. Krause shall not act as a mortgage banker, loan originator or mortgage broker, use the title "mortgage banker", "loan originator" or "mortgage broker", or advertise or otherwise portray herself as a mortgage banker, loan originator or mortgage broker.

16. Accredible and Krause shall immediately discontinue any and all violations of subch. III, Ch. 224, Stats., and chs. DFI—Bkg 40 through 46, Admin. Code.

17. The provisions of this order shall be binding upon Krause and Accredible and Accredible's directors, officers, employees, agents, successors, assigns, and other persons participating in the conduct of its affairs. 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.

18. The effective date of this Order shall be the date it is served, and service is complete upon mailing. Secs. 227.48(1), Stats., and DFI—Bkg 11.09, Admin. Code.

Dated and mailed at Madison, Wisconsin this 22nd day of February, 2007.

By 
Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
345 W. Washington Avenue, 4th Floor
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889

APPEAL

The procedures to appeal this order are set forth in s. 227.42, Stats. Pursuant to s. 227.42(1), Stats., any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case 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 set for in s. 227.42(1), Stats., must be met for a person to have the right to a hearing. 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 or bases for the action being taken by the division.

The request shall be sent to:

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