

## ORDER

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

TO: Brenda Sue Gollnick

  
  
Respondent

### PURPOSE

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

### 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. Respondent holds a certificate of registration as a loan originator under ch. 224, subch. III, Stats., with the division, certificate of registration #212960. Respondent is located at the address 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 August 2, 2007, the division issued a consent order ("2007 Order") against respondent. The 2007 Order required respondent to pay to the division a forfeiture of \$1,000. The forfeiture was to be paid in four installments of \$250 each, with the first

installment due in the division's office by August 1, 2007, the second installment due in the division's office by September 1, 2007, the third installment due in the division's office by October 1, 2007, and the fourth installment due in the division's office by November 1, 2007. **Ex. 1.**

8. The first installment, which was to be received by the division by August 1, 2007, was not received by the division until August 13, 2007. **Ex. 2.**

9. The second installment, which was to be received by the division by September 1, 2007, has not been received by the division.

10. Respondent violated the 2007 Order by not paying the first installment by its due date.

11. Respondent violated the 2007 Order by not paying the second installment by its due date.

12. Pursuant to s. 224.77(1)(i), Stats., the division may revoke the certificate of registration of a loan originator 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.

13. Respondent demonstrated a lack of competency to act as a loan originator in a way which safeguards the interests of the public when respondent violated the 2007 Order.

14. Pursuant to s. 224.77(1)(L), Stats., the division may revoke the certificate of registration of a loan originator if the division finds that the loan originator engaged in conduct which violates a standard of professional behavior which, through professional experience, has become established for loan originators.

15. Respondent engaged in conduct which violates a standard of professional behavior which, through professional experience, has become established for loan originators when respondent violated the 2007 Order.

#### **ORDER**

**16. Based on the foregoing, IT IS HEREBY ORDERED that respondent's loan originator certificate of registration is revoked.**

17. The provisions of this order shall be binding upon respondent. 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 13<sup>th</sup> day of September, 2007.

By: 

Michael J. Mach, Administrator  
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  
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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Wisconsin Department of Financial Institutions  
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