

## ORDER

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

TO: Joe S. Bowman

  
  
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 license as a mortgage loan originator under ch. 224, subch. III, Stats., with the division, license #30735. Respondent is located at the address indicated above.

4. The division may assess against any person who violates ch. 224, subch. III, Stats., a forfeiture of not more than \$25,000 for each violation and may further order restitution to any person suffering loss as a result of the violation. Sec. 224.77(1m), Stats.

5. If the division finds that a mortgage banker, mortgage loan originator, or mortgage broker has violated any provision of ch. 224, subch. III, Stats., or any rule promulgated under this subchapter, the division may deny any application for initial issuance or renewal of a license; revoke, suspend, limit or condition any license; and issue a reprimand. Sec. 224.77(2m), Stats.

6. The division may issue general and special orders, including temporary orders that become immediately effective, to prevent or correct actions by a mortgage banker, mortgage loan originator or mortgage broker that constitutes a violation of any provision of ch. 224, subch. III, Stats., or any rule promulgated under that subchapter. Sec. 224.77(3), Stats.

## FINDINGS

### The division finds as follows:

7. On or about May 7, 2010, the United States Attorney charged respondent with knowingly conspiring with other persons, to make and cause to be made, false statements for the purpose of influencing the action of World Savings Bank, an institution the deposits of which were insured by the Federal Deposit Insurance Corporation, in connection with a residential loan application. The false statements on the residential loan application included inflating the gross monthly income amount, misrepresenting subordinate financing, and failing to disclose the existence of a silent second mortgage. **Ex. 1.**

8. On May 19, 2010, respondent pled guilty in the United States District Court, Western District of Wisconsin to conspiracy to defraud the United States, a felony (case number 3:10-cr-95-bbc-1). **Ex. 2.**

9. Pursuant to s. 224.77(2m)(b), Stats., the division may revoke a loan originator's license if the loan originator no longer satisfies the requirements of s. 224.725, Stats.

10. Pursuant to s. 224.725(3)(b), Stats., the division may not issue a mortgage loan originator license to an applicant if the applicant has been convicted of, or plead guilty or no contest to, a felony involving an act of fraud.

11. Because respondent pled guilty to a felony involving an act of fraud, respondent no longer satisfies the requirements of s. 224.725, Stats.

12. Pursuant to s. 224.77(1)(m), Stats., it is a prohibited practice for a mortgage loan originator to engage in conduct which constitutes improper, fraudulent or dishonest dealing.

13. Respondent engaged in conduct which constitutes improper, fraudulent or dishonest dealing, as demonstrated in case 3:10-cr-95-bbc-1.

14. Pursuant to s. 224.77(1)(i), Stats., it is a prohibited practice for a mortgage loan originator to demonstrate a lack of competency to act as a mortgage loan originator in a way which safeguards the interests of the public.

15. Pursuant to s. DFI-Bkg 43.02(7), Admin. Code, being convicted of a crime, the circumstances of which substantially relate to the practice of a mortgage loan originator, demonstrates a lack of competency to act as a mortgage loan originator in a way which safeguards the interest of the public.

16. Pursuant to s. DFI-Bkg 43.02(8), Admin. Code, failing to notify the division of any criminal conviction demonstrates a lack of competency to act as a mortgage loan originator in a way which safeguards the interest of the public.

17. Respondent demonstrated a lack of competency to act as a mortgage loan originator in a way which safeguards the interests of the public by being convicted of a crime, the circumstances of which substantially relate to the practice of a mortgage loan originator.

18. Respondent demonstrated a lack of competency to act as a mortgage loan originator in a way which safeguards the interests of the public by failing to notify the division of any criminal conviction.

19. Pursuant to s. 224.77(2m)(a)1., Stats., the division may revoke a mortgage loan originator's license if the division finds that the mortgage loan originator violated any provision of subch. III, ch. 224, Stats.

20. Respondent violated s. 224.72(1)(m), Stats.

21. Respondent violated s. 224.72(1)(i), Stats.

### ORDER

**22. Based on the foregoing, IT IS HEREBY ORDERED that respondent's mortgage loan originator license is revoked.**

23. 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.

24. 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 8<sup>th</sup> day of JULY, 2010.

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:

Michael J. Mach, Administrator  
Wisconsin Department of Financial Institutions  
Division of Banking  
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