

**BEFORE THE GEORGIA DEPARTMENT OF BANKING AND FINANCE  
STATE OF GEORGIA**

MELISSA BURKE THOMPSON,

Petitioner,

v.

GEORGIA DEPARTMENT OF BANKING  
AND FINANCE,

Respondent.

TO: Melissa Burke Thompson  
8615 Winterberry Lane  
Chattanooga, Tennessee 37421

\*  
\* NMLS: 185246  
\* GDBF: 28182  
\*  
\* Docket No. DBF-MLO-16-0018-309  
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**FINAL ORDER**

**A. BACKGROUND**

The Georgia Department of Banking and Finance (“Department”) issued and served an Order to Cease and Desist (“Order”) on April 20, 2016, to Melissa Burke Thompson (“Petitioner”). In response to the receipt of the Order that was issued by Respondent, Petitioner requested a hearing pursuant to O.C.G.A. § 7-1-1017(b). The Order stated that Petitioner had violated O.C.G.A. § 7-1-1013(11) by providing false information to the Department through the Nationwide Mortgage Licensing System (“NMLS”) in connection with Petitioner’s mortgage loan originator license renewal application in response to Disclosure Question Q2, which asks whether Petitioner had ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused her of fraud, dishonesty, theft, or the wrongful taking of property. The Order further stated that Petitioner had violated O.C.G.A. § 7-1-1004(d)(3) by failing to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that she would operate honestly, fairly, and efficiently within the purposes of the Georgia Residential Mortgage Act (“GRMA”), O.C.G.A. § 7-1-1000 *et seq.*

A Notice of Hearing was issued on December 2, 2016, setting a hearing date of December 16, 2016, at 1:00 p.m. at the Department. The Notice of Hearing was delivered via certified mail to Petitioner’s employment address at the time the Order had been issued, Churchill Mortgage Corporation, 1510 Gunbarrel Road, Suite 400, Chattanooga, Tennessee 37421. In addition, a copy of the Notice of Hearing was emailed to Petitioner at the employment email address listed on her NMLS account. On December 13, 2016, Petitioner emailed a request for continuance from her personal email address, citing personal illness and family obligations. The Commissioner granted Petitioner’s request.

An Amended Notice of Hearing was issued on December 14, 2016, rescheduling the hearing for January 13, 2016, at 1:00 p.m. at the Department. The Notice of Hearing was delivered via certified mail to Petitioner's employment address at that time, Platinum Financial Funding LLC, 1913 Gunbarrel Road, Suite 211, Chattanooga, Tennessee 37421. In addition, a copy of the Amended Notice of Hearing was emailed to Petitioner's personal email address.

Due to the unavailability of a witness for the Department, a second Amended Notice of Hearing was issued on January 10, 2017, rescheduling the hearing for February 10, 2017, at 1:00 p.m. The second Amended Notice of Hearing was delivered via certified mail to Petitioner's employment address at that time, Platinum Financial Funding LLC, 1913 Gunbarrel Road, Suite 211, Chattanooga, Tennessee 37421. In addition, a copy of the second Amended Notice of Hearing was emailed to Petitioner's personal email address. On February 8, 2017, Petitioner emailed a request for continuance, citing family obligations. The Commissioner granted Petitioner's request.

A third Amended Notice of Hearing was issued on February 9, 2017, rescheduling the hearing for March 17, 2017, at 1:00 p.m. The third Amended Notice of Hearing was delivered via certified mail to Petitioner's employment address at that time, Platinum Financial Funding LLC, 1913 Gunbarrel Road, Suite 211, Chattanooga, Tennessee 37421. In addition, a copy of the third Amended Notice of Hearing was emailed to Petitioner's personal email address. On March 16, 2017, Petitioner emailed a request for continuance, citing personal illness. The Commissioner granted Petitioner's request.

A fourth Amended Notice of Hearing was issued on March 17, 2017, rescheduling the hearing for May 3, 2017, at 1:00 p.m. The fourth Amended Notice of Hearing was delivered on March 20, 2017, via certified mail to Petitioner's employment address at that time, Platinum Financial Funding LLC, 1913 Gunbarrel Road, Suite 211, Chattanooga, Tennessee 37421. In addition, a copy of the fourth Amended Notice of Hearing was emailed to Petitioner's personal email address on March 17, 2017, and again on April 27, 2017. Several hours after the close of business on May 2, 2017, Petitioner sent an email to Respondent's counsel stating that Petitioner would not appear at the hearing. On the morning of May 3, 2017, Respondent's counsel sent an email to Petitioner reiterating that the hearing was scheduled to go forward at 1:00 p.m.

At the hearing, Respondent was represented by Elizabeth Harris. Two witnesses appeared on behalf of Respondent, including Stephen Smith, Executive Vice President of Mortgage Investors Group, who had traveled from Tennessee, and Supervisory Examiner Andy Reid. No one appeared at the hearing on behalf of Petitioner. In light of Petitioner's failure to appear, Respondent requested the entry of a default order pursuant to O.C.G.A. § 50-13-13(a)(4) upholding the Order to Cease and Desist.

## **B. PROFFER OF FACTS**

1.

Respondent made an oral motion at the hearing to make an offer of proof. Pursuant to O.C.G.A. § 50-13-13(a)(6), the Commissioner permitted the proffer.

2.

In 2010, the Department approved Petitioner's application for a Georgia mortgage loan originator's license. In September of 2014, Petitioner was terminated from employment at Mortgage Investors Group, a Georgia licensed mortgage lender. As stated in the company's Termination Action Form and as verbally conveyed to Petitioner by Mortgage Investors Group management, the basis for the termination included allegations of attempted mortgage fraud, specifically that Petitioner had requested that a processor alter a consumer's bank statement to be used in a loan file. The Termination Action Form was signed and dated by Petitioner, acknowledging that she had received and read the document at the time of the termination.

3.

Following the termination, management for Mortgage Investors Group cleaned Petitioner's desk and discovered evidence that Petitioner had forged a consumer's child support documentation, specifically a parenting plan order. Petitioner's desk contained copies of the consumer's parenting plan order and Petitioner's personal parenting plan order. Numbers, file stamps, and other pieces of information had been physically cut out of some of the pages and pasted together on new pages along with photocopied information to create multiple drafts of portions of a forged document. Upon review of the consumer's closed loan file, Mortgage Investors Group determined that a forged document showing a reduced child support obligation for the consumer had been used, unbeknownst to anyone at the time of closing.

4.

In October of 2014, Mortgage Investors Group reported the termination and forgery to the Department, as required by O.C.G.A. § 7-1-1007(d), which provides in pertinent part that a licensee shall "report in writing to the Department the discharge of any employee for dishonest or fraudulent acts."

5.

The Department reviewed Petitioner's individual MU4 form on NMLS, which included answers to disclosure questions. Petitioner had answered "no" in response to Disclosure Question Q2, which asks whether the individual has ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused the individual of fraud, dishonesty, theft or the wrongful taking of property.

6.

As Petitioner's answer to Disclosure Question Q2 had not been updated to reflect the termination, the Department placed a notification on Petitioner's NMLS account on October 19, 2015, which instructed Petitioner to review and make any amendments necessary so that her NMLS record would be current, accurate, and complete before requesting renewal of her license. On November 3, 2015, Petitioner requested renewal of her Georgia license for 2016 through NMLS. As Petitioner's answer to Disclosure Question Q2 still had not been updated, the Department placed a second notification on Petitioner's NMLS account on November 20, 2015, which specifically instructed Petitioner to update her answers to disclosure questions if applicable. On December 30, 2015, Petitioner filed an updated individual MU4 form through NMLS in support of her 2016 license renewal application. However, Petitioner did not update her answer to Disclosure Question Q2 to reflect the termination.

7.

On February 17, 2016, the Department issued a Notice of Intent to Deny Petitioner's Application for Renewal of Mortgage Loan Originator's License. The basis for the Notice of Intent to Deny included failure to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that Petitioner will operate honestly, fairly, and efficiently within the purposes of the GRMA in violation of O.C.G.A. § 7-1-1004(d)(3) and providing false information in response to Disclosure Question Q2 in violation of § 7-1-1013(11). On March 7, 2016, Petitioner surrendered her Georgia license and filed an updated individual MU4 form in which she answered "yes" to Disclosure Question Q2. On April 20, 2016, the Department issued the Order to Cease and Desist.

## **C. LEGAL STANDARD**

1.

The Department has the broad administrative authority to administer, interpret, and enforce the Secure and Fair Enforcement for Mortgage Licensing Act of 2008. O.C.G.A. § 7-1-1001.1(b).

2.

It is prohibited for any person to purposefully withhold, delete, destroy, or alter information requested by an examiner of the department or make false statements or material misrepresentations to the Department or the Nationwide Mortgage Licensing System or Registry or in connection with any investigation conducted by the Department or another governmental agency. O.C.G.A. § 7-1-1013(11).



3.

The minimum standards for license renewal for mortgage loan originators shall include that the mortgage loan originator continues to meet the minimum standards for license issuance. O.C.G.A. § 7-1-1005(e)(1). Upon receipt of an application for a mortgage loan originator license, the Department shall conduct such investigation as it deems necessary to determine that the mortgage loan originator applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the GRMA. O.C.G.A. § 7-1-1004(d)(3).

4.

The Department is authorized to suspend or revoke an original or renewal license on any ground on which it might refuse to issue an original license or for violation of any provision of the GRMA pursuant to O.C.G.A. § 7-1-1017(a)(1). The Department is authorized to issue an Order to Cease and Desist for violation of any law of this State or any order or regulation of the Department pursuant to O.C.G.A. § 7-1-1018(a).

5.


Informal disposition may be made of this matter by entry of default. O.C.G.A. § 50-13-13(a)(4).

#### D. DETERMINATION

Although properly served with the Notice of Hearing, Petitioner failed to appear at the date and time of the scheduled hearing. In light of Petitioner's failure to appear, this Tribunal grants Respondent's oral motion for entry of default. Therefore, Respondent's determination, as set forth in the Order to Cease and Desist that Petitioner provided false information to Respondent in violation of O.C.G.A. § 7-1-1013(11) and failed to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that Petitioner will operate honestly, fairly, and efficiently within the purposes of the GRMA in violation of O.C.G.A. § 7-1-1004(d)(3), is affirmed.

It is the **FINAL ORDER** of the Department that Respondent's request for default is **GRANTED**. Therefore, the Order to Cease and Desist is **FINAL**.

SO ORDERED, this 8<sup>th</sup> day of May, 2017.

  
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KEVIN B. HAGLER  
Commissioner  
Department of Banking and Finance