	STATE OF MINNESOTA **DEPARTMENT OF COMMERCE** Division of Financial Examinations 85 7th Place East, Suite 280 St. Paul, Minnesota 55101 (651) 539-1570	**RESIDENTIAL MORTGAGE ORIGINATOR LICENSE APPLICATION** **COMMISSIONER'S CRIMINAL CONVICTION CONSENT APPLICATION PURSUANT TO MINNESOTA STATUTE, SECTION 58.125**

This application should be completed **ONLY** if you or an employee meet the conditions described below.

A. **NAME OF LICENSED MORTGAGE ORIGINATOR (EMPLOYER)**:

Name

Street Address (P.O. Boxes are not acceptable)

City	State	Zip Code	County

License Number MO/MS | Phone Number

We have, in connection with this request, read the following provision of the Minnesota Residential Mortgage Originator and Servicer Act, Minn. Stat. § 58.125, which governs requests by applicants for the consent of the Minnesota Department of Commerce to the employment, by the applicant, of a person who has been convicted of a crime involving dishonesty or breach of trust, namely:

> "Subd. 2. [GENERALLY.] Except with the prior written consent of the commissioner under subdivision 4, any individual, who has been convicted of a criminal offense involving dishonesty or a breach of trust or money laundering, or has agreed to or entered into a pretrial diversion or similar program in connection with a prosecution for such offense, may not serve as a residential mortgage originator or be employed in that capacity by a person licensed as a mortgage originator."

In support of this request, the following statements, representations and information are submitted for the purpose of inducing the Minnesota Department of Commerce to grant its written consent for an individual who has been convicted of a crime involving dishonesty or a breach of trust to serve as a residential mortgage originator or be employed in that capacity by a person licensed as a residential mortgage originator:

B. **BIOGRAPHICAL INFORMATION CONCERNING THE PROSPECTIVE RESIDENTIAL MORTGAGE ORIGINATOR**:

Full First Name | Full Middle Name | Full Last Name

Street Address (P.O. Boxes are not acceptable)

City	State	Zip Code	County

Date of Birth (*Month, Day, Year*) | Social Security Number

Name and Address of Present or Most Recent Employer (*Street, City, State, and Zip Code*)

C. **INFORMATION RELATIVE TO CONVICTION(S)**:

1.

Description or Nature of Crime	Date of Conviction	Name and Address of Court	Disposition

Note: If additional convictions for crimes involving dishonesty or breach of trust are discovered subsequent to approval of this request, another request may be necessary.

2. Briefly describe the nature of the offense and the circumstances surrounding it. Include the age of the prospective residential mortgage originator at the time of conviction, date of the offense, and any mitigating circumstances (*parole, suspension of sentence, pardon, etc.*).

3. Briefly describe the extent of rehabilitation of the prospective residential mortgage originator and attach supporting documents, if any.

4. Attach copies of the Indictment, Information, or Complaint and Final Decree of Judgment, if available. (*Normally these can be obtained from the clerk of court. If not provided, explain reasons for unavailability.)*

5. List any other pertinent facts relative to the crime which are not disclosed in the indictment.

I do hereby certify that the Biographical Information (Section B) and Information Relative to Conviction (Section C) are true and correct to the best of my knowledge and belief.

Print or Type Name of Individual Seeking Consent to Serve as a Residential Mortgage Originator	Date
Signature of Individual Seeking Consent to Serve as a Residential Mortgage Originator	Date
Print or Type Name of Official of the Licensed Mortgage Originator (Employer)	Date
Signature of Official of the Licensed Mortgage Originator (Employer)	Date

Note: The information requested in Sections B and C above, including the Social Security Number of the prospective employee is necessary to assist the Minnesota Department of Commerce in assessing the merits of the application. Some of the information, including the Social Security Number, may be provided to any appropriate Federal or State bank regulatory agency and, law enforcement or other governmental agencies for identity verification purposes. Should the information indicate a violation of law, the application may be referred to any agency responsible for investigating or prosecuting such a violation. In addition, in the event of litigation, the application may be presented to the appropriate court as evidence and to counsel in the course of discovery. While submission of the information is voluntary, an omission or inaccuracy may result either in delay in processing the application or in a denial of the application.

Sec. 8. [58.125] [PROHIBITION ON SERVICE AS A RESIDENTIAL MORTGAGE ORIGINATOR.]

Subdivision 1. [DEFINITIONS.] (a) "Dishonesty" means directly or indirectly to cheat or defraud; to cheat or defraud for monetary gain or its equivalent; or to wrongfully take property belonging to another in violation of any criminal statute. Dishonesty includes acts involving want of integrity, lack of probity, or a disposition to distort, cheat, or act deceitfully or fraudulently, and may include crimes which federal, state, or local laws define as dishonest. (b) "Breach of trust" means a wrongful act, use, misappropriation, or omission with respect to any property or fund which has been committed to a person in a fiduciary or official capacity, or the misuse of one's official or fiduciary position to engage in a wrongful act, use, misappropriation, or omission.

Subd. 2. [GENERALLY.] Except with the prior written consent of the commissioner under subdivision 4, any individual, who has been convicted of a criminal offense involving dishonesty or a breach of trust or money laundering, or has agreed to or entered into a pretrial diversion or similar program in connection with a prosecution for such offense, may not serve as a residential mortgage originator or be employed in that capacity by a person licensed as a mortgage originator.

Subd. 3. [DE MINIMIS OFFENSES.] Approval is automatically granted and an application will not be required if the covered offense is considered de minimis because it meets all of the following criteria: (1) there is only one conviction or program entry of record for a covered offense; (2) the offense was punishable by imprisonment for a term of less than one year and/or a fine of less than $1,000, and the individual did not serve time in jail; (3) the conviction or program was entered at least five years before the date an application would otherwise be required; and (4) the offense did not involve a financial institution or residential mortgage loans.

Subd. 4. [PRIOR CONSENT.] (a) An application for prior consent of the commissioner under this section must be in writing, under oath, and on a form obtained from and prescribed by the commissioner. The following factors must be considered by the commissioner when reviewing an application: (1) the specific nature of the offense and the circumstances surrounding the offense; (2) evidence of rehabilitation since the offense; (3) the age of the person at the time of conviction; and (4) whether or not restitution has been made. (b) The receipt by an individual of prior consent of the commissioner under this section must not be construed as imposing upon an employer an affirmative obligation to employ that individual in any capacity. Nothing in this section precludes an employer from denying employment based upon the existence of a criminal offense specified in subdivision 2 or for any other lawful reason.