

STATE OF ARKANSAS  
SECURITIES DEPARTMENT

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IN THE MATTER OF

ORDER NO. C-07-038-07-FO01

CASEY B. MILLER

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RESPONDENT

**ORDER DENYING LOAN OFFICER RENEWAL APPLICATION**

A Complaint to Deny Loan Officer Renewal Application was filed herein on June 20, 2007 against Casey B. Miller, (hereinafter referred to as "Respondent") individually to deny his renewal application for a loan officer license in the State of Arkansas under the Arkansas Fair Mortgage Lending Act, Ark. Code Ann. § 23-39-501, *et. seq.*, (hereinafter referred to as "the Act"). An Answer was filed by Respondent on July 9, 2007. At Respondent's request, a hearing was held on August 30, 2007. Respondent appeared in person and by his attorney, Charles A. Banks. The Staff of the Securities Department (hereinafter referred to as "Department") was represented by Staff Attorney Alexandra N. Stephens.

Having considered the pleadings, the exhibits, and the testimony of the witnesses, the Arkansas Securities Commissioner (hereinafter referred to as "Commissioner") finds that Respondent's renewal application is denied.

**FINDINGS OF FACT**

1. This proceeding was instituted pursuant to the Arkansas Fair Mortgage Lending Act ("the Act"), codified at Ark. Code Ann. §§ 23-39-501, *et seq.*, the Rules of the Commissioner promulgated thereunder ("Rules"), and the Arkansas Administrative

Procedure Act, codified at Ark. Code Ann. §§ 25-15-201, *et seq.*, and subject matter jurisdiction is proper.

2. Respondent is a resident of the State of Arkansas, is licensed as loan officer number 15129 under the Act, and is properly before the Commissioner.

### **STIPULATED FACTS**

3. Stipulations were filed on August 30, 2007 wherein attorney Banks for Respondent and attorney Stephens stipulated to the following facts:

a. Respondent submitted his initial loan officer license application to the Department on or about April 2, 2004. An Arkansas loan officer license was issued and renewed annually to Respondent until his 2007 renewal application submission.

b. Respondent hand delivered a renewal application for his loan officer license to the Department on or about May 31, 2007. Respondent's renewal application disclosed he had been convicted of a crime punishable by one or more years of imprisonment.

c. Respondent was convicted by a jury on August 31, 2006 to three (3) counts of wire fraud and one (1) count on conspiracy, crimes punishable by one or more years imprisonment in Case Number 4:04 CR00281 in the United States District Court Eastern District of Arkansas. He has not been sentenced as of August 30, 2007.

## RELEVANT ARKANSAS STATUTES AND RULES

4. Ark. Code Ann. § 23-39-514 (a) (2) (C) provides that the Commissioner by Order may deny, suspend, revoke, or refuse to issue or renew a license of a licensee or an applicant if the Commissioner finds that the order is in the public interest, and that the person has pleaded guilty to any felony or any offense involving breach of trust, moral turpitude, or fraudulent or dishonest dealing within the past ten (10) years.

## CONCLUSIONS OF LAW

5. This matter has been properly brought before the Commissioner, and the entry of this Order is in the public interest.

6. The Staff has conducted a review of the loan officer application and background of Respondent. Respondent was convicted by a jury of three (3) felony counts of wire fraud and one (1) felony count of conspiracy, crimes punishable by one or more years imprisonment, in Case Number 4:04 CR00281 in the United States District Court Eastern District of Arkansas and answered affirmative on his 2007 loan officer renewal application submitted to the Department that he had been convicted of crimes involving breach of trust, or fraudulent or dishonest dealing within the past ten (10) years.

## ORDER

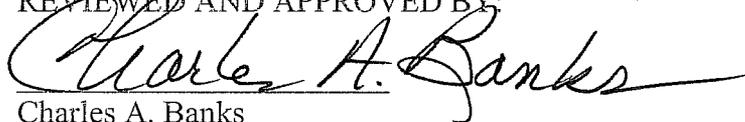
Based upon the forgoing, it is hereby ordered that the renewal of the Arkansas loan officer license of Casey B. Miller is denied. At such time as a sentencing report is issued by the United States District Court of the Eastern

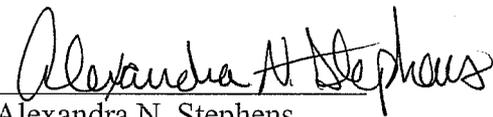
District of Arkansas in Case Number 4:04 CR00281, Respondent may request review of his application for a loan officer license. This Order does not prevent or prohibit Respondent from the performance of administrative functions and the provider of clerical assistance at his place of employment, Mortgages for Arkansas, as long as he does not perform any duties that would require a loan officer license under the Act.

WITNESS MY HAND AND SEAL THIS 25<sup>th</sup> DAY OF October, 2007.

  
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Michael B. Johnson  
ARKANSAS SECURITIES COMMISSIONER

REVIEWED AND APPROVED BY:

  
\_\_\_\_\_  
Charles A. Banks  
Attorney for Respondent

  
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Alexandra N. Stephens  
Staff Attorney