

DIVISION OF REAL ESTATE  
DEPARTMENT OF COMMERCE  
P.O. BOX 146711  
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BEFORE THE DIVISION OF REAL ESTATE OF  
THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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In the Matter of the Application of  
**AARON SPICER** to Act as a Mortgage Loan  
Originator

ORDER ON APPLICATION

*Case # MC-49691*

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On January 4, 2010, Aaron Spicer (Applicant) submitted to the Utah Residential Mortgage Regulatory Commission (Commission) and the Division of Real Estate (Division) an application for a license to practice as a mortgage loan originator. The application was reviewed in an informal proceeding to determine whether Applicant meets the licensing requirements of Utah Code Ann. § 61-2c-203 (2010). The presiding officer, on behalf of the Division and pursuant to a grant of authority from the Commission, now makes the following analysis and order.

**REASONS FOR DECISION**

On June 21, 2006, Applicant was convicted in case number SWM051784 on a charge of driving under the influence. Applicant was committed to the custody of the county sheriff for one day, placed on probation for 36 months, and fined \$1,391.40. Despite this conviction and sentence, Applicant answered "no" to the following questions on his application:

Have you EVER been convicted of or pled guilty or no contest to, or entered a plea in abeyance or diversion agreement to, a felony or misdemeanor in any jurisdiction? **Consult court records to determine the nature of any offenses, including traffic**

**offenses which may be felonies or misdemeanors.** (Emphasis in the original.)

Have you EVER been on probation, or ordered to pay a fine or restitution or complete community service, in connection with any criminal offense or licensing action? (Emphasis in the original.)

Utah Code Ann. § 61-2c-203(1) (2010) requires that the Division and Commission determine whether an applicant demonstrates financial responsibility; good moral character; and the competence to transact the business of residential mortgage loans, including general fitness such as to command the confidence of the community and to warrant a determination that the individual will operate honestly, fairly, and efficiently. Utah Admin. Code § R162-2c-202 requires the Division and the Commission to consider an applicant's past, particularly his criminal history, in making this determination.

Applicant's criminal history involving driving under the influence demonstrates a lack of respect for the law and for the safety of others, which reflects negatively on his character. Applicant's failure to disclose the offense in response to the licensing questionnaire is also troubling. In his letter of explanation, Applicant states that the incident slipped his mind. The presiding officer wishes to emphasize to Applicant that his failure to answer accurately is considered falsification of a sworn document. The Commission and Division take such matters very seriously because mortgage loan originators must be thorough and accurate in the documents that they complete and attest to on behalf of their clients. Therefore, the presiding officer finds that Applicant's failure to be thorough and accurate in responding to the licensing questionnaire reflects negatively on his competence and raises questions as to whether he is able to command the confidence of the community. As such, Applicant does not meet the requirements of Section 61-2-6(1)(b) (2009) for unrestricted licensure.

In mitigation, the presiding officer notes that Applicant has resolved this criminal case and that this incident appears to be an isolated instance of poor judgment rather than an episode in a long history of criminal behavior. Therefore, the presiding officer finds that issuing a restricted license is justified.

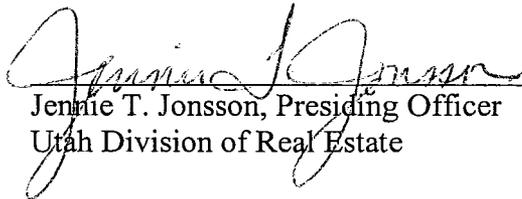
**ORDER**

Based on the above analysis, Aaron Spicer's mortgage loan originator license is immediately suspended for a period of 30 days and is thereafter placed on probation for the remainder of the initial licensing period. During the probationary period Mr. Spicer shall comply with all laws and with the rules regulating his profession, and shall conduct himself in a way that demonstrates his qualification and fitness for continuing licensure as a mortgage professional.

This order shall be effective on the signature date below.

DATED this 17<sup>th</sup> day of June, 2010.

UTAH DIVISION OF REAL ESTATE

  
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Jennie T. Jonsson, Presiding Officer  
Utah Division of Real Estate

Notice of Right to Administrative Review

Review of this order may be sought by filing a written request for administrative review with the Director of the Division of Real Estate within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code Ann. § 63G-4-301 and R151-46b-12 of the departmental rules.

CERTIFICATE OF MAILING

I hereby certify that on the 17 day of June, 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Aaron Spicer  
33540 Circle Five Dr.  
Nuevo, CA 92567

Renda Christensen