

DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE
JONATHAN C. STEWART, DIRECTOR
P.O. BOX 146711
160 EAST 300 SOUTH
SALT LAKE CITY, UTAH 84114-6711
Telephone: (801) 530-6747

BEFORE THE DIVISION OF REAL ESTATE OF
THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

In the Matter of the Application of
ASHLIE JAWN ROE to Act as a Mortgage
Loan Originator

NOTICE OF INFORMAL PROCEEDING
Case No. MG-11-56444

TO: Ashlie Jawn Roe
8892 Quail Run Dr.
Sandy, UT 84093

Your application for a license to act as a mortgage loan originator having been duly made to the Division of Real Estate of the State of Utah (Division) and the Utah Residential Mortgage Regulatory Commission (Commission), you are ordered to appear for a hearing, which has been designated as an informal proceeding pursuant to Utah Administrative Code § R162-2c-401, to be conducted on the 5th day of October, 2011 at 10:00 A.M. Mountain Time, or as soon thereafter as the Commission and the Director are available, in Room 210, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah, as to the action to be taken on your application in light of the following:

- 1) Case number 081900093 (Third District Court, Salt Lake County, Utah). On January 4, 2008, you were charged with theft by deception, a second degree felony. On September 8, 2008, you pleaded guilty to the charge as amended to

a class A misdemeanor, and your plea was held in abeyance. You were ordered to pay \$5,900 in restitution.

- 2) Despite your guilty plea in case number 081900093 as outlined above, you answered "no" to the following disclosure question on your MU4 form: "Have you ever pled guilty ... to committing ... a misdemeanor involving... theft or wrongful taking of property...."
- 3) Case number 085001506 (Box Elder County, Utah Justice Court). On or about March 24, 2008, you were charged with possession of less than one ounce marijuana and possession of drug paraphernalia, both class B misdemeanors. Minute entries from April 16, 2008 indicate that you lied to the court and that you are an habitual marijuana user. On May 22, 2008, you pleaded guilty to the marijuana charge, and the paraphernalia charge was dismissed. You were sentenced to serve five days in jail with an additional suspended sentence of 175 days. In addition, you were fined, placed on probation for 12 months and ordered to undergo drug evaluation. The case was closed on December 12, 2008.

Should you fail to appear for the hearing, and if you have not received a continuance from the Division prior to the hearing, you may be held in default, and your request for a license may be denied. One hour has been allotted for the hearing. If the above matters cannot be addressed within the scheduled time, the hearing will be continued to a later date. If you anticipate that you will require additional time to address the matters under consideration, please notify Renda Christensen at 801-530-6750 as soon as possible.

At the hearing, you will have the opportunity to present evidence and arguments, respond, ask questions, and submit rebuttal evidence. The hearing will be conducted by the Commission. The burden of proof will be on you to demonstrate that you meet the required statutory licensing criteria set forth in Utah Code § 61-2c-203 (2010) that an applicant shall have "good moral character and the competency 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." **You will need to bring 12 copies of any document(s) you wish the Commission to consider.**

You may represent yourself, or you are entitled to be represented by legal counsel. If you choose to have an attorney represent you, your attorney should file an entry of appearance with the Division prior to the hearing.

The Division of Real Estate will be represented in this matter by Assistant Attorney General Xanna Hardman. You may contact her at the Utah Attorney General's Office, Commercial Enforcement Division, P.O. Box 140872, Salt Lake City, Utah 84114-0872. Her telephone number is (801) 366-0310.

All witnesses will be sworn prior to giving testimony, and you may request that witnesses be subpoenaed by the Division on your behalf. You will be sworn before any testimony that you give. Any applicant who does not testify truthfully may be denied a license for failure to meet the criteria of honesty, integrity, and truthfulness. Any indication of a violation of licensing law that arises out of testimony or other evidence offered at the hearing may be considered as part of the Commission's and the Division's decision on your application and may be sanctioned pursuant to Utah Code § 61-2c-402(2), *including the imposition of a civil penalty.*