

STATE OF NEBRASKA
Department of Banking & Finance

IN THE MATTER OF:

Nationwide Mortgage Licensing
System & Registry

) ORDER ADOPTING
) NATIONWIDE MORTGAGE
) LICENSING SYSTEM & REGISTRY
) CHALLENGE PROCESS

THIS MATTER comes before the Nebraska Department of Banking and Finance (“DEPARTMENT”), by and through its Director, pursuant to its authority under the Installment Sales Act, Neb. Rev. Stat. § 45-334 to 45-355 (Reissue 2010; Cum. Supp. 2012); the Residential Mortgage Licensing Act, Neb. Rev. Stat. §§ 45-701 to 45-754 (Reissue 2010; Cum. Supp. 2012; Supp. 2013); the Installment Loan Act, Neb. Rev. Stat. § 45-1001 to 45-1069 (Reissue 2010; Cum. Supp. 2012; Supp. 2013); and the Nebraska Money Transmitters Act, Neb. Rev. Stat. § 8-2701 to 8-2748 (Supp. 2013).

1. The Nationwide Mortgage Licensing System & Registry (“NMLS”) is an online licensing database established in 2008 to facilitate licensing of mortgage companies, branches, and mortgage loan originators. In 2012, NMLS expanded to facilitate licensing of other non-depository financial institutions including sales finance companies and money transmitters.

2. The DEPARTMENT joined the NMLS in 2008 to facilitate the licensing of mortgage bankers. In 2010, the DEPARTMENT began licensing mortgage loan originators and installment loan companies on the NMLS. In 2013, the DEPARTMENT began the licensing of installment sales companies on the NMLS. In 2014, the DEPARTMENT will transition licensing of money transmitters to the NMLS.

3. Neb. Rev. Stat. § 45-748(4) (Reissue 2010) requires the Director of the DEPARTMENT to establish a process whereby mortgage bankers, registrants, and mortgage loan originators may challenge information entered into the NMLS by the Director.

4. On November 19, 2009, the Director issued an “Order Adopting Nationwide Mortgage Licensing System Challenge Process” (“2009 Order”) which outlined the challenge process for mortgage bankers and mortgage loan originators to challenge information placed by the DEPARTMENT in the NMLS.

5. Neb. Rev. Stat. § 45-1033.01(4) (Reissue 2010); Neb. Rev. Stat. § 45-354(4) (Cum. Supp. 2012); and Neb. Rev. Stat. § 8-2730(4) (Supp. 2013) provide that the Director shall establish a similar challenge process for licensed entities under the Installment Loan Act, the Installment Sales Act, and the Nebraska Money Transmitters Act.

6. The Director has determined that it is in the public interest to vacate the 2009 Order and replace it with a new Order which applies to all entities and individuals licensed or registered by the DEPARTMENT via the NMLS.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED as follows:

1. Any entity or individual licensed or registered by the DEPARTMENT (“licensee”) via the NMLS may challenge information entered into the NMLS by the DEPARTMENT. Such challenges shall be in writing and shall identify the information being challenged and the reasons for such challenge. A licensee may submit supporting evidence to show that the information entered into the NMLS by the DEPARTMENT is incorrect, invalid, or inappropriate.

2. Upon receipt of a challenge, the Director of the DEPARTMENT shall review the information submitted to the NMLS by the DEPARTMENT to determine whether the submitted information accurately reflects the DEPARTMENT's records concerning the licensee. Should the challenge pertain to an Order issued by the DEPARTMENT, the Director's review shall be limited to determining whether the information entered into the NMLS accurately describes the information contained in such Order. The Director's review shall not consider any arguments related to the underlying findings of facts or conclusions of law contained in such Order, as the proper procedure for raising such arguments are governed by the Nebraska Administrative Procedure Act.

3. The Director shall notify the licensee of his or her decision concerning the challenge in writing no later than sixty (60) days after receipt of such challenge. Should the Director determine that the information submitted to the NMLS was incorrect, the Director shall promptly correct the information submitted to the NMLS.

4. Any person aggrieved by a decision of the Director concerning a challenge to the information submitted to the NMLS may appeal the decision by submitting a request for a hearing to the DEPARTMENT. Such appeal shall be in accordance with the Nebraska Administrative Procedure Act and the rules and regulations adopted and promulgated under the Act.

5. The DEPARTMENT shall send a copy of this Order via email to each licensee licensed or registered via the NMLS as of the effective date of this Order, and shall post this Order on its website.

6. The November 2009 Order is hereby vacated.

7. This Order shall remain in effect until subsequently modified or vacated by
Order of the Director.

8. The effective date of this Order shall be the date of the Director's signature.

DATED this 7th day of January, 2014.



**STATE OF NEBRASKA
DEPARTMENT OF BANKING AND FINANCE**

By:

John Munn

1526 K Street, Suite 300
Lincoln, Nebraska 68508
(402) 471-2171