

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCE AND CORPORATE SECURITIES

In the Matter of:

Case No. M-13-0214

MIRANDA ANGELA KRAUS fka
MIRANDA ANGELA BURGESS
NMLS ID # 968326,

FINAL ORDER DENYING MORTGAGE
LOAN ORIGINATOR LICENSE
BY DEFAULT

Respondent.

On November 18, 2013, the Director of the Department of Consumer and Business Services for the State of Oregon (the "Director"), acting by the authority of the Chapter 86A of the Oregon Revised Statutes (hereinafter cited as "the Oregon Mortgage Lender Law"), issued Administrative Order No. M-13-0214 – Proposed Order Denying Mortgage Loan Originator License and Notice of Right to a Hearing ("the Order") to Miranda Angela Kraus fka Miranda Angela Burgess ("Respondent").

On November 22, 2013, a true copy of the Order was served by certified and regular mail to Respondent at 14838 Sunnydale Drive, Lake Hughes, CA 93532, the address of record provided by Respondent on her license application. The copy mailed by certified mail was returned marked "unclaimed" by the United States Post Office. The copy mailed by regular mail has not been returned.

Respondent has not made a written request for a contested case hearing in this matter and the time to do so has expired.

I. FINDINGS OF FACT

The Director FINDS that:

1. Miranda Angela Kraus, at the time using the name Miranda Angela Burgess, NMLS #968326, filed an application for an Oregon mortgage loan originator license with the Director on May 23, 2013 through the Nationwide Mortgage Licensing System (the "NMLS").

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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1 2. Respondent answered “yes” to the NMLS application disclosure question A(1): “Have
2 you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy petition
3 within the past 10 years?”

4 3. Respondent also answered “yes” to the NMLS application disclosure question A(3):
5 “Have you been the subject of a foreclosure action within the past 10 years?”

6 4. In response to these questions, Respondent stated “Bankruptcy Chp 13 was discharged
7 6/2/2005 a result of a divorce in which my ex-husband filed BK for debt we held as a married
8 couple and also for protection from our home we owned in Saginaw, TX. We moved from TX to
9 CA for a job change and had to let our property go to foreclosure as could not afford the payment
10 on that without any renters and our bills at the same time.”

11 5. Respondent provided a longer explanation for the 2010 Chapter 13 that essentially
12 indicated that they had moved from Texas to California and her husband’s income at his new
13 employer was reduced by 20% due to furloughs and she was not working. In addition, their
14 home in Texas was foreclosed and the second mortgage holder was suing for the deficiency
15 balance. Their car was repossessed. As a result of the defaults, the Respondent and her husband
16 decided to file for Chapter 13 bankruptcy, but did not actually file until the parties had separated
17 and began divorce proceedings.

18 6. Records from the bankruptcy court show that Respondent and Jeffrey Burgess received a
19 discharge under Chapter 7 of the bankruptcy code, not Chapter 13 as disclosed by Respondent,
20 on June 2, 2005.

21 7. Licensing records show that the foreclosure occurred in 2008.

22 8. Records from the bankruptcy court show that Respondent and Jeffrey Burgess filed for
23 bankruptcy protection under Chapter 13 on July 29, 2010 and agreed in their divorce in the All of
24 2010 that Jeffrey Burgess would make the bankruptcy payments. On March 2, 2011, Respondent
25 and Jeffrey Burgess were ordered to make six monthly payments of \$385 and \$471 per month in
26 months seven through 60 as part of the bankruptcy.



1 9. On June 17, 2013, Respondent's application for a mortgage loan originator was reviewed
2 and concerns about financial responsibility were noted.

3 10. On June 18, 2013, Kirsten Anderson, the Mortgage Lending Program Manager, discussed
4 the application with Respondent. Ms. Anderson indicated that the Director would offer
5 Respondent a conditional license conditioned on her maintaining financial responsibility
6 including that she have no further bankruptcy petitions, no unpaid judgments, no unpaid tax
7 liens, no foreclosures, not having three or more accounts more than 90 days past due and make
8 all required payments under the bankruptcy. Respondent agreed to this during the telephone call.

9 11. While preparing the conditional license order, the Director learned that, on June 19, 2013,
10 the Trustee filed a motion to dismiss the Chapter 13 bankruptcy petition because the required
11 payments have not be made since December 21, 2012.

12 12. The bankruptcy was dismissed on August 6, 2013 for failure to make the required
13 payments.

14 II. CONCLUSIONS OF LAW

15 The Director CONCLUDES that:

16 13. Due to the fact that Respondent received a bankruptcy discharge under Chapter 7 in June,
17 2005, was the subject of a foreclosure of her home in 2008, filed a petition for bankruptcy
18 protection under Chapter 13 in 2010 and failed to ensure that the payments she was ordered to
19 make in the bankruptcy were made such that the bankruptcy was dismissed in August 2013,
20 Respondent has not demonstrated financial responsibility sufficient to command the confidence
21 of the community and warrant the determination that Respondent will operate honestly, fairly
22 and efficiently within the purposes of ORS 86A.200 to 86A.239 under ORS 86A.212(1)(3)

23 14. Because Respondent has not demonstrated financial responsibility, ORS 86A.212(1)
24 provides that the Director may not issue Respondent a mortgage loan originator license.

25 III. ORDER

26 Now, therefore, the director issues the following ORDER:

1 15. The Director, pursuant to ORS 86A.212 and ORS 86A.224, hereby denies Respondent's
2 application for an Oregon mortgage loan originator license.

3 IT IS SO ORDERED.

4 Dated this __24th__ day of __January_____, 2014.

5
6 PATRICK M. ALLEN, Director
7 Department of Consumer and Business Services

8 /s/ David Tatman
9 David C. Tatman, Administrator
10 Division of Finance and Corporate Securities

11 NOTICE: You may be entitled to judicial review of this Order. Judicial review may be
12 obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from
13 the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the
14 Oregon Court of Appeals.

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