

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

COMMISSIONER OF BANKS
MORTGAGE LOAN ORIGINATOR
LICENSING
Docket No. 2010-278-CO

In the Matter of)
Michael Edward Nickley)
)
)
Mortgage Loan Originator License No. MLO196860)
_____)

CONSENT ORDER

WHEREAS, Michael Edward Nickley, (“Michael Nickley” or the “Licensee”), a licensed mortgage loan originator under Massachusetts General Laws chapter 255F, section 2, has been advised of the right to Notice and Hearing pursuant to Massachusetts General Laws chapter 30A, section 10 and chapter 255F, section 11, and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF A CONSENT ORDER (“Consent Agreement”) with representatives of the Division of Banks (“Division”) dated August 30, 2010, whereby, solely for the purpose of settling this matter, Michael Nickley agrees to the issuance of this CONSENT ORDER (“Consent Order”) by the Commissioner of Banks (“Commissioner”);

WHEREAS, The Division of Banks ("Division"), through the Commissioner, has jurisdiction over the licensing and regulation of persons engaged in the business of a mortgage loan originator in Massachusetts, pursuant to Massachusetts General Laws chapter 255F, section 2;

WHEREAS, Michael Nickley is, and at all relevant times has been, a Massachusetts licensed mortgage loan originator doing business in the Commonwealth;

WHEREAS, on August 9, 2010, the Division issued a TEMPORARY ORDER TO CEASE AND DESIST, Docket No. 2010-278 (the "Temporary Order"), against Michael Nickley based upon the Licensee's failure to obtain a passing score on the Massachusetts component of the SAFE Mortgage Loan Originator Test, in violation of Massachusetts General Laws chapter 255F, section 6(a) and the Division's regulation 209 CMR 41.04(2)(f); failure to obtain a passing score on the National component of the SAFE Mortgage Loan Originator Test, in violation of Massachusetts General Laws chapter 255F, section 6(a) and the Division's regulation 209 CMR 41.04(2)(f); The Temporary Order is incorporated herein, in its entirety, by reference.

WHEREAS, Michael Nickley filed a response to the Temporary Order with the Division and attested that he has discontinued engaging in the activities of a residential mortgage loan originator in Massachusetts and desires to surrender his Massachusetts mortgage loan originator license;

WHEREAS, the parties now seek to resolve this matter by mutual agreement; and

WHEREAS, in recognition of the Division and Michael Nickley having reached the following mutual agreement under this Consent Order to resolve this matter, the Commissioner has terminated the Temporary Order on this 30th day of August, 2010.

ORDER

NOW COME the parties in the above-captioned matter, the Division and Michael Nickley, and stipulate and agree as follows:

1. Michael Nickley attests that he has ceased engaging in the activities of a mortgage loan originator in Massachusetts, as those activities are defined under Massachusetts General Laws chapter 255F, section 1 and the Division's regulation 209 CMR 41.00 *et seq.*, relative to any residential property in Massachusetts.

2. Immediately upon the execution of this Consent Agreement, the Division will update Michael Nickley's licensing status in Massachusetts through the NMLS to "Surrendered."

3. To the extent that Michael Nickley wishes to resume business in Massachusetts as a mortgage loan originator at any time hereafter, Michael Nickley shall be required to submit a completed application to obtain the relevant license from the Commissioner. The Commissioner shall have all of the discretion set forth within General Laws chapter 255F, section 4 and the Division's regulation 209 CMR 41.00 *et seq.* in determining whether to issue a license to Michael Nickley to conduct the licensed business, provided however, that any such application shall not be denied solely on the basis of the Temporary Order.

4. The provisions of this Consent Order shall not limit, estop, or otherwise prevent any other state agency or department, from taking any other action affecting Michael Nickley.

5. This Consent Order shall become effective immediately upon the date of its issuance.

6. In accordance with the terms of the Consent Agreement entered by Michael Nickley and the Commissioner, Michael Nickley has waived all rights of appeal relative to the Temporary Order.

7. The provisions of this Consent Order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this Consent Order shall have been modified, terminated, suspended, or set aside by the Commissioner or upon an order of a court of competent jurisdiction.

8. This Consent Order and the Consent Agreement are the complete documents representing the resolution of this matter. There are no other agreements, promises, representations, or warranties other than those set forth in this Consent Order, which replaces and supersedes all prior agreements between Michael Nickley and the Commissioner.

BY ORDER AND DIRECTION OF THE COMMISSIONER OF BANKS:

Dated at Boston, Massachusetts, this 30th day of August, 2010.

By: _____
Steven L. Antonakes
Commissioner of Banks
Commonwealth of Massachusetts