

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2
3 In the Matter of the Removal and Prohibition of:

No. 11F-BD017-BNK

4 **APRIL J. LUCERO**
5 #88517-008
6 FCI Victorville Medium II
7 Satellite Camp
8 P.O. Box 5300
9 Adelanto, California 92301

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

Respondent.

8 On February 2, 2011, the Arizona Department of Financial Institutions (“Department”) issued a the Notice of Hearing and Intent to Remove and Prohibit From Further Participation in Any Manner in the Conduct of the Affairs of a Financial Institution or Enterprise and Complaint (“Notice of Hearing” and/or “Complaint”) in the above-captioned matter. A copy of the Notice is attached hereto and incorporated by this reference. The Notice of Hearing required Respondent to provide a written answer to the allegations set forth in the Notice within twenty (20) days of the issuance of the Notice of Hearing. The twenty-day deadline for the filing of Respondent’s answer to the Complaint elapsed on March 14, 2011. As of this date, Respondent has failed to file an answer.

16 On May 11, 2011, counsel for the Department filed a Request for Default. Pursuant to A.A.C. R20-4-1209(D), a party that fails to file an answer within the time provided shall be deemed to be in default, and the Superintendent may regard any assertions in the notice of hearing as admitted by the defaulting party.

20 FINDINGS OF FACT

- 21 1. Notice of Hearing and Complaint were properly served upon Respondent.
22 2. Respondent failed to file a written answer to the Complaint and is, therefore, in default.
23 3. The allegations in the Notice of Hearing and Complaint are deemed admitted.

24 CONCLUSIONS OF LAW

- 25 1. Pursuant to Title 6, Chapter 7 of the Arizona Revised Statutes, the Superintendent has the

1 authority and duty to regulate all persons engaged in the mortgage broker and mortgage banker
2 business and with the enforcement of statutes, rules, and regulations relating to mortgage brokers
3 and mortgage bankers.

4 2. Respondent April J. Lucero's conduct, as set forth attached Notice of Hearing,
5 constitutes acts, omissions, and practices that demonstrate personal dishonesty and unfitness to
6 continue in office or to participate in the conduct of the affairs of any financial institution or
7 enterprise and is grounds for the removal and the prohibition of Ms. Lucero from participating in any
8 manner in the conduct of the affairs of any financial institution or enterprise within the meaning of
9 A.R.S. § 6-161(A)(1).

10 3. Ms. Lucero's May 10, 2010, conviction for one count of Conspiracy to Commit Mail,
11 Wire and Bank Fraud, a Class B Felony, constitutes grounds for the removal and the prohibition of
12 Ms. Lucero from participating in any manner in the conduct of the affairs of any financial institution
13 or enterprise, pursuant to A.R.S. § 6-161(A)(4).

14 4. The violations, set forth in the attached Notice of Hearing, constitute grounds for the
15 Superintendent to order the removal and the prohibition of Ms. Lucero from further participation in
16 any manner as a director, officer, employee, agent or other person in the conduct of the affairs of any
17 financial institution or enterprise, pursuant to A.R.S. § 6-161(E).

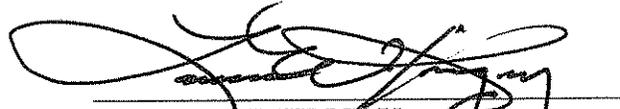
18 ORDER

19 1. Respondent is hereby removed or prohibited from further participation in any manner
20 in the conduct of the affairs of a financial institution or enterprise pursuant to A.R.S. §§ 6-161(A),
21 (B), and (C), effective upon the issuance of this Order.

22 2. Respondent is hereby removed and prohibited from further participation in any
23 manner as a director, officer, employee, agent or other person in the conduct of the affairs of any
24 financial institution or enterprise, pursuant to A.R.S. § 6-161 (E), effective upon the issuance of this
25 Order.

1 3. The hearing set for May 26, 2011, at 8:00 a.m. before Administrative Law Judge,
2 Lewis Kowal shall be vacated.

3 DATED this 20th day of MAY, 2011.

4
5 

6 LAUREN W. KINGRY
7 Superintendent of Financial Institutions
8 Arizona Department of Financial Institutions

8 COPY of the foregoing mailed
9 this 20th day of MAY, 2011, to:

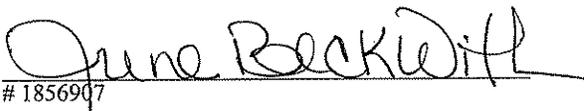
10 Lewis D. Kowal, Administrative Law Judge
11 Office of the Administrative Hearings
12 1400 W. Washington Street, Suite 101
13 Phoenix, AZ 85007

14 Natalia A. Garrett
15 Assistant Attorney General
16 Office of the Attorney General
17 1275 W. Washington Street
18 Phoenix, AZ 85007

19 Robert D. Charlton, Assistant Superintendent
20 Arizona Department of Financial Institutions
21 2910 N. 44th Street, Suite 310
22 Phoenix, AZ 85018

23 COPY of the foregoing mailed AND
24 faxed this 20th day of May, 2011, to:

25 April J. Lucero
26 #88517-008
27 FCI Victorville Medium II
28 Satellite Camp
29 P.O. Box 5300
30 Adelanto, CA 92301
31 Fax: 760-246-2624
32 Attn: Angela Sibley
33 Re: April J. Lucero
34 Respondent

35
36 
1856907