

*O'Berry v. SCDC*

(Docket No. 12-ALJ-30-0479-CC)

Christopher Lamont O'Berry (Petitioner) filed a Motion for Writ of Mandamus with the Administrative Law Court (ALC), alleging the Department of Consumer Affairs (Department) had disciplined him for originating a loan without a license, in contravention of a previous ALC order. The Petitioner filed for a contested case hearing against the Department in December 2012, challenging the Department's decision to deny his application for a mortgage loan originator's license. The ALC found Petitioner's application for a mortgage loan originator's license should be granted, and the Department issued his license on January 3, 2013, pursuant to the ALC order.

Due to Petitioner's subsequent actions and inaction, Petitioner's license status was placed in "approved-inactive" status. Petitioner filed a Motion for Writ of Mandamus in the ALC on January 8, 2016, alleging the Department disciplined him for originating a loan without a license in contravention with the Court's order. On February 3, 2016, the ALC denied Petitioner's Motion for Writ of Mandamus. In its decision, the court held that although a previous ALC order required the Department to approve Petitioner's license, there was nothing in that order excusing Petitioner from complying with the ongoing duties associated with maintaining the license once it was issued.