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BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE

OF THE STATE OF IDAHO

In re Mortgage Loan Originator
License Renewal Application of:

ROBERT MICHAEL TAMES,
NMLS ID No. 158439,

Applicant.

Docket No. 2020-16-01

**DEFAULT ORDER DENYING MORTGAGE
LOAN ORIGINATOR LICENSE RENEWAL
APPLICATION**

Upon issuance and service of the Notice of Intent to Seek Order of Denial of Mortgage Loan Originator License Renewal Application and Notice of the Opportunity to Request a Hearing, ROBERT MICHAEL TAMES, NMLS ID No. 158439 (the Applicant), failed to assert his right to request an administrative hearing on the matter twenty-one (21) days after he was served. Following that, on February 14, 2020, the Idaho Department of Finance (Department) served a

Notice of Proposed Default Order upon the Applicant. The seven (7) day period within which to file a petition showing good cause why a default order should not be entered has expired. The Director takes official notice of these documents filed in the administrative record and, by presentation of this Order to the Director, Department staff represents that it is not aware of a response from the Applicant. Therefore, the Director makes the following Findings of Fact, Conclusions of Law, and enters the following Order.

FINDINGS OF FACT

1. The Applicant, a resident of the state of Arizona, has held Idaho Mortgage Loan Originator License No. MLO-20741 (NMLS No. 158439) to conduct business in the state of Idaho as a mortgage loan originator since approximately January 2017. He renewed the license for 2018 and 2019.

2. On December 27, 2019, the Applicant applied for a renewal of his Idaho Mortgage Loan Originator license through the Nationwide Mortgage Licensing System and Registry (NMLSR). In his renewal application form MU4, the Applicant answered “No” in response to disclosure question (D), which asks: “Do you have any unsatisfied judgments or liens against you?” This representation is inaccurate.

3. The loan originator license renewal process also requires applicants to submit an affirmation stating whether there have been any changes to their originally filed Form MU4, and if so to update the relevant information. The renewal process affirmation contains the following language: “...to the best of my knowledge and belief the information contained in my online record, including jurisdiction specific requirements where I am licensed or registered, is true, accurate and complete in accordance with the appropriate jurisdiction’s law. Additionally, I

acknowledge that I have a duty and agree to expediently update and correct the information as it changes.” The affirmation further states that “I understand that submitting any false or misleading information, or omitting pertinent or material information, may be grounds for administrative action and/or criminal action.”

4. Specifically, for item #5 of the affirmation, the Applicant must attest that he has “updated the documents on file with the jurisdiction(s) to disclose any new event or proceeding requiring an affirmative answer to any disclosure question which has occurred since submission of [her] license/registration application or renewal application to the applicable jurisdiction(s).”

5. On the MU4 renewal application, the Applicant indicated that he had paid a Georgia tax lien. No other information or supporting documentation was provided.

6. The examiner obtained a public record background information report through LexisNexis. Following this, the examiner obtained evidence indicating that the Applicant’s response to disclosure question (D) was not accurate and that the disclosure information was not complete. Specifically it appears that the Applicant:

- a. Still has a tax lien obligation to the State of Georgia in the amount of approximately \$1,173.51 recorded in Fulton County, Georgia, State Execution Number 09085834; and
- b. Has an unsatisfied judgment against him in the favor of Hamid Eslampour c/o AZ Residential Management LLC in the amount of \$2,874.19 in Case Number CC2019-148263 Maricopa County, Arizona on July 30, 2019.

7. The examiner determined that the Applicant had failed, as required, to respond accurately to Disclosure Question (D) and to update/correct his online record in the NMLSR to

reflect the outstanding tax lien and unsatisfied judgment referenced above, thus rendering the Applicant's affirmation on this renewal application false.

8. The renewal form provides that applicants agree to and represent that: "(1) ...the information and statements contained herein, including exhibits attached hereto, and other information filed herewith, all of which are made a part of this application, are current, true, accurate and complete and are made under the penalty of perjury, or un-sworn falsification to authorities, or similar provisions as provided by law; (2) To the extent any information previously submitted is not amended and hereby, such information remains accurate and complete;" and "(4) ...keep the information contained in this form current and to file accurate supplementary information on a timely basis;..."

9. The inaccurate response and failure to disclose the above-described tax lien and judgment are relevant, pertinent, or material misrepresentations and omissions in the Applicant's responses to the Form MU4 application disclosure question (D).

CONCLUSIONS OF LAW

10. Paragraphs 1 through 9 above are fully incorporated herein by this reference.

11. Idaho Code § 26-31-304 provides that an individual shall not engage in the business of a mortgage loan originator without first obtaining, and maintaining annually, a license.

12. Idaho Code § 26-31-309(1)(c) provides that a licensee shall file through the NMLSR, on or before December 31 of each year, a renewal application containing such information as the director may require. Idaho Code § 26-31-309(1)(a) requires that an applicant for renewal of a mortgage loan originator license continue to meet the minimum standards pursuant to Idaho Code § 26-31-306.

13. Pursuant to Idaho Code § 26-31-306(1)(h), before an application for license can be approved, an applicant must provide all information on the application as required per Idaho Code § 26-31-305.

14. Idaho Code § 26-31-306(1)(d) provides that the Director shall not issue a mortgage loan originator license under the Act unless the Director makes a finding that an applicant has demonstrated financial responsibility, character and general fitness sufficient to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the Act.

15. Pursuant to Idaho Code § 26-31-313(1)(b), the Director may decline to renew a license if an applicant withholds information or makes a material misstatement in an application for a license.

16. The Applicant made a material misstatement of fact in his application, which is grounds to deny his application for licensure. He failed to disclose the existence of an unsatisfied judgment against him entered in 2019 in Maricopa County, Arizona, and he represented that he had paid a Georgia State tax lien, which was later determined to be unsatisfied. The false answer to disclosure question (D) and the failure to disclose the unsatisfied judgment and tax lien prohibit the Director from issuing a license to the Applicant pursuant to Idaho Code § 26-31-306(1)(h).

17. The Applicant's failure to disclose on the Form MU4 the unsatisfied judgment and tax lien and negative response to disclosure question (D) in his form MU4 demonstrate that the Applicant lacks the appropriate character and fitness sufficient to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate

honestly, fairly, and efficiently within the purposes of the Act. Therefore, the Director cannot make the requisite findings under Idaho Code § 26-31-306(1)(d), and it is appropriate to decline the Applicant's request for renewal of his Idaho mortgage loan originator license, pursuant to Idaho Code § 26-31-313(1).

ORDER

Based upon the foregoing and pursuant to the Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 *et seq.*, the mortgage loan originator license renewal application submitted by the Applicant is hereby denied.

NOTIFICATION OF RIGHTS

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

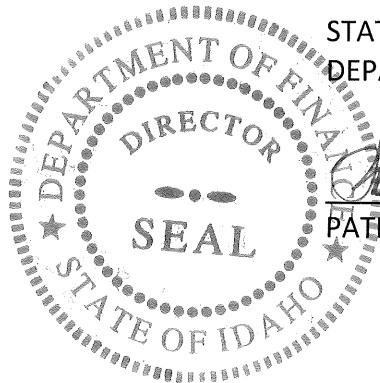
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Section 67-5274, Idaho Code.

This matter is hereby concluded.

IT IS SO ORDERED.

DATED this 27th day of February, 2020.



STATE OF IDAHO
DEPARTMENT OF FINANCE



PATRICIA PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2020, I served a true and correct copy of the foregoing DEFAULT ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE RENEWAL APPLICATION on the following by the designated means:

Robert M. Tames
4502 N. 36th St., Unit 111
Phoenix, AZ 85018

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: rtames@genevafi.com



Paralegal