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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

In re Mortgage Loan Originator
License Application of:

GABRIEL PHILLIP SANCHEZ,
NMLS ID No. 1930992,

Applicant.

Docket No. 2021-16-46

**ORDER DENYING MORTGAGE LOAN
ORIGINATOR LICENSE APPLICATION AND
NOTICE OF THE OPPORTUNITY TO
REQUEST A HEARING**

The Director of the State of Idaho, Department of Finance (Director), pursuant to the Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 et seq. (the Act), and in particular §§ 26-31-306(1)(d) and (h) and 26-31-313(1)(a) and (b) of the Act, hereby issues the following Findings of Fact, Conclusions of Law, and Order Denying Mortgage Loan Originator License Application, and Notice of the Opportunity for a Hearing (Order).

FINDINGS OF FACT

1. The Applicant, GABRIEL PHILLIP SANCHEZ, a resident of the state of Arizona, holds NMLS number 1930992 and applied for an Idaho Mortgage Loan Originator (MLO) license by filing an individual Form MU4 through the online Nationwide Mortgage Licensing System (NMLSR or

NMLS). This application was initially attested to by the Applicant on February 23, 2021 and submitted on the Applicant's behalf by Ryan Davis of Freedom Mortgage Corporation on February 24, 2021. The applicant made changes to phone number and email address information in the application on June 29, 2021.

1. The application Form MU4, seeks information about an applicant's qualifications to be licensed as a mortgage loan originator. Section 6 of the application form is entitled "Disclosure Questions" and it consists of a series of questions that inquire into an applicant's history regarding financial, criminal, civil, judicial and regulatory matters.

2. Pertinent to the Applicant's qualifications are the following questions:

(A)(3): "Have you been the subject of a foreclosure action within the past 10 years?" The applicant responded, "Yes."

(D): "Do you have any unsatisfied judgments or liens against you?" The applicant responded, "Yes."

3. As part of his disclosure explanations pertaining to these two affirmative answers, the Applicant uploaded a copy of a 2014 Notice of Trustee's Sale for his property located at 4371 E. Pinto Valley Road, Queen Creek, Arizona 85342 and he uploaded a copy of a Payment Agreement, dated November 26, 2019, related to a State of Arizona tax lien against him. He made no mention of any outstanding judgment or a subsequent foreclosure reflected in a February 2017 Notice of Trustee's Sale.

4. Consistent with normal practice, a Department examiner conducted an assessment of the Applicant using various sources of public information to determine if the Applicant

demonstrates sufficient financial responsibility, character, and general fitness in order to be licensed as a mortgage loan originator.¹

5. The examiner obtained a public record background information report through LexisNexis, which showed that the Applicant had been the subject of another foreclosure action in 2017 and also has an outstanding judgment that was entered against him in 2020.

6. Regarding the 2017 foreclosure action, the examiner noted that the Notice of Trustee's Sale was recorded on February 2, 2017, on the Applicant's property located at 14551 West Hidden Terrace Loop, Litchfield Park, Arizona.

7. Regarding the outstanding judgment, the examiner obtained a copy of the Stipulated Judgment in the total amount of \$6,212.21 entered on September 25, 2020 in favor of The Village at Litchfield Park Association, Inc. against the Applicant in the White Tank Justice Court, County of Maricopa, Arizona, Case No. CC2020-015165RC.

8. The Department has no evidence indicating that the judgment described above has been satisfied and released.

9. The Applicant's failure to provide details of the 2017 foreclosure action and the judgment described above constitute material omissions.

10. On June 16, 2021, the Department provided the Applicant notice of an intent to deny the application within approximately one month based on the failure to disclose the judgment unless the Applicant was able to provide documentation on or before July 14, 2021 to satisfy the Department that disclosure of the judgment was not required. The notice alternatively provided

¹ Conducted pursuant to Part 3 of the Act titled "The Idaho Secure and Fair Enforcement for Mortgage Licensing Act" (Idaho S.A.F.E. Mortgage Licensing Act), Idaho Code § 26-31-306.

the Applicant the opportunity to withdraw the application. The Applicant failed to provide the requisite documentation or withdraw the application by the stated deadline.

FINDINGS AND CONCLUSIONS OF LAW

11. The allegations set forth in paragraphs 1 through 10 above are fully incorporated herein by this reference.

12. 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.

13. Idaho Code § 26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the NMLS, in a form required by the Director of the Idaho Department of Finance (Director).

14. 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. Idaho Code § 26-31-305(10) further provides that an applicant shall make complete disclosure of all information as set forth in the application.

15. 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.

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

17. 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 2020 judgment and also the 2017 foreclosure action. The failure to disclose the 2017 foreclosure action and the failure to disclose the 2020 judgment prohibit the Director from issuing a license to the Applicant pursuant to Idaho Code § 26-31-306(1)(d) and (h).

18. The Director finds it appropriate to deny the application because the Applicant's failure to provide complete and accurate information on the Form MU4 regarding the 2017 foreclosure action and the 2020 judgment demonstrates 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 and demonstrate a failure to provide complete information in the application as required by Idaho Code § 26-31-305. Because the Director cannot make the requisite findings under Idaho Code § 26-31-306(1)(d) and (h), it is appropriate to deny the Applicant's request for an Idaho mortgage loan originator license, pursuant to Idaho Code § 26-31-313(1).

ORDER

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PURSUANT TO IDAHO CODE §§ 26-31-313(1)(a) and (b), IT IS ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION ATTESTED TO BY GABRIEL PHILLIP SANCHEZ, NMLS #1930992, ON FEBRUARY 23, 2021 AND SUBMITTED ON HIS

**BEHALF BY RYAN DAVIS OF FREEDOM MORTGAGE CORPORATIO ON FEBRUARY 24, 2021, IS
HEREBY DENIED.**

NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING

19. The Applicant is HEREBY NOTIFIED that the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION is a final order of the Director denying the license application, subject to the Applicant's right to timely file a request for a hearing on the question of his qualifications for a mortgage loan originator license under the Act, pursuant to Idaho Code § 26-31-305(6)(a). Such request for a hearing must be in writing and submitted to the Department within fifteen (15) days after the service of this Order. A copy of the request for hearing shall be served on the following:

Erin Van Engelen
Consumer Finance Bureau Chief
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

A copy of the request for contested case and hearing shall also be served on the Department's counsel in this matter:

Thomas A. Donovan
Deputy Attorney General
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

Alternatively, the Applicant may email the request for hearing to: CFLegal@finance.idaho.gov.

20. If the Applicant timely requests a hearing, the Director of the Department, or a Hearing Officer acting on the Director's behalf, will notify the Applicant of the date, time and place of the hearing, as well as the name and contact information of the presiding officer.

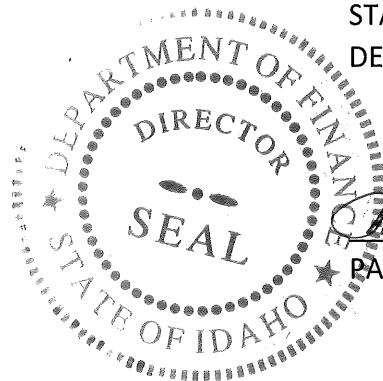
21. Any hearing and subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.* and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).

22. Pursuant to Idaho Code § 26-31-305(6), if a hearing is held, the Applicant shall reimburse, pro rata, the Director for her reasonable and necessary expenses incurred as a result of the hearing.

IT IS SO ORDERED.

DATED this 5th day of August 2021.

STATE OF IDAHO
DEPARTMENT OF FINANCE



PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August 2021, I caused a true and correct fully-executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY FOR A HEARING to be served on the following by the designated means:

Gabriel Phillip Sanchez
14551 W Hidden Terrace Loop
Litchfield Park, AZ 85340

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: Gabriel.sanchez@watermarkhomeloans.com


Paralegal