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

	)	
	)	
In re Mortgage Loan Originator	)	Docket No. 2016-16-01
License of:	)	
	)	
Iturriria, Antero David,	)	
NMLS ID No. 42543	)	<b>CONSENT ORDER</b>
	)	
Applicant.	)	
	)	
	)	

The State of Idaho, Department of Finance, Consumer Finance Bureau (Department) has reviewed the licensing status of ANTERO DAVID ITURRIRIA, (the Applicant), and has concluded therefrom that the Applicant has engaged in violations of the Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 *et seq.* (the Act); in particular §§ 26-31-313(1)(b), 26-31-317(10), and 26-31-306(1)(h). The Department and the Applicant have agreed to resolve this matter through the entry of this Consent Order, in lieu of a formal administrative proceeding or a civil enforcement lawsuit. The Director of the Department deems it appropriate and in the public interest to enter into this Consent Order, and the Applicant voluntarily consents to its entry.

## FACTS

1. On November 27, 2015, the Applicant, a resident of the State of California, submitted to the State of Idaho, through the Nationwide Multistate Licensing System (NMLS), a license renewal request for his Idaho Mortgage Loan Originator License. In conjunction with the renewal request, a Credit Bureau Report (CBR) was obtained through the NMLS for review by an Examiner (the Examiner) for the Department.

2. As with all application reviews, the Examiner conducted a review assessment on the Applicant using information provided by a credit reporting agency through the NMLS to determine whether the Applicant demonstrated the requisite financial responsibility, character, and general fitness in order to obtain or retain an Idaho license as a mortgage loan originator. The Examiner's review of the CBR raised some concerns on the Examiner's part as to whether the Applicant could meet the requisite standards for licensure.

3. To help ensure accuracy in her assessment of the Applicant's qualifications for licensure, on December 8, 2015, the Examiner delivered a written notice to the Applicant requiring that he provide documentation demonstrating financial responsibility relative to some accounts highlighted on the Applicant's CBR. The Applicant responded on December 20, 2015, indicating that he was attempting to resolve concerns raised by the Examiner and that he was attempting to obtain information showing that certain entries on his CBR were "erroneous."

4. On December 28, 2015, the Applicant emailed online screen shots of certain accounts to the Examiner. The Examiner responded by email informing the Applicant that the screenshots of the accounts were not adequate documentation and that he was required to provide full account statements for the Examiner's review.

5. On December 30, 2015, the Applicant delivered two email correspondences to the Examiner which included attachments purported to be statements associated with two or three of the Applicant's accounts. The attachments included November and December account statements from one creditor, and October, November and December account statements from a second creditor. The statements provided did not reflect any amounts past due and included no account delinquency references. The Applicant, in his email, stated that he was attempting to obtain letters from the account providers showing that the accounts were erroneously reported as being delinquent.

6. Based on the provided documentation, the Applicant was granted a conditional license. The documentation initially appeared to satisfy the conditions of the Examiner's December 8, 2015, notice to the Applicant.

7. However, during the review process, the Examiner noted several discrepancies within the account statements provided by the Applicant. On subsequent review, the purported statement balances did not appear to be accurate given the amount of interest accrued on the account. Upon further review, other inaccuracies on the account statements also became apparent to Department Examiners.

8. Based on inaccuracies and inconsistencies in the account statements provided by the Applicant, Department Examiners had questions as to whether the statements were accurate. However, the Department granted the Applicant a conditional license pending further investigation.

9. The Department issued subpoenas to certain creditors of the Applicant to obtain copies of the same statements submitted to the Examiner by the Applicant for comparison purposes. On September 25, 2016, the Department received certified statements of one of the

Applicant's accounts in question. These statements were materially different from the statements provided to the Examiner by the Applicant. The statements indicated past due amounts, late fees, and much larger minimum payments due. Upon close inspection of the statements provided by the Applicant for license renewal, Department Examiners concluded that said statements had been materially altered.

10. On October 19, 2016, in response to the subpoenas, another creditor of the Applicant provided the Department with account histories, copies of account statements, and account communications. Once again, the statements differed substantially from the statements provided earlier to the Department by the Applicant. The statements provided to the Department directly from the creditor included late fee charges, whereas the statements provided by the Applicant did not reflect any late fee charges. A Department Examiner also discovered other material discrepancies between the account statements provided by the Applicant and the account statements provided by the creditor. Upon close inspection of the statements provided to the Department by the Applicant, Department Examiners concluded that said statements had been materially altered prior to receipt by the Department.

11. Based on the inconsistencies, both within the documents submitted by the Applicant and by comparing the Applicant's submitted documents to the subpoenaed documents provided by two creditors of the Applicant, Department Examiners concluded that the documents the Applicant submitted in conjunction with his license renewal application were falsified and did not reflect the actual status of his accounts.

12. After discovering the documents were falsified, the Department brought the present administrative action to revoke the Applicant's license on November 7, 2016. The

Applicant, after receiving the Department's Notice of Intent to Issue Order Revoking Mortgage Loan Originator License, requested an administrative hearing.

13. During the discovery process, the Department provided to the Applicant copies of the account statements it obtained directly from the creditors pursuant to its administrative subpoena. The Applicant then learned that his wife had altered the statements he provided to the Department.

14. The Applicant withdrew his request for hearing.

15. The Applicant admits the account statements he submitted to the Department were falsified by his wife, Bernadette Iturriria. At the time the statements were provided to the Department on December 30, 2015, the Applicant believed they were accurate and he did not realize his wife had falsified them to satisfy the Department's request.

16. Ms. Iturriria prepared the response for the Applicant. She purposefully altered the documents, gave them to the Applicant, who then submitted them to the Department. The Applicant represented to the Examiner that his accounts were not delinquent, when in fact they were.

17. If the Applicant had not misrepresented the status of his accounts, the Department would not have granted him a conditional license. Instead the Department would have determined he did not satisfy the financial fitness requirement of Idaho Code 26-31-306(1)(d).

#### **REMEDIES**

18. The Applicant admits to the allegations set forth in this Consent Order. He admits the statements he provided to the Department on December 30, 2015 were false.

19. Bernadette Iturriria admits she intentionally falsified the statements that the Applicant provided to the Department on December 30, 2015.

20. The Applicant agrees that his mortgage loan originator license will not be renewed by the Department. He further agrees he will not reapply for a license with the Department for a period of no less than five (5) years from the date of this Consent Order.

21. The Applicant acknowledges and understands that this Consent Order is an administrative action that must be disclosed to the Department on future licensing and renewal forms. The disclosure requirements of other states may also require disclosure of the same.

DATED this 8th day of March, 2017.

Antero David Iturriria  
ANTERO DAVID ITURRIRIA

Bernadette Iturriria  
BERNADETTE ITURRIRIA

DATED this 20th day of March, 2017.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

Michael Larsen  
MICHAEL LARSEN  
Consumer Finance Bureau Chief

**IT IS SO ORDERED.**

DATED this 23rd day of March, 2017.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

Marye Hughes  
MARY HUGHES, Acting Director  
Idaho Department of Finance



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of March, 2017, I caused a true and correct fully-executed copy of the foregoing CONSENT ORDER to be served on the following by the designated means:

Anturo David Iturriria  
4181 Caflur Ave  
San Diego, CA 92117

- U.S. mail, postage prepaid
- Certified mail
- Facsimile:
- Email: titurriria@gmail.com

Paralegal

