

LAWRENCE WASDEN  
Attorney General

BRIAN D. NICHOLAS – I.S.B. #3585  
Deputy Attorney General  
State of Idaho  
Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031  
Telephone: (208) 332-8092  
Facsimile: (208) 332-8016  
brian.nicholas@finance.idaho.gov

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

	)	
	)	Docket No. 2016-16-01
In re Mortgage Loan Originator	)	
License of:	)	<b>NOTICE OF INTENT TO ISSUE</b>
	)	<b>ORDER REVOKING MORTGAGE</b>
Iturriria, Antero David,	)	<b>LOAN ORIGINATOR LICENSE</b>
NMLS ID No. 42543	)	
	)	<b>AND</b>
Respondent.	)	
	)	<b>NOTICE OF THE OPPORTUNITY</b>
	)	<b>TO REQUEST A HEARING</b>
	)	
	)	

The Director of the Idaho Department of Finance (Director), pursuant to 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), 26-31-306(1)(d)(iv) and 26-31-306(1)(h) of the Act, and the Idaho Administrative Procedures Act, Idaho Code § 67-5201 *et seq.*(the APA), in particular §67-5254 of the APA, hereby issues the following Notice of Intent to Issue Order Revoking Mortgage Loan Originator License and Notice of the Opportunity to Request a Hearing (the Notice).

Pursuant to Idaho Code 67-5254, DAVID ANTERO ITURRIRIA (the Respondent) has the right to a hearing on the question of whether his license shall be revoked, but to do so he must make a written request for a hearing within fifteen (15) days after the date this Notice was mailed to him. If the written request is not timely made, the Director shall issue an Order Revoking Mortgage Loan Originator License.

The Notice is based on the following:

**MATTERS ASSERTED**

1. On November 27, 2015, the Respondent, 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 Idaho Department of Finance (the Department).

2. As with all application reviews, the Examiner conducted a review assessment on the Respondent using information provided by a credit reporting agency through the NMLS to determine whether the Respondent 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 Respondent could meet the requisite standards for licensure.

3. To help ensure accuracy in her assessment of Respondent's qualifications for licensure, on December 8, 2015, the Examiner delivered a written notice to the Respondent requiring that he provide documentation demonstrating financial responsibility relative to some accounts highlighted on the Respondent's CBR. The Respondent 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 Respondent emailed online screen shots of certain accounts to the Examiner. The Examiner responded by email informing the Respondent 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 Respondent delivered two email correspondences to the Examiner which included attachments purported to be statements associated with two or three of the Respondent'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 Respondent, 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 Respondent was granted a conditional license. The documentation initially appeared to satisfy the conditions of the Examiner's December 8, 2015, notice to the Respondent.

7. However, during the review process, the Examiner noted several discrepancies within the account statements provided by the Respondent. 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 Respondent, Department Examiners had questions as to whether the statements were accurate. However, the Department granted the Respondent a conditional license pending further investigation.

9. The Department issued subpoenas to certain creditors of the Respondent to obtain copies of the same statements submitted to the Examiner by the Respondent for comparison purposes. On September 25, 2016, the Department received certified statements of one of the Respondent's accounts in question. These statements were materially different from the statements provided to the Examiner by the Respondent. The statements indicated past due amounts, late fees, and much larger minimum payments due. Upon close inspection of the statements provided by the Respondent 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 Respondent 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 Respondent. The statements provided to the Department directly from the creditor included late fee charges, whereas the statements provided by the Respondent did not reflect any late fee charges. A Department Examiner also discovered other material discrepancies between the account statements provided by the Respondent and the account statements provided by the creditor. Upon close inspection of the statements provided to the Department by the Respondent, Department Examiners concluded that said statements had been altered prior to receipt by the Department.

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

## LEGAL CONCLUSIONS

12. Paragraphs 1 through 11 above are fully incorporated herein by this reference.

13. Idaho Code § 26-31-313(1)(b) provides that the Director may revoke a license if a licensee withholds information or makes a material misstatement in an application for a renewal of a license. The Respondent submitted false information to the Department in support of his license renewal application. The CBR provided information that suggested to a Department Examiner that the Respondent may no longer meet statutory requirements for licensure. Upon a request for clarification, the Respondent submitted altered and falsified documents to the Examiner in support of his license renewal application in an attempt to demonstrate that he met statutory requirements for licensure. The Respondent's submission of altered and falsified documents constitute material misstatements in the Respondent's license renewal application in violation of Idaho Code § 26-31-313(1)(b).

14. Idaho Code § 26-31-313(1)(b) also provides that the Director may revoke a license if the Respondent fails at any time to meet the requirements of Idaho Code § 26-31-306. Idaho Code § 26-31-306(1)(d)(iv) provides that the Director can deny a license if the applicant has a pattern of delinquent accounts within the past three (3) years which would prevent the Director from finding that the applicant has demonstrated financial responsibility, character and general fitness to command the confidence of the community or finding that the applicant will operate honestly, fairly, and efficiently. Delinquent accounts reflected on the Respondent's CBR, of which he sought to convince the Examiner were erroneous through false and deceptive means, prevent the Director from making such a finding.

15. Idaho Code § 26-31-317(10) provides that a person subject to licensure as a mortgage loan originator by the Department violates Part 3 of the Act if he or she negligently makes any false statement or knowingly and willfully omits a material fact in connection with

any information or reports filed with a government agency. Here, the Respondent knowingly provided the Examiner and the Department with altered and falsified documents for the purpose of deceiving Department staff and the Director of the Department into finding that he, the Respondent, met Idaho's statutory requirements for licensure as a mortgage loan originator.

16. 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 the 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. Based on the false representations and submission of altered documents, the Director finds that the Respondent has not demonstrated the necessary financial responsibility, character and general fitness sufficient to command the confidence of the community that he can operate honestly, fairly and efficiently within the purposes of the Act.

17. The Director finds it appropriate to revoke the mortgage loan originator license of the Respondent because of the Respondent's explicit effort to conceal material information reflected on his creditor accounts by making misrepresentations to the Department and by submitting altered and falsified statements in support of his Idaho mortgage loan originator license renewal application.

#### **NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING**

18. The Respondent is HEREBY NOTIFIED that the foregoing NOTICE OF INTENT TO ISSUE ORDER REVOKING MORTGAGE LOAN ORIGINATOR LICENSE, license number 42543, will become a final order of the Director, unless the Respondent timely submits a request for hearing pursuant to Idaho Code § 67-5754. Such request for a hearing must be in writing and submitted to the Department within fifteen (15) days after the service of this

NOTICE. A copy of the request for contested case and hearing shall be served on Michael Larsen, Consumer Finance Bureau Chief, at the following address:

Michael Larsen  
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, Brian D. Nicholas, Deputy Attorney General, at the same address.

19. If the Respondent timely requests a hearing, the Department will notify the Respondent of the date, time and place of the hearing, as well as the name and contact information of the presiding officer.

20. 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.*

DATED this 7<sup>TH</sup> day of NOVEMBER, 2016.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
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GAVIN M. GEE, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7<sup>th</sup> day of November, 2016, I caused a true and correct fully-executed copy of the foregoing NOTICE OF INTENT TO ISSUE ORDER REVOKING MORTGAGE LOAN ORIGINATOR LICENSE AND NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING to be served on the following by the designated means:

Antero David Iturriria  
4181 Caflur Ave  
San Diego, CA 92117

- U.S. mail, postage prepaid
- certified mail
- facsimile 619-814-8310
- email: Ted@AimLoan.com

  
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Paralegal