

LAWRENCE WASDEN
Attorney General

Thomas A. Donovan – I.S.B. #4377
Deputy Attorney General
State of Idaho
Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031
Telephone: (208) 332-8091
Facsimile: (208) 332-8016
Tom.donovan@finance.idaho.gov

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

In re Mortgage Loan Originator
License Renewal Application of:

JOYCE LANITRA TOLBERT,
NMLS ID No. 1008939,

Applicant.

Docket No. 2021-16-68

**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, JOYCE LANITRA TOLBERT, a resident of the state of California, holds NMLS number 1008939 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 attested to by the Applicant on May 19, 2021 and was submitted on the Applicant's behalf on the same date by Claire Ishizaki of loanDepot.com LLC.

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

3. Pertinent to the Applicant's qualifications is the following question: (D): "Do you have any unsatisfied judgments or liens against you?" The Applicant answered with a "yes" to this question. For the accompanying Disclosure Explanations section, the Applicant provided this brief description and response: "Tax lien being handled" and "A few years ago I owed taxes. I am going my income taxes at the moment to offset the balance. And going to be working on a payment plan and garnishing wages to continue to pay balance." There were no other disclosure explanations or supporting documents provided.

4. The Applicant made two subsequent amendments to the Form MU4 application on August 11 and August 12, 2021 changing the reference from tax lien to tax levy, stating that 25% off her wages were being paid towards the tax obligation, and uploading a notice of wage withholding document that specifically identified the Franchise Tax Board of California, but the Applicant did not specifically identify a federal tax lien or the I.R.S.

5. 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

6. The examiner obtained a public record background information report through LexisNexis, which showed that the Applicant has an outstanding federal tax lien against her in addition to the California tax lien for approximately \$20,000. The examiner obtained a copy of a Notice of Federal Tax Lien against the Applicant for \$111,595.79, Serial Number 354438619, dated April 24, 2019, and was recorded in the Orange County, California Recorder's Office on May 7, 2019, under Instrument Number 2019000152220. The Notice of Federal Tax Lien (for tax years 2010, 2011, 2014, and 2015).

7. The Department has no evidence indicating that the tax lien described above has been satisfied and/or released.

8. Regarding her affirmative response to disclosure question (D), the Applicant's failure to provide supporting details of the tax lien entered against her as described above constitutes a material omission.

9. On September 17, 2021, the Department provided the Applicant notice of an intent to deny the application within approximately one month based on the information set forth above unless the Applicant was able to provide documentation to satisfy the Department that the noted items had been resolved and that disclosure was not required. The notice alternatively provided the Applicant the opportunity to withdraw the application. The Applicant failed to

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.

provide the requisite documentation or withdraw the application by the stated deadline of October 15, 2021.

FINDINGS AND CONCLUSIONS OF LAW

10. The allegations set forth in 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 § 26-31-305(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).

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

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 deny 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 by omission in her application, which is grounds to deny her application for licensure. She failed to provide information regarding the federal tax lien that was entered against her. This failure prohibits the Director from issuing a license to the Applicant pursuant to Idaho Code § 26-31-306(1)(h).

17. The Director finds it appropriate to deny the application because the Applicant's failure to provide complete information on the Form MU4 regarding the tax lien 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. Because the Director cannot make the requisite findings under Idaho Code § 26-31-306(1)(d), 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 HEREBY ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION ATTESTED TO BY JOYCE LANITRA TOLBERT, NMLS #1008939, ON MAY 19, 2021, AND SUBMITTED ON MS. TOLBERT'S BEHALF ON THE SAME DATE BY CLAIRE ISHIZAKI OF LOANDEPOT.COM LLC IS DENIED.

NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING

18. 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 her 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.

19. 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.

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.* and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).

21. 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 14th day of November 2021.



STATE OF IDAHO
DEPARTMENT OF FINANCE



PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

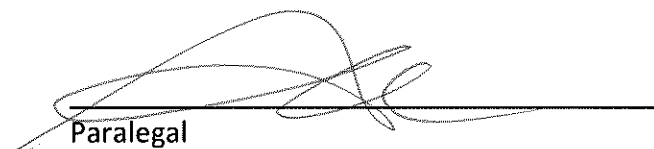
I HEREBY CERTIFY that on this 4th day of November 2021, I caused a true and correct fully-executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY FOR A HEARING to be served on the following by the designated means:

Joyce Tolbert
1837 Whitley Ave Apt 108
Los Angeles, CA 90028

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: jtolbert@loandepot.com

Joyce Tolbert
PO BOX 2794
Newport Beach, CA 92659

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: jtolbert@loandepot.com


Paralegal