

LAWRENCE WASDEN
Attorney General

Erick Shaner – I.S.B. #5214
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
Erick.shaner@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:

LIBERMAN RADHAMES CORPORAN
GUZMAN,
NMLS ID No. 2239663,

Applicant.

Docket No. 2022-16-35

**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, Liberman Radhames Corporan Guzman, a resident of the state of Texas, applied for an Idaho Mortgage Loan Originator (MLO) license by filing an individual Form MU4 through the online Nationwide Mortgage Licensing System and Registry (NMLSR), a.k.a.

Nationwide Multistate Licensing System (NMLS) under NMLS number 2239663. This application was attested to by the Applicant on February 4, 2022 and submitted on the Applicant's behalf by Angela Michelle Walden of Amerisave Mortgage Corporation on the same date.

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 question "(D) Do you have any unsatisfied judgments or liens against you?" The applicant responded, "no" to this question. On March 18, 2022, the Applicant changed his answer to a "yes" for disclosure question "(D) Do you have any unsatisfied judgments or liens against you?" and provided a corresponding explanation under the heading "Brief Explanation IRS Taxes."

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 has a New York state tax lien entered against him. Following this, the examiner searched the website for the State of New York, Department of Taxation and Finance at www8.tax.ny.gov and found that a tax warrant (Warrant ID No.

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.

E534208405W003) was issued against the Applicant on February 27, 2020, for \$1,244.09 for personal income taxes.

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

7. On May 31, 2022, the Department provided the Applicant notice of an intent to deny the application within approximately one month because among other reasons, the application was inaccurate. The Applicant was advised to resolve the issues with his application or, in the alternative, the Applicant was given the opportunity to withdraw the application.

8. Subsequently, on the same date and presumably in response to the notice of an intent to deny his application, the Applicant amended his application by uploading three photo images. One contained an image of what appeared to be a screen shot from the State of New York, Department of Taxation and Finance website for an account belonging to the Applicant. The screen shot reflected the same document number referenced in paragraph 5 above: No. E534208405W003. It also showed that, as of the date it was taken, the Applicant had an outstanding tax balance of \$796.27, and that a payment of \$20.00 had been made at some point. No dates were visible in the screen shot.

9. On June 1, 2022, the Applicant submitted another amendment to his application in the form of a written explanation to disclosure question (D). The Applicant wrote under the heading "Brief Description of Explanation IRS Taxes" that "this came from the last year I ever used H&R Block as they did my taxes and I did not know that I was going to come out owing any money until I started receiving mail to my Texas address as I moved from NYC after these taxes about 1 year later."

10. Other than the photo image uploaded on May 31, 2022, all explanations about taxes in the application submittals are under a heading related to “IRS Taxes”. The Applicant’s failure to specifically address his New York taxes in his application, other than the photo image provided on May 31, 2022, after the Department issued the notice of intent to deny constitutes a material misstatement under Idaho Code § 26-31-313(1)(b)..

FINDINGS AND CONCLUSIONS OF LAW

11. The allegations set forth in paragraphs 1 through 8 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 NMLSR in a form required by the Director of the Idaho Department of Finance (Director).

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 § 26-31-306(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 required in the license application.

16. Pursuant to Idaho Code § 26-31-313(1)(a) and (b), the Director may deny a license if an applicant violates the Act and/or 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. The material misstatement prohibits the Director from issuing a license to the Applicant pursuant to Idaho Code § 26-31-306(1)(d) and (h) and § 26-31-313(1)(a) and (b).

18. The Director finds it appropriate to deny the application because the Applicant's material misstatement 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 LIBERMAN RADHAMES CORPORAN GUZMAN ON FEBRUARY 4, 2022, AND

SUBMITTED ON MR. LIBERMAN’S BEHALF BY ANGELA MICHELLE WALDEN OF AMERISAVE MORTGAGE COPORATION ON THE SAME DATE IS 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:

Attn: Lisa Baker
Assistant to the Director
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:

Erick M. Shaner
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 further steps including the date, time, and place of the hearing.

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 9th day of August 2022.



STATE OF IDAHO
DEPARTMENT OF FINANCE

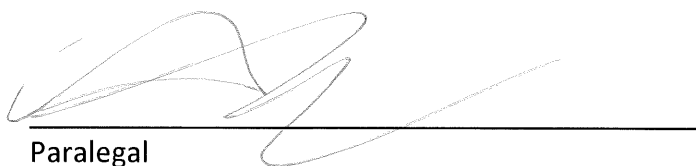
PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of August 2022, 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:

Liberman Radhames Corporan Guzman
12064 Del Rio Dr
Frisco, TX 75035

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: lcorporan@annie-mac.com



Paralegal