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

In re Mortgage Loan Originator
License Renewal Application of:

OMAR BLANCO-GOMEZ,
MLO-2081957726,
NMLS ID No. 1957726,

Licensee.

Docket No. 2021-16-13

**CONSENT ORDER FOR SURRENDER OF
IDAHO MORTGAGE LOAN ORIGINATOR
LICENSE**

Come now the staff of the Idaho Department of Finance (Department), by and through its undersigned counsel and Omar Blanco-Gomez (the Licensee) (collectively the Parties) and agree to enter into the terms of this Consent Order For Surrender of Idaho Mortgage Loan Originator License (Consent Order) and hereby agree that it is appropriate for the Director of the Department of Finance to enter the Order adopting this Consent Order, and further request that the Director do so to fully resolve this matter.

FACTS

1. The Director of the Department of Finance has jurisdiction over this matter.

2. Omar Blanco-Gomez (the Licensee), is an individual who resides in Gilbert, Arizona. The Licensee holds NMLS No. 1957726 and was recently approved by the Department for a Mortgage Loan Originator License (No. MLO-2081957726) on December 31, 2020. The Licensee was employed by Quicken Loans, LLC at the time he was approved for a license.

3. The Licensee applied for an Idaho Mortgage Loan Originator (MLO) license by filing a Form MU4 through the online Nationwide Mortgage Licensing System and Registry (NMLSR). The application was attested to by the Licensee on September 10, 2020 and submitted on the Licensee's behalf by Akilah Miller of Quicken Loans, LLC on the same date.

4. The application, Form MU4, seeks information about an applicant's qualifications to be licensed as a mortgage loan originator. Section 6 of Form MU4 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. Pertinent to the Licensee's qualifications were the following questions: (F)(1): "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?" and (F)(2): "Are there pending charges against you for any felony?"

5. The Licensee had answered "no" to each of these disclosure questions.

6. Consistent with normal practice, a Department examiner conducted an assessment of the Licensee using various sources of public information, as well as the Licensee's NMLS record, which included a Criminal Background Check (CBC), to determine if the Licensee

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

7. After the regular application review and a review of all the Licensee's CBC reports, which indicated that the Licensee was "clear" of any criminal actions, the Licensee's application was approved for full mortgage loan originator license authority in Idaho.

8. On January 20, 2021, the Department received a notification from the NMLS that a criminal background check result change had occurred regarding the Licensee's Form MU4 record. This change reflected a "RAP," which meant that a criminal action had been reported. A Department examiner reviewed this RAP and noted that the Licensee was the subject of a felony arrest for four criminal charges for offenses committed in July 2018.

9. Records regarding these charges were obtained from the Maricopa County Superior Court Clerk. These records in State v. Omar Blanco-Gomez (Case No. CR2020-128485-001) pending in the Superior Court for Maricopa County Arizona include the Information (charging document) and Waiver of Preliminary Hearing with Plea Agreement, both filed on October 9, 2020, as well as the actual Plea Agreement (filed on October 13, 2020) and the Sentencing Order (ordered on October 28, 2020).

10. The Information indicates that the Licensee was charged with four felonies: one count (Count 1) for Fraudulent Schemes/Artifices (Class 2 Felony) and three counts (Counts 2-4) of "Taking Identity of Another" (Class 4 Felony). According to the Waiver of Preliminary Hearing with Plea Agreement and the Plea Agreement, the Licensee pled to one count of Theft (Arizona Revised Statute § 13-1802A), a Class 6 Non-Dangerous Undesignated Felony, thus reducing the

¹ Conducted pursuant to Part 3 of the Act titled "The Idaho Secure and Fair Enforcement for Mortgage Licensing

first count of Fraudulent Schemes/Artifices. The other three felonies (Counts 2-4) were dismissed.

11. On October 28, 2020, a Sentencing Hearing was held, and the Licensee was sentenced to Supervised Probation for a term of 18 months, which began on the date of sentencing. The Maricopa County Court also ordered that *“This offense may not be designated a misdemeanor unless and until the defendant successfully completes probation. Defendant shall not return to the scene of the crime. Defendant shall pay restitution for all economic loss to all victims...”* (Emphasis added). The Court also stated that restitution would remain open for 6 months, but that no hearing was being set at that time.

12. The Licensee provided negative responses to both disclosure questions (F)(1) and (2) at the time his application was submitted on September 10, 2020. The Licensee was required to amend his responses to reflect affirmative answers because, during the application process, he was charged with four felonies and subsequently pled guilty to one felony. The Licensee’s failure to amend his Form MU4 to reflect that he had pending charges against him, as well as the subsequent plea to the reduced felony, constitutes a material misrepresentation and a relevant omission in the Licensee’s responses to the application disclosure question (F)(1) and (2).

13. The failure to update his license application as required, as well as the felony conviction itself, are bases to justify the surrender of the Licensee’s Idaho mortgage lender license application. These issues also demonstrate that the Licensee does not currently demonstrate the character and fitness sufficient to warrant belief that he will operate honestly

Act” (Idaho S.A.F.E. Mortgage Licensing Act), Idaho Code § 26-31-306.

and fairly within the purposes of the Act, which is also a justification for the surrender the Licensee's license.

14. The Department filed a Verified Complaint seeking the entry of an order revoking the Licensee's Idaho mortgage loan originator license on February 22, 2021.

15. The Licensee responded after service of the Verified Complaint by indicating via the NMLS that he was willing to surrender his license.

CONCLUSIONS OF LAW

16. The Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 *et seq.* (the Act), including § 26-31-313(1)(a) and (b), and the Idaho Administrative Procedures Act § 67-5201 *et seq.*, govern this matter.

17. Idaho Code § 26-31-305(1) provides that an applicant for a license shall apply through the NMLS in a form prescribed by the Director and that "Each form shall include such content as the director may reasonably require," and "*shall be updated as necessary to keep the information current...*" (Emphasis added.)

18. 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.

19. 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.

20. Pursuant to Idaho Code § 26-31-306(1)(b), the Director shall not issue a mortgage loan originator license the applicant has not been convicted of, found guilty of or pled guilty or nolo contendere to a felony in a domestic, foreign or military court during the seven (7) year period immediately preceding the date of the application for licensing or registration. However, the Licensee had a duty to update the information in his application pursuant to Idaho Code section 26-31-305(1) and thus should have updated the application with accurate information before the application was approved and license was granted on December 31, 2020.

21. Idaho Code § 26-31-313(1)(a) and (b) provides that the director may deny, suspend, revoke, condition or decline to renew a mortgage loan originator license for violating the Act or if the licensee fails at any time to meet the requirements of Idaho Code § 26-31-306, such as if the licensee withholds information or makes a material misstatement in an application.

22. The Licensee failed to update his Form MU4 with the information regarding the pending felony charges against him and his subsequent felony conviction as required by Idaho Code § 26-31-305(1). This justifies the Director accepting the Licensee's surrender of his mortgage loan originator license pursuant to Idaho Code § 26-31-306(1)(b) and (h) and § 26-31-313(1)(a) and (b).

23. These issues demonstrate that the Licensee currently 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.

24. Because the Director cannot make the requisite findings under Idaho Code § 26-31-306(1)(b), it is appropriate to terminate the Licensee's Idaho mortgage loan originator license, pursuant to Idaho Code § 26-31-313(1).

RELIEF

25. All preceding paragraphs are incorporated herein. Based on the foregoing, and pursuant to Idaho Code § 26-31-313(1), the Department and Licensee agree that it is appropriate for the Licensee to surrender his mortgage loan originator license.

26. The parties agree that the Licensee shall be barred from reapplying for a new Idaho mortgage loan originator license for at least seven (7) years from October 28, 2020 (or until October 28, 2027), except that if the Licensee (after the completion of probation in his aforementioned criminal case) obtains an order reducing the conviction and entry of plea therein from a felony to a misdemeanor, that the Licensee could reapply after the effective date of such an order if sooner than October 28, 2027.

27. The Licensee understands that the Department does not guarantee that any license sought by the Licensee on or after that date will be issued, but only that it will be considered in due course. The Licensee agrees and understands that for the Department to consider a license application that he may submit, the license application must be complete, and all requirements for the issuance of the license must be met.

28. The Licensee agrees that he will not participate in any activity in Idaho that falls within the jurisdiction of the Department, to include engaging in mortgage loan origination activity, without first applying for and being issued the appropriate license for such activity.

29. The Licensee acknowledges that the entry of this Consent Order is a reportable event that will require disclosure and possibly an explanation in future licensing applications submitted by the Licensee both in Idaho and in other states.

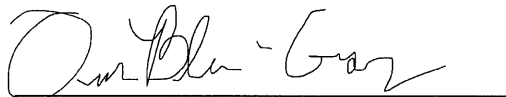
30. The parties agree that they shall pay their own costs and fees.

31. The Licensee acknowledges that he has had the opportunity to retain counsel and has chosen not to do so.

32. The parties desire that the Director enter an order adopting this Consent Order thereby fully and finally resolving the matters raised herein, and the parties agree to forgo their right to a hearing and to present evidence on their behalf.

33. The parties waive their rights to seek reconsideration or judicial review of this Consent Order, and agree that it shall be binding and final upon entry by the Director.

DATED this 2nd day of March 2021.



OMAR BLANCO-GOMEZ
Licensee

DATED this 5 day of March 2021.




ERIN VAN ENGELEN
Consumer Services Bureau Chief

ORDER

Having reviewed the foregoing facts, conclusions of law, and remedies set forth in this Consent Order, and good cause appearing therefor, this Consent Order is hereby adopted and ordered.

DATED and EFFECTIVE this 8th day of March 2021.



PATRICIA R. PERKINS
Director



CERTIFICATE OF SERVICE

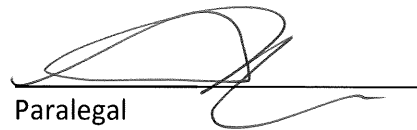
I HEREBY CERTIFY that on this 8th day of March 2021, I caused a true and correct copy of the foregoing CONSENT ORDER FOR SURRENDER OF IDAHO MORTGAGE LOAN ORIGINATOR LICENSE to be served on the following by the designated means:

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