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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

**VERIFIED COMPLAINT FOR REVOCATION
OF IDAHO MORTGAGE LOAN ORIGINATOR
LICENSE**

AND

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

Comes now the staff of the Idaho Department of Finance (Department), by and through its undersigned counsel and hereby alleges and complains as follows and provides this Verified Complaint for Revocation of Mortgage Loan Originator License.

This action is brought under the provisions of 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.*, wherein the Department is authorized to initiate a contested case against a mortgage loan originator, seeking revocation of a mortgage

loan originator license issued under the Act, if it has reason to believe that grounds exist for the revocation.

MATTERS ASSERTED

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 is employed by Quicken Loans, LLC.
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 CBC 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 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). Additionally, had the Department been provided with the information, the Director would not have issued a mortgage loan originator license to the Licensee because the felony conviction renders the Licensee ineligible to be licensed. Although the Sentencing Order indicates that the felony *may* be reduced to a misdemeanor after the Licensee successfully completes probation, the charge that he pled to currently remains a felony.

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

13. The failure to update his license application as required, as well as the felony conviction itself, are bases to justify the revocation of the Licensee's Idaho mortgage lender license application. These issues also demonstrate that the Licensee does not have the character and fitness sufficient to warrant belief that he will operate honestly and fairly within the purposes of the Act, which is also a justification to revoke the Licensee's license.

COUNT 1.

The allegations set forth in paragraphs 1 through 13 above are fully incorporated herein by this reference.

14. 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.)

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 as set forth in the application.

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 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.

17. 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.

18. Idaho Code § 26-31-313(1)(a) and (b) provides that the director may revoke a mortgage loan originator license for violating the Act or if the licensee fails at anytime 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.

19. The Applicant 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 revoking the Licensee's mortgage loan originator license pursuant to Idaho Code § 26-31-306(1)(b) and (h) and § 26-31-313(1)(a) and (b).

20. These issues demonstrate that the Licensee 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.

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

PRAYER FOR RELIEF

22. Based on the foregoing, and pursuant to Idaho Code § 26-31-313(1), the Department prays that the Director enter an order revoking the Mortgage Loan Originator License issued by the Department to the Licensee.

NOTICE OF DUTY TO ANSWER AND NOTICE OF RIGHT TO HEARING

23. Pursuant to Idaho Code § 26-31-313, Idaho Code § 67-5254, and IDAPA 04.11.01.270.01 a hearing will be granted to the Licensee if a written Answer and a Request for Hearing is received by the Department, within twenty-one (21) days following the mailing of this Notice, the date of which is set forth in the below Certificate of Mailing. The Answer and Request for Hearing must be mailed to the following address

to be served on the Department's counsel:

Thomas A. Donovan
Deputy Attorney General
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

Alternatively, the Answer and Request for Hearing may be served upon counsel for the Department electronically at the email address set forth on the top of page one.

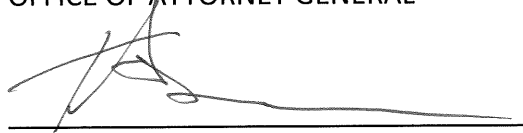
24. Upon receipt of any Answer and Request for Hearing, the Director will appoint a Hearing Officer. The Hearing Officer shall set the time and place for the hearing and the procedures for the hearing shall be in compliance with the Idaho Administrative Procedures Act

(title 67, chapter 52, Idaho Code) and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).

25. Failure of the Licensee to file and serve an Answer and Request for Hearing within the time prescribed shall be deemed a waiver of the opportunity for a hearing and to contest the allegations in the Complaint, and the Department will seek to have the Director enter a default order granting the relief sought in this Notice revoking Licensee's mortgage loan originator license.

DATED this 22nd day of February 2021.

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL



THOMAS A. DONOVAN
Deputy Attorney General

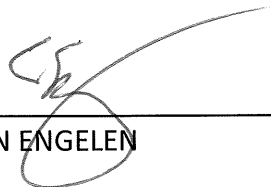
VERIFICATION

STATE OF IDAHO)
) ss.
County of Ada)

ERIN VAN ENGELEN, Consumer Finance Bureau Chief of the Department of Finance,
State of Idaho, being first duly sworn, deposes and says:

I have read the foregoing Verified Complaint for Revocation of Idaho Mortgage Loan
Originator License and Notice of the Opportunity to Request a Hearing and know the contents
thereof; and that the same are true to the best of my knowledge and belief.

DATED this 22nd day of February 2021.



ERIN VAN ENGELEN

SUBSCRIBED AND SWORN to before me this 22nd day of February 2021.





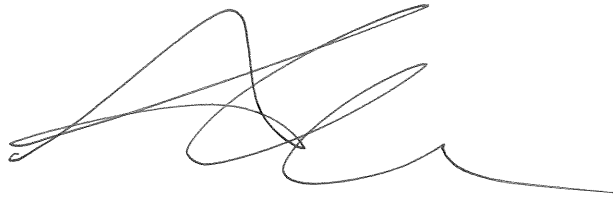
Notary Public for Idaho
Residing at: Meridian, ID
My Commission Expires: 11/30/2024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of February 2021, I caused a true and correct copy of the foregoing VERIFIED COMPLAINT FOR REVOCATION OF IDAHO MORTGAGE LOAN ORIGINATOR LICENSE AND NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING to be served on the following by the designated means:

Omar Blanco-Gomez
7614 N 51st Dr
Glendale, AZ 85301

- U.S. Mail, postage prepaid
- Certified mail
- Facsimile:
- Email: OmarBlanco-Gomez@quickenloans.com



Stephanie Sze, Paralegal