

ORDER SUMMARY – Case Number: C-20-2858

Name: Anthony David Munoz
Order Number: C-20-2858-20-FO01
Effective Date: 5/28/20
License Number: NMLS 1879533
License Effect: Denied
Not Apply Until: _____
Not Eligible Until: _____
Prohibition/Ban Until: 7 year prohibition

Investigation Costs	\$ 518.40		Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$ NA	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$ NA	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$ NA	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Financial Literacy and Education	\$ NA	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$ NA	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
No. of Victims:				

Comments:

1
2
3
4
5
6
7
8
9

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

10
11
12
13
14
15
16
17
18
19

IN THE MATTER OF INVESTIGATING THE
LOAN ORIGINATOR LICENSE
APPLICATION UNDER THE MORTGAGE
BROKER PRACTICES ACT OF
WASHINGTON BY:

No. C-20-2858-20-FO01

FINAL ORDER

20
21
22
23
24

ANTHONY DAVID MUNOZ,
NMLS# 1879533,

Respondent.

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Lucinda Fazio (Director's designee), pursuant to RCW 34.05.440(1). On April 7, 2020, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intent to Enter an Order to Deny License Application, Prohibit from Industry, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) against Anthony David Munoz (Respondent). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated April 9, 2020, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On April 9, 2020, the Department served Respondent with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On April 10, 2020, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondent did not request an adjudicative hearing within twenty calendar days after the
2 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
3 in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated April 9,
6 2020, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Respondent, with documentation for service.

8 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
9 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

10 II. FINAL ORDER

11 Based upon the foregoing, and the Director's designee having considered the record and being
12 otherwise fully advised, NOW, THEREFORE:

13 A. IT IS HEREBY ORDERED, that:

- 14 1. Respondent Anthony David Munoz's application for a mortgage loan originator
15 license is denied.
- 16 2. Respondent Anthony David Munoz is prohibited from participation in the conduct
17 of the affairs of any mortgage broker subject to licensure by the Director in any
18 manner for a period of seven years.
- 19 3. Respondent Anthony David Munoz pay an investigation fee of \$518.40.

20 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
21 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
22 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
23 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
24 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The

1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
2 Reconsideration a prerequisite for seeking judicial review in this matter.

3 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the
4 date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a
5 written notice specifying the date by which it will act on a petition.

6 C. Stay of Order. The Director's designee has determined not to consider a Petition to
7 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
8 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

9 D. Judicial Review. Respondent has the right to petition the superior court for judicial
10 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
11 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

12 E. Non-compliance with Order. If you do not comply with the terms of this order,
13 including payment of any amounts owed within 30 days of receipt of this order, the Department may
14 seek its enforcement by the Office of the Attorney General to include the collection of the costs and
15 fees imposed herein. The Department also may assign the amounts owed to a collection agency for
16 collection.

17 //

1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
2 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
3 attached hereto.

4 DATED this 28th day of May, 2020.

5
6 STATE OF WASHINGTON
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

8 /s/
9 _____
10 Lucinda Fazio, Director
11 Division of Consumer Services
12
13
14
15
16
17
18
19
20
21
22
23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF INVESTIGATING THE
LOAN ORIGINATOR LICENSE
APPLICATION UNDER THE MORTGAGE
BROKER PRACTICES ACT OF
WASHINGTON BY:

ANTHONY DAVID MUNOZ,
NMLS# 1879533,

Respondent.

No. C-20-2858-20-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO DENY LICENSE
APPLICATION, PROHIBIT FROM
INDUSTRY, COLLECT INVESTIGATION
FEE, and RECOVER COSTS AND
EXPENSES

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.310, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee, Division of Consumer Services Director Lucinda Fazio, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Anthony David Munoz (Respondent) submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a mortgage loan originator license. The license application was received by the Department, through the Nationwide Mortgage Licensing System and Registry (NMLS), on or about October 30, 2019. As of the date of this Statement of Charges, Respondent's license application is pending.

1.2 Prior Felony Guilty Plea. On or about December 23, 2015, Respondent pled guilty to a felony crime of dishonesty in the Superior Court of California, County of Orange.

1 **1.3 Priory Misdemeanor Guilty Pleas.** On or about June 7, 2016, Respondent pled guilty to two
2 counts of gross misdemeanor crimes of dishonesty in the Superior Court of California, County of
3 Orange.

4 **1.4 Failure to Disclose Prior Guilty Pleas.** Mortgage loan originator applicants must submit an
5 Individual Form Filing (Form MU4) on NMLS to answer disclosure questions and swear or affirm
6 that their answers are current, true, and complete under the penalty of perjury. Disclosure Question
7 F(1) on Form MU4 asks:

8 Have you ever been convicted of or pled guilty or nolo contendere (“no contest”) in a
9 domestic, foreign, or military court to any felony?

10 Disclosure Question H(1) on Form MU4 further asks:

11 Have you ever been convicted of or pled guilty or nolo contendere (“no contest”) in a
12 domestic, foreign, or military court to committing or conspiring to commit a misdemeanor
13 involving: (i) financial services or a financial services-related business, (ii) fraud, (iii) false
14 statements or omissions, (iv) theft or wrongful taking of property, (v) bribery, (vi) forgery,
15 (viii) counterfeiting, or (ix) extortion?

16 Respondent answered “No” to Disclosure Question F(1) and H(1). Respondent was obligated by
17 statute to answer questions on the Form MU4 truthfully and to provide the Department with details of
18 all events or proceedings relevant to the above stated questions. Respondent did not provide details,
19 documents or records in the Form MU4 regarding his prior guilty pleas.

20 **1.5 False Attestation.** On or about October 30, 2019, Respondent attested, under penalty of
21 perjury, that the information and statements contained within the Form MU4 “are current, true,
22 accurate and complete.” To date, Respondent’s Form MU4 has not been updated to disclose the prior
23 guilty pleas.

24 **1.5 On-Going Investigation.** The Department’s investigation into the alleged violations of the
Act by Respondent continues to date.

//

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Requirement of No Prior Criminal Convictions.** Based on the Factual Allegations set forth
3 in Section I, Respondent fails to meet the requirements of RCW 19.146.310(1)(d) and WAC 208-
4 660-350(2)(c) by having been (i) convicted of a gross misdemeanor involving dishonesty or financial
5 misconduct, and (ii) convicted of, or pled guilty or non contendere to, a felony in a domestic, foreign,
6 or military court at any time preceding the date of application if the felony involved an act of fraud,
7 dishonesty, breach of trust, or money laundering.

8 **2.2 False Statements and Omissions of Material Facts.** Based on the Factual Allegations set
9 forth in Section I, Respondent is in apparent violation of RCW 19.146.0201(8) by negligently making
10 false statements or willfully making omissions of material facts in connection with any investigation
11 conducted by the Department or in connection with any application.

12 **2.3 Requirement to Demonstrate Financial Responsibility, Character, and General Fitness.**
13 Based on the Factual Allegations set forth in Section I, Respondent fails to meet the requirements of
14 RCW 19.146.310(1)(g) and WAC 208-660-007(1) by failing to demonstrate character and general
15 fitness such as to command the confidence of the community and to warrant a determination that the
16 mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the Act.

17 **III. AUTHORITY TO IMPOSE SANCTIONS**

18 **3.1 Authority to Deny Application for Mortgage Loan Originator License.** Pursuant to RCW
19 19.146.220(2), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2),
20 the Director shall not issue a loan originator license if the Director finds the conditions of RCW
21 19.146.310(1) have not been met. The Director shall notify the loan originator applicant of the
22 denial.

23 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(4), the Director
24 may issue an order prohibiting from participation in the affairs of a licensed mortgage broker, or

1 both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any
2 person subject to licensing under the Act for any violations of the Act.

3 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-
4 660-550(4)(a), the Department will charge \$48 per hour for an examiner's time devoted to an
5 investigation.

6 **3.4 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
7 may recover the state's costs and expenses for prosecuting violations of the Act.

8 **IV. NOTICE OF INTENT TO ENTER ORDER**

9 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-620 WAC,
10 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
11 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.223,
12 RCW 19.146.223, and RCW 19.146.310.

13 Therefore, it is the Director's intent to ORDER that:

14 **4.1** Respondent Anthony David Munoz's application for a mortgage loan originator
15 license be denied.

16 **4.2** Respondent Anthony David Munoz be prohibited from participation in the conduct of
17 the affairs of any mortgage broker subject to licensure by the Director in any manner
18 for a period of seven years.

19 **4.3** Respondent Anthony David Munoz pay an investigation fee. As of the date of this
20 Statement of Charges, the investigation fee totals \$ 518.40.

21 **4.4** Respondent Anthony David Munoz pay the Department's costs and expenses for
22 prosecuting violations of the Act in an amount to be determined at hearing or by
23 declaration with supporting documentation in event of default by Respondent.
24

