

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Unlicensed Loan Originator
3 Activity of:

4 **WILLIAM ARMANDO URIARTE**

5 26406 N. 42nd Street
6 Phoenix, Arizona 85050

Respondent.

No. 14F-BD008-SBD

**ORDER TO CEASE AND DESIST;
NOTICE OF OPPORTUNITY FOR
HEARING; CONSENT TO ENTRY OF
ORDER**

7 The Superintendent of Financial Institutions for the State of Arizona (“Superintendent”),
8 makes the following Findings of Fact and Conclusions of Law and enters the following Order
9 pursuant to Arizona Revised Statutes (“A.R.S.”) § 6-137(A). Pursuant to Titles 6 and 41 of the
10 Arizona Revised Statutes and Title 20, Chapter 4 of the Arizona Administrative Code (“A.A.C.”),
11 Respondent is hereby notified that he is entitled to request a hearing to contest the allegations set
12 forth in this Order. The Request for Hearing shall be filed with the Arizona Department of Financial
13 Institutions (“Department”) pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this
14 Order and shall identify with specificity the action or order being appealed in accordance with
15 A.R.S. § 41-1092.03(B).

16 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or
17 her own behalf or by counsel. If Respondent is represented by counsel, the information required by
18 A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a Request
19 for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for hearing in
20 accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request reasonable**
21 **accommodations such as interpreters, alternative formats, or assistance with physical**
22 **accessibility.** Requests for special accommodations must be made as early as possible to allow time
23 to arrange the accommodations. If accommodations are required, call the Office of Administrative
24 Hearings at (602) 542-9826.

25 Respondent has the right to request an Informal Settlement Conference, pursuant to A.R.S. §
26 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled hearing.

1 The conference will be held within **fifteen (15) days** after receipt of your request. If an Informal
2 Settlement Conference is requested, a person with the authority to act on behalf of the Department
3 will be present (“Department Representative”). Please note that in requesting an Informal
4 Settlement Conference, Respondent waives any right to object to the participation of the Department
5 Representative in the final administrative decision of this matter, if it is not settled. In addition, any
6 written or oral statement made by Respondent at such informal settlement conference, including
7 written documentation created or expressed solely for purposes of settlement negotiations, are
8 inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules regarding
9 informal settlement conferences.) Conversely, any written or oral statement made by Respondent
10 outside an Informal Settlement Conference is not barred from being admitted by the Department in
11 any subsequent hearing.

12 If Respondent does not request a hearing, this Order shall become final. If Respondent
13 requests a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the
14 issuance of an order pursuant to A.R.S. § 6-137 directing Respondent to cease and desist from the
15 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time
16 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,
17 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-
18 132; and (3) an order or any other remedy necessary or proper for the enforcement of statutes and
19 rules regulating loan originators pursuant to A.R.S. § 6-991 *et seq.*

20 **FINDINGS OF FACT**

21 1. On or about October 24, 2012, the Department initiated examination of B&T
22 Mortgage, Inc. (“BTMI”), a licensed mortgage broker, Mortgage Broker License No. MB-0017305.

23 2. In the course of the examination, it was revealed that Respondent Williams Armando
24 Uriarte (“Mr. Uriarte” or “Respondent”) was hired by BTMI on or about February 18, 2009 as a loan
25 officer and that he acted as a loan originator by taking residential mortgage loan applications and/or
26 offering or negotiating terms of a residential mortgage loan.

1 3. Mr. Uriarte acted as a loan originator for compensation without the license required
2 by A.R.S. § 6-991.03(A).

3 a. Specifically, BTMI received the check (#25313647) dated December 30, 2010 from
4 First American Title Insurance Company in the amount of \$3,050.17 for closing the
5 transaction. BTMI then paid \$1,575.12 of this amount to Mr. Uriarte. BTMI
6 issued checks (## 04978 and 04979) dated January 7, 2011, in the amounts of
7 \$950.00 and \$625.12 respectively, which classified the two payments to Williams
8 A. Uriarte as “commissions” and reflected that BTMI withheld federal tax, social
9 security and Medicare, resulting in the net payments to Mr. Uriarte of \$896.32 and
10 \$581.67 respectively.

11 b. When the Department’s examiner questioned BTMI about these payments to Mr.
12 Uriarte, BTMI’s responsible individual, Morris Guy McAtee, Jr., stated that Mr.
13 Uriarte was a Spanish-speaking loan originator employed by BTMI who engaged in
14 the activities of taking residential mortgage loan applications and/or offering or
15 negotiating terms of a residential mortgage loan.

16 4. Mr. Uriarte is not and was not, at any time material herein, authorized to act as a loan
17 originator in Arizona.

18 5. Mr. Uriarte is not exempt from licensure as a loan originator pursuant to A.R.S. § 6-
19 991.01.

20 6. A natural person is a “loan originator” if that person “for compensation or gain or in
21 the expectation of compensation or gain does any of the following: (i) Takes a residential mortgage
22 loan application. (ii) Offers or negotiates terms of a residential mortgage loan. (iii) On behalf of a
23 borrower, negotiates with a lender or noteholder to obtain a temporary or permanent modification in
24 an existing residential mortgage loan agreement.” A.R.S. § 6-991(12).

25 7. These Findings of Fact shall also serve as Conclusions of Law.

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1 CONCLUSIONS OF LAW

2 1. Pursuant to A.R.S. § 6-991 *et seq.*, the Superintendent has the authority and duty to
3 regulate all persons engaged in the loan originator activities with the enforcement of statutes, rules
4 and regulations relating to loan originators.

5 2. Respondent had engaged and/or are engaging in unlicensed activity as a loan
6 originator.

7 3. By the conduct set forth in the Findings of Fact, Respondent has violated A.R.S. § 6-
8 991.03, by acting as a loan originator in Arizona without having first applied for and obtained a loan
9 originator license.

10 4. The violations set forth above constitute grounds for: (1) the issuance of an order
11 pursuant to A.R.S. § 6-137 directing Respondent to cease and desist from the violative conduct and
12 to take the appropriate affirmative actions, within a reasonable period of time prescribed by the
13 Superintendent to correct the conditions resulting from the unlawful acts, practices, and transactions;
14 (2) the imposition of a monetary civil penalty pursuant to A.R.S. § 6-132; and (3) an order or any
15 other remedy necessary or proper for the enforcement of statutes and rules regulating mortgage
16 bankers pursuant to A.R.S. § 6-941 *et seq.*

17 ORDER

18 1. Respondent Williams Armando Uriarte shall immediately stop the violations set forth
19 in the Findings of Fact and Conclusions of Law.

20 2. Respondent shall immediately cease all activity as a loan originator in Arizona until
21 such time as he has obtained a loan originator license from the Superintendent as prescribed by
22 A.R.S. § 6-991 *et seq.*

23 3. Respondent shall immediately pay to the Department a civil money penalty in the
24 amount of **five hundred dollars (\$500.00)**.

25 4. The provisions of this Order shall be binding upon Respondent.

26 5. This Order shall become effective upon service, and shall remain effective and

1 enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated
2 or set aside.

3 SO ORDERED this 22nd day of July, 2013.

4 Lauren W. Kingry
5 Superintendent of Financial Institutions

6 By: 
7 Robert D. Charlton
8 Assistant Superintendent

9 **CONSENT TO ENTRY OF ORDER**

10 1. Respondent Williams Armando Uriarte acknowledges that he has been served with a
11 copy of the foregoing Findings of Fact, Conclusions of Law, and Order in the above-referenced
12 matter, has read the same, is aware of his right to an administrative hearing in this matter, and has
13 waived the same.

14 2. Respondent admits the jurisdiction of the Superintendent and consents to the entry of
15 the foregoing Findings of Fact, Conclusions of Law, and Order.

16 3. Respondent states that no promise of any kind or nature has been made to induce him
17 to consent to the entry of this Order, and that he has done so voluntarily.

18 4. Respondent agrees to immediately cease and desist from engaging in the violative
19 conduct set forth above in the Findings of Fact and Conclusions of Law.

20 5. Respondent acknowledges that the acceptance of this Consent to Entry of Order by
21 the Superintendent is solely to settle this matter and does not preclude this Department, any other
22 agency or officer of this state or subdivision thereof from instituting other proceedings as may be
23 appropriate now or in the future.

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