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3 **STATE OF OREGON**
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**

6 In the Matter of:

Case No. M-13-0618

7 Cesar Ernesto Gastiaburu (NMLS ID#
8 136283),

Order Granting Conditional Mortgage Loan
Originator License and Consent to Entry of
Order

9 Respondent.

10 **WHEREAS** the Director of the Department of Consumer and Business Services
11 for the State of Oregon (“Director”) conducted an investigation into the fitness of Cesar
12 Ernesto Gastiaburu (hereinafter “Gastiaburu” or “Respondent”) to obtain a mortgage loan
13 originator license under Oregon Revised Statutes (ORS) 86A.200 to 86A.239 and Oregon
14 Administrative Rules (OAR) 441-850-0005 through 441-885-0010 (hereinafter
15 collectively referred to as “Oregon Loan Originator Law”);

16 **WHEREAS** the Director has determined that the public interest is served by
17 issuing a conditional mortgage loan originator license to Gastiaburu pursuant to ORS
18 86A.224(1)(b);

19 **WHEREAS** Gastiaburu wishes to resolve his application for licensure
20 expeditiously and in full cooperation with the Director, he agrees to enter into a consent
21 agreement and order (“Order”) for conditional licensure as a mortgage loan originator
22 pursuant to ORS 86A.200 to 86A.239;

23 **NOW THEREFORE**, the Director **GRANTS** a conditional mortgage loan
24 originator license to Gastiaburu subject to continuously meeting the requirements to
25 maintain the license. Gastiaburu **CONSENTS** to entry of this Order upon the Director’s
26 Findings of Fact and Conclusions of Law as stated hereinafter:

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387





I. FINDINGS OF FACT

The Director FINDS that:

1. Respondent, NMLS ID Number 136283, applied for an Oregon mortgage loan originator license on July 21, 2010, by completing an application (“Application”) through the Nationwide Mortgage Licensing System (“NMLS”).

2. Respondent’s original application contained a “yes” answer to two disclosure questions including question A-1 on the Application that asks “Have you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy petition within the past 10 years?”.

3. Respondent disclosed that he filed for bankruptcy under Chapter 7 in 2009.

Respondent explained that he filed for bankruptcy as a result of loss in income.

4. Respondent received a Chapter 7 bankruptcy discharge on September 7, 2009.

5. Respondent’s application for an Oregon mortgage loan originator license was approved on July 31, 2010 and the license has remained active.

6. On December 9, 2013, Respondent filed an amendment to his application disclosing that he has filed now for bankruptcy protection under Chapter 13.

7. Respondent filed for bankruptcy protection under Chapter 13 on January 25, 2013, but did not file an amendment to his application disclosing the bankruptcy until December 9, 2013.

8. As part of the Chapter 13 bankruptcy, on January 28, 2013, Respondent was ordered to pay \$700.00 per month for 36 months.

II. CONCLUSIONS OF LAW

The Director CONCLUDES that:

9. Respondent has failed to demonstrate the financial responsibility, character, and general fitness to command the confidence of the community warranting a determination that Respondent will operate honestly, fairly, and efficiently as required under ORS



1 86A.212(1)(d) and OAR 441-880-0210(1)(d) as a result of his 2009 Chapter 7 bankruptcy
2 discharge and his pending Chapter 13 bankruptcy.

3 10. Respondent's lack of financial responsibility is grounds for the Director to deny
4 the license under ORS 86A.212(1)(d) or deny, suspend, condition, revoke, or decline to
5 renew the license under ORS 86A.224(1)(b).

6 11. Respondent violated OAR 441-880-0320(1) by failing to notify the Director
7 within 30 days of filing for bankruptcy when he notified the Director on December 9, 2013
8 of his January 25, 2013 petition for bankruptcy.

9 III. ORDER

10 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

11 12. The Director, pursuant to ORS 86A.224, hereby ORDERS that, effective the date of
12 this order, the Oregon loan originator license issued to Respondent shall be conditioned until
13 further order of the Director. In addition to the requirements of any mortgage loan originator
14 licensee including, but not limited to, the continuing education and renewal requirements, the
15 license shall be subject to the following conditions:

- 16 a. Respondent shall comply with ORS Chapter 86A, OAR 441-850-
17 0050 through OAR 441-885-0010 and any rule, order, or policy
18 issued by the Director.
- 19 b. Respondent shall file an amendment updating any information
20 contained on Respondent's licensing application in NMLS within
21 30 days of the change of any information.
- 22 c. Respondent shall respond within 30 days to any deficiency placed
23 on Respondent's license in the NMLS.
- 24 d. Respondent shall demonstrate financial responsibility under the standards
25 set forth in OAR 441-880-0210. This specifically means that during any
26 time that Respondent has an approved Oregon loan originator license,



1 Respondent shall not file or be the subject of any new petition for
2 bankruptcy, have any of his real property be the subject of a foreclosure
3 filing, incur any new unpaid judgments or tax liens, fail to pay his
4 obligations such that any three accounts are 90 days or more past due,
5 and must comply with any active repayment plan in his current Chapter
6 13 bankruptcy case.

7 13. If Respondent fails to comply with the conditions of this license, Respondent
8 agrees to notify the Division of the failure to meet the conditions and surrender the license
9 immediately. If Respondent fails to surrender the license within seven days of providing
10 notification to the Division or from the date that the Division notifies Respondent that the
11 Director believes that there has been a violation of this Order, whichever is earlier,
12 Respondent agrees that the conditional mortgage loan originator license shall be revoked
13 immediately.

14 14. The date of this order is the day the Director or the Director's nominee signs the
15 order. The entry of this Order does not in any way limit further remedies which may be
16 available to the Director under Oregon law.

17 Dated this 30th day of December, 2013.

18 Patrick M. Allen, Director
19 Department of Consumer and Business Services

20 /s/ David Tatman
21 David C. Tatman, Administrator
22 Division of Finance and Corporate Securities

23 **CONSENT TO ENTRY OF ORDER**

24 I, Cesar Ernesto Gastiaburu, NMLS ID Number 136283, state that I have read the
25 foregoing Order, and I know and fully understand the contents hereof. I have been advised
26 of the right to a hearing and of the right to be represented by counsel in this matter. I desire

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to resolve and settle this matter with the Director. I voluntarily, without any force or duress, consent to the entry of this Order, expressly waiving any right to a hearing in this matter. I understand that the Director reserves the right to take further actions to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Loan Originator Law, and I will fully comply with the terms and conditions stated herein.

I understand that this Consent Order is a public document.

Dated this 26th day of December, 2013.

/s/ Cesar Earnesto Gastiaburu
Cesar Earnesto Gastiaburu

Subscribed and sworn to before me this 26th day of December, 2013.

/s/ Jacob D. Hartough
Signature of Notary

Jacob D. Hartough
Printed Name of Notary Public
Notary Public for the State of: Oregon

My commission expires: June 4, 2017