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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:

7 Everardo Calderon (NMLS ID# 38387),

8 Respondent.

Case No. M-14-0065

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

9
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
12 Everardo Calderon (hereinafter “Calderon” 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 Calderon pursuant to ORS
18 86A.224(1)(b);

19 **WHEREAS** Calderon 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 Calderon subject to continuously meeting the requirements to
25 maintain the license. Calderon **CONSENTS** to entry of this Order upon the Director’s
26 Findings of Fact and Conclusions of Law as stated hereinafter:

1 I. FINDINGS OF FACT

2 The Director FINDS that:

3 1. Respondent, NMLS ID Number 38387, applied for an Oregon mortgage loan
4 originator license on April 13, 2010, by completing an application (“Application”) through the
5 Nationwide Mortgage Licensing System (“NMLS”). The Application contained no affirmative
6 answers to any disclosure questions, including question A-1 that asks “Have you filed a
7 personal bankruptcy petition or been the subject of an involuntary bankruptcy petition within
8 the past 10 years?”.

9 2. Based upon the Application, Respondent was granted his first license on July 31,
10 2010. That license has been renewed each year and is currently set to expire on December
11 31, 2014 unless renewed.

12 3. On April 10, 2013, Respondent filed a petition for bankruptcy under Chapter 7 in case
13 number 13-32145-el7.

14 4. Respondent received a Chapter 7 bankruptcy discharge on July 17, 2013.

15 5. On October 1, 2013, nearly six months after he filed for bankruptcy, Respondent filed
16 an amendment to the Application for an Oregon loan originator license changing his answer to
17 question A-1 to yes and disclosing for the first time that he had filed for bankruptcy under
18 Chapter 7. He reported that the bankruptcy resulted from his business partner’s inability to
19 meet his obligations and some property that was foreclosed.

20 6. Respondent subsequently filed for bankruptcy protection under Chapter 13 on
21 November 12, 2013 in case number 13-37073-tmb13.

22 7. On November 13, 2013, Respondent submitted a request to renew his Oregon
23 mortgage loan originator license and attested “that to the best of my knowledge and belief the
24 information contained in my online record, including jurisdiction specific requirements where I
25 am licensed or registered, is true, accurate, and complete in accordance with the appropriate
26 jurisdiction’s law. Additionally, I acknowledge that I have a duty and agree to expediently





1 update and correct the information as it changes.” At the time that Respondent attested to these
2 changes, he had not disclosed the Chapter 13 petition for bankruptcy in case number 13-37073-
3 tmb13.

4 8. As part of the Chapter 13 bankruptcy, Respondent was ordered to make payments of
5 \$1,073 per month for twelve months beginning in August 2014 and thereafter at \$1,288 per
6 month for the balance of the 60 month plan.

7 9. On November 20, 2014, more than a year after he filed for bankruptcy, Respondent
8 filed an amendment to the Application for an Oregon loan originator license disclosing for the
9 first time that he had filed for bankruptcy under Chapter 13 in order to save his home.

11 II. CONCLUSIONS OF LAW

12 The Director CONCLUDES that:

13 10. By not amending the Application until October 1, 2013, to disclose the Chapter 7
14 bankruptcy filed on April 10, 2013, Respondent failed to notify the Director within 30 day
15 of filing for bankruptcy in violation of OAR 441-880-0320(1).

16 11. By submitting his request to renew his Oregon loan originator license and
17 attesting that the information on the Application was true and correct when it did not
18 disclosed that he had just filed for bankruptcy under Chapter 13 in case number 13-37073-
19 tmb13, Respondent made a false state or material misstatement of fact on an application to
20 renew a mortgage loan originator license, which constitutes grounds under ORS
21 86A.224(1)(c) to condition the license.

22 12. By not amending the Application until November 20, 2014, to disclose the
23 Chapter 13 bankruptcy filed on November 12, 2013, Respondent failed to notify the
24 Director within 30 day of filing for bankruptcy in violation of OAR 441-880-0320(1).

25 13. Each of Respondent’s violations of OAR 441-880-0320(1) is grounds under
26 ORS 86A.224(1)(a) for the Director to place conditions on the Oregon mortgage loan



1 originator license.

2 14. Respondent has failed to demonstrate the financial responsibility, character, and
3 general fitness to command the confidence of the community warranting a determination
4 that Respondent will operate honestly, fairly, and efficiently as required under ORS
5 86A.212(1)(d) and OAR 441-880-0210(1)(d) as a result of his 2013 Chapter 7 bankruptcy
6 discharge and his pending 2013 Chapter 13 bankruptcy.

7 15. Respondent's lack of financial responsibility is grounds for the Director to deny
8 an Oregon mortgage loan originator license under ORS 86A.212(1)(d) or deny, suspend,
9 condition, revoke, or decline to renew the license under ORS 86A.224(1)(b).

10
11 III. ORDER

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

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

- 18 a. Respondent shall comply with ORS Chapter 86A, OAR 441-850-
19 0050 through OAR 441-885-0010 and any rule, order, or policy
20 issued by the Director.
- 21 b. Respondent shall file an amendment updating any information
22 contained on Respondent's licensing application in NMLS within
23 30 days of the change of any information.
- 24 c. Respondent shall respond within 30 days to any deficiency placed
25 on Respondent's license in the NMLS.
- 26 d. Respondent shall not submit any amendments to his application for



- 1 his Oregon mortgage loan originator license that are not current,
2 true, accurate and complete.
- 3 e. Respondent shall demonstrate financial responsibility under the standards
4 set forth in OAR 441-880-0210. This specifically means, but is not
5 limited to, that during any time that Respondent has an approved Oregon
6 mortgage loan originator license, Respondent shall not:
- 7 i. File or be the subject of any new petition for bankruptcy;
 - 8 ii. Fail to comply with any order of the court in case number 13-
9 37073-tmb13, including making all plan payments in full and on
10 time;
 - 11 iii. Incur any unpaid judgments or tax liens;
 - 12 iv. Fail to pay his obligations such that any three accounts are 90
13 days or more past due; or
 - 14 v. Have any foreclosure proceedings initiated for any real property
15 in which he is in title to or obligated to make mortgage
16 payments.

17 17. If Respondent fails to comply with the conditions of this license, Respondent
18 agrees to notify the Division of the failure to meet the conditions and surrender the license
19 immediately. If Respondent fails to surrender the license within seven days of providing
20 notification to the Division or from the date that the Division notifies Respondent that the
21 Director believes that there has been a violation of this Order, whichever is earlier,
22 Respondent agrees that the conditional mortgage loan originator license shall be revoked
23 immediately.

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

Division of Finance and Corporate Securities
Labor and Industries Building
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Dated this 4th day of December, 2014.

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

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

CONSENT TO ENTRY OF ORDER

I, Everardo Calderon, NMLS ID Number 38387, state that I have read the foregoing Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. I desire 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 29th day of November, 2014.

/s/ Everardo Calderon
Everardo Calderon

Subscribed and sworn to before me this 29th day of November, 2014.

/s/ Carmen Yessenia Jones
Signature of Notary

Carmen Yessenia Jones
Printed Name of Notary Public
Notary Public for the State of: Oregon

My commission expires: August 28, 2018