STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of: David Villalpando Benavidez (NMLS ID# 1551436), Respondent.	Case No. M-17-0140 Order Granting Conditional Mortgage Loan Originator License and Consent to Entry of Order

WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon ("Director") conducted an investigation into the fitness of David Villalpando Benavidez (hereinafter "Villalpando Benavidez" or "Respondent") to obtain a mortgage loan originator license under Oregon Revised Statutes (ORS) 86A.200 to 86A.239 and Oregon Administrative Rules (OAR) 441-850-0005 through 441-885-0010 (hereinafter collectively referred to as "Oregon Loan Originator Law");

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

WHEREAS Villalpando Benavidez wishes to resolve his application for licensure expeditiously and in full cooperation with the Director, he agrees to enter into a consent agreement and order ("Order") for conditional licensure as a mortgage loan originator pursuant to ORS 86A.200 to 86A.239;

NOW THEREFORE, the Director **GRANTS** a conditional mortgage loan originator license to Villalpando Benavidez subject to continuously meeting the requirements to maintain the license. Villalpando Benavidez **CONSENTS** to entry of

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this Order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

I. FINDINGS OF FACT

The Director FINDS that:

1. Respondent, NMLS ID Number 1551436, applied for an Oregon mortgage loan originator license on November 29, 2016, by completing an application ("Application") through the Nationwide Mortgage Licensing System ("NMLS").

2. Respondent's Application, among other things, contained a "yes" answer to disclosure question A-1 that asks "Have you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy petition within the past 10 years?" and question A-3 that asks "Have you been the subject of a foreclosure action within the past 10 years?"

3. Respondent disclosed that he had lost his job in 2010, was unemployed for over a year and then worked whatever jobs he could, but his income had decreased significantly between his employment income and a divorce. He filed for bankruptcy under Chapter 7 in March 2012 in case 12-37335-rld7 in the United States Bankruptcy Court for the District of Oregon (hereinafter "the 2012 Bankruptcy"). He received a discharge on December 26, 2012.

4. Respondent also disclosed that he had been served with a foreclosure notice on November 22, 2016, but that he was negotiating to save his home.

5. Respondent was issued a mortgage loan originator license on December 13, 2016.

6. After receiving the foreclosure notice, he filed for bankruptcy under Chapter 13 on December 20, 2016 in case 16-34749-pcm13 in the United States Bankruptcy Court for the District of Oregon (hereinafter "the 2016 Bankruptcy"). He was issued an order confirming his plan on March 9, 2017. He is required to pay $300 per month for 36 months.

7. Respondent did not file an amendment disclosing the 2016 Bankruptcy on his application until June 27, 2017 . He disclosed that he filed the 2016 Bankruptcy to be able to restructure his debts so he could save his home following the service of foreclosure documents

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in November of 2016. He noted that he had provided the information to his employer but didn't realize he needed to provide it to the regulators through the Nationwide Multistate Licensing System.

II. CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. 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 86A.212(1)(d) and OAR 441-880-0210(1)(d) as a result of the 2012 Bankruptcy and the 2016 Bankruptcy.

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

10. Respondent failed to notify the director of the filing of the 2016 Bankruptcy within 30 days of the filing in violation of OAR 441-880-0320(1).

III. ORDER

NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

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

a. Respondent shall comply with ORS Chapter 86A, OAR 441-850-0050 through OAR 441-885-0010 and any rule, order, or policy issued by the Director.

b. Respondent shall file an amendment updating any information

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contained on Respondent's licensing application in NMLS within 30 days of the change of any information.

c. Respondent shall respond within 30 days to any deficiency placed on Respondent's license in the NMLS.

d. Respondent shall not file an application, amendment, renewal request or attestation in NMLS that contains a false statement or a material misstatement of fact.

e. Respondent shall demonstrate financial responsibility under the standards set forth in OAR 441-880-0210. This specifically includes that Respondent shall not file or be the subject of any new petition for bankruptcy, incur any new unpaid judgments or tax liens, fail to pay his obligations such that any three accounts are 90 days or more past due, or have any real property he is in title to subject to foreclosure. In addition, he shall comply with the payment plan in the 2016 Bankruptcy.

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

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

Dated this 27th day of November, 2017.

Jean Straight, Acting Director
Department of Consumer and Business Services

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/s/ Kirsten Anderson
Kirsten Anderson, Licensing Manager
Division of Financial Regulation

CONSENT TO ENTRY OF ORDER

I, David Villalpando Benavidez, NMLS ID Number 1551436, 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 15th day of November, 2017.

/s/ David Villalpando Benavidez
David Villalpando Benavidez

Subscribed and sworn to before me this 15th day of November, 2017.

/s/ Mohamed Rikaz Mohamed Thaha
Signature of Notary

Mohamed Rikaz Mohamed Thaha
Printed Name of Notary Public
Notary Public for the State of: Oregon

My commission expires: July 28th, 2020

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