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

In the Matter of: YADIRA DAVILA, NMLS# 13297 Respondent.	Case No. M-20-0038 FINAL ORDER TO CEASE AND DESIST, ORDER ACCEPTING MORTGAGE LOAN ORIGINATOR LICENSE SURRENDER, ORDER ASSESSING CIVIL PENALTY, PERMANENT BAR FROM OREGON MORTGAGE LENDER LAW ACTIVITY, AND CONSENT TO ENTRY OF ORDER THIS IS A FINAL ORDER

WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon (the "Director") conducted an investigation of Yadira Davila ("Respondent") and determined that Respondent engaged in activities constituting violations of ORS 86A.100 et seq. and OAR 441-850-0005 through OAR 441-885-0010 ("Oregon Mortgage Lender Law"); and

WHEREAS Respondent, independent of any alleged violations, has requested to voluntarily surrender her mortgage loan originator license in the state of Oregon; and

WHEREAS, without any admission of fault or liability, Respondent wishes to finally resolve and settle this matter with the Director, as is required to voluntarily surrender her license;

NOW THEREFORE, as evidenced by the authorized signature subscribed on this order, Respondent hereby CONSENTS to entry of this order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter.

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Salem, OR 97301-3881
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FINDINGS OF FACT

The Director FINDS that:

1. Respondent is an Oregon resident and has been licensed as an Oregon mortgage loan originator since July 31, 2010. Respondent's Nationwide Mortgage Licensing System ("NMLS") number is 13297.

2. Respondent was employed with Evergreen Moneysource Mortgage Company ("Evergreen") from March 2017 through January 2020.

3. Between June 24, 2019 and July 31, 2019, Respondent completed a mortgage loan application ("Application") on behalf of Oregon consumer "R.M." As part of the Application, Respondent submitted a copy of a bank account statement from Columbia Bank showing that R.M. had an ending balance ("Ending Balance") of $14,811.10 for the time period of April 23, 2019 through June 25, 2019. The loan closed on July 31, 2019.

4. After the loan closed, a post-closing random audit ("Audit") was completed on the Application. As part of the Audit, Evergreen obtained R.M.'s bank account statements from Columbia Bank. The Audit revealed an Ending Balance of $26.17.

5. On January 14, 2020, Respondent's employment with Evergreen was terminated for committing asset documentation fraud.

6. On January 22, 2020, Respondent became employed with Academy Mortgage Corporation ("Academy"). As part of her application for employment with Academy, Respondent completed and submitted through NMLS disclosure questions attesting that she had never voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused her of fraud, dishonesty, theft or the wrongful taking of property.

7. On January 30, 2020, the Oregon Division of Financial Regulation conducted an in person interview with Respondent. During the interview, Respondent explained

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that, as part of R.M.'s Application, she used a Columbia Bank statement from another borrower's file and altered the top of the statement to make it appear that it belonged to R.M. and R.M. had no knowledge of the alteration.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. Pursuant to ORS 86A.121(2), a mortgage banker or mortgage broker may surrender a license by filing an application to surrender the license. Unless the Director determines that the license should be suspended or revoked, the Director shall allow the surrender subject to any conditions, limitations and restrictions the Director may impose.

9. Pursuant to ORS 86A.224(2)(a), the Director may order a person that is subject to regulation under ORS 86A.200 to 86A.239 to cease and desist immediately or permanently from violating a provision of ORS 86A.200 to 86A.239 or from an act or practice related to mortgage loan origination that the Director deems harmful to a consumer or to the public.

10. Pursuant to ORS 86A.224(3)(a), the Director may impose a civil penalty in an amount not to exceed $5,000 for each separate instance of a violation of or failure to comply with the provisions of ORS 86A.200 to 86A.239 or a rule or order the Director adopted or issued under ORS 86A.200 to 86A.239.

11. Pursuant to ORS 86A.236(2), a person who is subject to regulation under ORS 86A.200 to 86A.239 in connection with the person's activities as a mortgage loan originator may not employ a device, scheme or artifice to defraud or engage in an act, practice or course of business that operates or would operate as a fraud or deceit.

12. By altering the bank account statement and using a false bank account amount on R.M.'s Application as described in Paragraph 3 above, Respondent violated ORS 86A.236(2).

13. Pursuant to ORS 86A.236(3), a person who is subject to regulation under ORS

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86A.200 to 86A.239 in connection with the person's activities as a mortgage loan originator may not knowingly make an untrue statement of a material fact.

14. By altering the bank account statement and using a false bank account amount on R.M.'s Application as described in Paragraph 3 above, Respondent violated ORS 86A.236(3).

15. Pursuant to ORS 86A.236(14), a person who is subject to regulation under ORS 86A.200 to 86A.239 in connection with the person's activities as a mortgage loan originator may not make a false statement negligently in, or omit knowingly or willfully a material fact from, a report or information the person submits to a government agency or the Nationwide Mortgage Licensing System.

16. By attesting to NMLS that she had never voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused her of fraud, dishonesty, theft or the wrongful taking of property as described in Paragraph 6 above, Respondent violated ORS 86A.236(14).

ORDERS

The Director issues the following ORDERS:

17. As authorized by ORS 86A.224(2)(a), the Director ORDERS Respondent to CEASE AND DESIST from violating ORS 86A.236(2), ORS 86A.236(3) and ORS 86A.236(14).

18. Based upon the foregoing and as authorized by ORS 86A.121(2), the Director hereby accepts the voluntary SURRENDER of Respondent's Oregon mortgage loan originator license.

19. Respondent hereby AGREES not to ever again seek licensure under the Oregon Mortgage Lender Law and IS hereby PERMANENTLY BARRED from Oregon Mortgage Lender Law activity.

20. Based upon the foregoing and as authorized by 86A.224(3)(a), the Director

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ORDERS that Respondent pay a CIVIL PENALTY of $5,000 for violating ORS 86A.236(2), ORS 86A.236(3) and ORS 86A.236(14).

21. The Director SUSPENDS the collection of the $5,000 CIVIL PENALTY assessed above, so long as Respondent agrees to never apply for any license authorized by ORS Chapter 86A, or have any equity interest in, or be an officer or director of, any person that is issued any license authorized by ORS Chapter 86A. Respondent may however own an interest in a publically traded mortgage company not to exceed 1%.

22. This is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order in no way limits further remedies which may be available to the Director under Oregon law.

SO ORDERED this 4th day of June, 2020.

ANDREW R. STOLFI, Acting Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, Yadira Davila, state that I have read the foregoing Consent Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Consent Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Consent Order; that I understand that the Director reserves the right to take further actions against me to enforce this Consent Order or to take appropriate action upon discovery of other violations of the Oregon Mortgage Lender Law by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Consent Order is a public document.

/s/ Yadira Davila
Yadira Davila

05/26/2020
Date

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