

1 Abraham, Senior Vice President of Academy Mortgage, Richard **Fergus**, Senior
2 Examiner at the Department, and Jessica Padilla, a former employee of Academy
3 Mortgage. The Department submitted exhibits 1 through 39.

4 d. Page 2, paragraph 6: At all relevant times, Respondent Yessenia Dennise Lopez worked
5 as a loan originator for Academy Mortgage Corporation (“Academy Mortgage”).
6 Academy mortgage is a licensed mortgage **banker** in the state of Arizona.

7 e. Page 2, paragraph 10. On November **29**, 2017, an Academy Mortgage underwriter
8 informed Ms. Lopez that the Villalba application was suspended due to missing payment
9 information. Later that day, Ms. Lopez sent an electronic mail message (e-mail) to Mr.
10 Hamed and Mr. Ayala and requested that they review the problems related to missing car
11 payments, bank statements, and evidence of Christian’s age.

12 f. Page 3, paragraph 17: On December 28, 2017, an Academy Mortgage representative
13 inspected Hamed’s former office and discovered among the items left in his desk a to-be-
14 completed list from Lopez to Hamed requesting Hamed’s assistance as to the missing car
15 payments and a “[b]irth certificate for **Michael** to be fixed to show 3 yr continuance.

16 g. Page 4, paragraph 20: On or about November 15, 2017, Academy Mortgage began
17 preparing a mortgage loan file for **Beltran**.

18 2. The Superintendent orders that Yessenia Dennise Lopez is immediately suspended from
19 participating in any of the affairs of a financial institution or enterprise for a period of **five**
20 **years**.

21 3. The Superintendent orders Yessenia Dennise Lopez to pay to the Department of Financial
22 Institutions, within **fifteen (15) days** of the effective date of the Order, a civil money penalty
23 in the form of a cashier’s check or money order made payable to the Department of Financial
24 Institutions in the amount of **three thousand dollars (\$3,000.00)**.

25 **NOTIFICATION OF RIGHTS**

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Respondent may request a

1 rehearing or review with respect to this Order within 30 days after the date this Order has been
2 served on Respondent. A rehearing or review of the Order is requested by serving on the
3 Superintendent a written motion that specifies the grounds upon which the motion is based.
4 Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to
5 Superior Court.

6 Respondent may appeal the Superintendent's final decision to the Superior Court of
7 Maricopa County for judicial review pursuant to A.R.S. §§ 6-139, 12-904 and 41-1092.08(H).

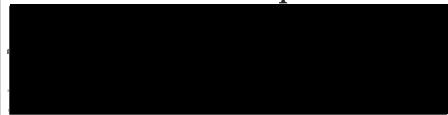
8 DATED this 13th day of August, 2019.

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11 
12 Keith A. Schraad, Interim Superintendent
13 Arizona Department of Financial Institutions
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16 **COPY** of the foregoing **EMAILED** and **MAILED**
17 same date by U.S. First Class Certified Mail
18 w/Return Receipt Requested, article/tracking number:
19 7009 2250 0001 3651 9473

20 this 13th day of August 2019, to:

21 Yessenia Dennise Lopez



22 Respondent

23 **COPY** of the foregoing electronically
24 filed, same date, to:

25 Velva Moses-Thompson, Administrative Law Judge
Office of Administrative Hearings
1740 West Adams Street, Lower Level
Phoenix, Arizona 85007

1 **COPY** of the foregoing sent by
electronic mail, same date, to:

2 Keith A. Schraad, Interim Superintendent
3 Gabriela Macias, Division Manager
4 Attn: Ana Starcevic
5 Arizona Department of Financial Institutions
6 100 North 15th Ave., Suite 261
7 Phoenix, Arizona 85007
8 astarcevic@azdfi.gov

9 Roberto Pulver, Assistant Attorney General
10 Attn: Teresa Carranza
11 Office of the Attorney General
12 2005 South Central Avenue
13 Phoenix, Arizona 85004
14 AdminLaw@azag.gov
15 Roberto.Pulver@azag.gov
16 *Attorney for the Department*

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1 4. At hearing, the Department presented the testimony of Nicole Abraham,
2 Senior Vice President of Academy Mortgage, and Richard Burgess, Senior Examiner at
3 the Department. The Department submitted exhibits 1 through 39.

4 5. Respondent did not request to appear telephonically at the hearing or that
5 the
6 hearing be continued. Although the duly noticed hearing lasted for approximately one
7 hour and fourteen minutes, Respondent did not appear, personally or through an
8 attorney. Consequently, Respondent did not present any evidence.

9 6. At all relevant times, Respondent Yessenia Dennise Lopez worked as a
10 loan originator for Academy Mortgage Corporation ("Academy Mortgage"). Academy
11 Mortgage was a licensed mortgage broker in the state of Arizona.

12 7. In January of 2018, the Department was informed by Academy Mortgage
13 that it suspected that Ms. Lopez and other employees located at the Williams Circle
14 office in Tucson, Arizona, engaged in illegal and improper business practices to help
15 mortgage applicants qualify for loans. At all times relevant to this matter, Nabel
16 Mohamed Hamed supervised Ms. Lopez. Fernando Ayala was the manager for the
17 Williams Circle office.

18 8. The Department conducted an investigation into the alleged illegal
19 activity.
20 The Department found that Ms. Lopez was engaged in the improper business practice
21 of altering and forging documents in connection with seven different mortgage loan
22 applications from October 2017 to January 2018.

23 9. On or about November 14, 2017, Academy Mortgage began processing a
24 loan application for Villalba. Mr. Ayala was the loan originator assigned to the Villalba
25 file.

26 10. On or about November 28, 2017, an Academy Mortgage underwriter
27 informed Ms. Lopez, Mr. Hamed, and Mr. Ayala that the Villalba application was
28 suspended due to missing payment information. Later that day, Ms. Lopez sent an
29 electronic mail message (e-mail) to Mr. Hamed and Mr. Ayala and requested that they
30

1 review the problems related to missing car payments, bank statements, and evidence
2 of Christian's age.

3 11. On December 1, 2017, at 5:07 p.m. Mr. Hamed sent an email to Ms.
4 Lopez and Mr. Ayala which provided, "can you send me the birth certificate please."

5 12. On December 1, 2017, at 5:10 p.m., Ms. Lopez sent an email to Mr.
6 Hamed attaching Christian's birth certificate which showed that Christian was born on
7 February 28, 2000.

8 13. On December 4, 2017, Mr. Ayala uploaded into the Villalba file a birth
9 certificate which showed that Christian was born on February 28, 2010.

10 14. On December 4, 2017, Ms. Lopez sent an email to Mr. Hamed regarding
11 the Villalba file which provided, "forgot reserves sorry!"

12 15. On December 6, 2017, Ms. Lopez sent an email to Mr. Hamed and
13 another employee which provided, "Reserves attached file is ready for final. All other
14 conditions In [sic] unassigned." The attachment was a bank statement from Academy
15 Bank showing that Villalba's ending checking balance was \$8,804.51. The second
16 employee uploaded the bank statement into the Villalba file on December 6, 2017.

17 16. On December 21, 2017, Academy Mortgage provided a residential
18 mortgage loan to Villalba.

19 17. On December 28, 2017, an Academy Mortgage representative inspected
20 Mr. Hamed's former office and discovered among the items left in his desk to-be-
21 completed list from Mr. Lopez to Mr. Hamed requesting Mr. Hamed's assistance as to
22 the missing car payments and a "birth certificate for Michal to be fixed to show 3 yr
23 continuance."

24 18. Ms. Abraham explained at hearing that child support income must
25 continue for at least three years to be considered countable income to qualify for a
26 mortgage loan.

27 19. An Academy Mortgage representative contacted Academy Bank to verify
28 that Villalba had an account with Academy Bank. Academy Bank informed Academy
29 Mortgage that Villalba did not have an account at the bank.

30

1 1. The Superintendent has jurisdiction over Respondent and the subject
2 matter in this case.

3 2. Pursuant to Arizona Revised Statutes (A.R.S.) § 41-1092.07(G)(2) and
4 A.A.C. R2-19-119(B), the Department has the burden of proof in this matter. The
5 standard of proof is by a preponderance of the evidence. *See* A.A.C. R2-19-119(A).

6 3. The preponderance of the evidence shows that Respondent concealed
7 material facts to Academy Mortgage and other third-parties engaged in providing
8 residential mortgage loans to Arizona consumers, which is a violation of A.R.S. § 6-
9 991.02(I) and (K).

10 4. The preponderance of the evidence shows that Respondent is not a
11 person of honesty, truthfulness or good character, which is a violation of A.R.S. § 6-
12 991.05 (A)(1).

13 5. The preponderance of the evidence shows that Respondent violated
14 A.R.S. § 6-991.05(A)(2), which constitutes grounds to revoke her loan originator
15 license.

16 6. The Department is authorized to impose a civil penalty of not more than
17 \$5,000.00 for each violation for each day.

18 7. Based on the specific circumstances, the Administrative Law Judge
19 believes that a \$3,000.00 civil penalty is appropriate for Ms. Lopez's misconduct.

20 ORDER

21 **IT IS ORDERED** that Yessenia Denisse Lopez is immediately suspended from
22 participating in any of the affairs of a financial institution or enterprise for a period of
23 **five years.**

24 **IT IS FURTHER ORDERED**, within 15 days of the effective date of the Order
25 entered in this matter, Yessenia Dennise Lopez shall pay to the Department a civil
26 penalty in the amount of \$3,000.00, and such payment shall be made by cashier's
27 check or money order made payable to the Department.

28 *In the event of certification of the Administrative Law Judge Decision by the*
29 *Director of the Office of Administrative Hearings, the effective date of the Order shall be*
30 *five days from the date of the certification.*

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Done this day, July 31, 2019.

/s/ Velva Moses-Thompson
Administrative Law Judge

Transmitted electronically to:

Keith A. Schraad, Interim Director
Arizona Department of Financial Institutions