

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA



STATE OF OKLAHOMA )  
*ex rel.* DEPARTMENT OF )  
CONSUMER CREDIT, )  
  
Petitioner )  
  
v. )  
  
ERIK GABRIEL QUIORO, )  
  
Respondent )

Case No. 18-0057-DIS

**FINAL AGENCY ORDER**

This matter was heard on the 1st day of November, 2018, at approximately 10:04 a.m., after allowing additional time for the named respondent or his legal representative(s) to attend, the above numbered and entitled cause (scheduled for 9:30 a.m.) came on for hearing at the Office of the Oklahoma Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> Street, Suite 240, Oklahoma City, Oklahoma 73112.

The State of Oklahoma *ex rel.* Oklahoma Department of Consumer Credit (“Petitioner”), was represented by Petitioner’s Chief Enforcement Attorney, John T. Coyne, and Respondent, Erik Gabriel Quioro, whose mailing address of record is 7625 Montblanc Ct., Las Vegas, NV 89129 (“Respondent”), did not appear in person or through an attorney, after such Respondent having been mailed a copy of the Notice and Order of Hearing filed by Petitioner herein on August 27, 2018 (the “Notice of Hearing”), in Case No. 18-0057-DIS, pursuant to the requirements of Article II of the Administrative Procedures Act (the “APA”), 75 O.S. §§ 308a-323, by first class U.S. Mail certified with return receipt requested to Respondent, at the address

given to Petitioner by Respondent at 7625 Montblanc Ct., Las Vegas, NV 89129, and was delivered to Respondent by a representative of the U.S. Postal Service as verified through the certified return receipt signed by Respondent as the Addressee on August 31, 2018, which receipt has been filed herein with the hearing then-scheduled to be held on October 4, 2018. Subsequently, on September 26, 2018, Petitioner filed a document herein entitled "Continuance" (the "Continuance") to continue the hearing in this matter until November 1, 2018, at 9:30 a.m. at the Office of the Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> Street, Suite 340, Oklahoma City, Oklahoma 73112, which Continuance was both mailed to Respondent at 7625 Montblanc Ct., Las Vegas, NV 89129, and emailed to Respondent at [quero.erik@gmail.com](mailto:quero.erik@gmail.com) on September 26, 2018, with an Affidavit of Service filed herein on September 26, 2018, sworn to by Petitioner's Legal Administrative Programs Officer, Anissa Campbell, with a copy of the electronic delivery receipt attached thereto evidencing such delivery to Respondent at the email address of Respondent, [quero.erik@gmail.com](mailto:quero.erik@gmail.com), provided to NMLS by Respondent as required for registration of mortgage brokers and mortgage loan originators by NMLS.

Petitioner's Chief Enforcement Attorney, John T. Coyne, announced that he had not heard from or spoken to Respondent about his appearance at the hearing in person or through an attorney. According to Mr. Coyne, Respondent surrendered his license as a Oklahoma licensed mortgage loan originator through NMLS but without properly providing Petitioner notice of such action through any type of a surrender letter and without submitting the required late fee. Mr. Coyne indicated that he wished to secure, in the absence of Respondent who had an opportunity for a hearing and for whom he had good service, a judgment by default pursuant to 75 O.S. § 309(E). Further, Mr. Coyne indicated that Petitioner's recommendation in this matter is that

Respondent pay a civil penalty of One Thousand Dollars (\$1,000.00), that Respondent also pay a license renewal late fee of One Hundred Seventy Dollars (\$170.00), that Respondent pay for the costs of the hearing, and that a Cease and Desist Order be issued against Respondent to cease and desist from acting as an Oklahoma licensed mortgage loan originator until such time as the Respondent re-applies and renews his license as an Oklahoma licensed mortgage loan originator and until such time as all fees, penalties, fines and hearing costs are all fully paid by Respondent to Petitioner.

Accordingly, the Independent Hearing Examiner announced from the bench that his recommendation in this matter to Petitioner's Administrator would be that Respondent pay a civil penalty of One Thousand Dollars (\$1,000.00), that Respondent also pay a renewal late fee of One Hundred Seventy Dollars (\$170.00), and that a Cease and Desist Order be issued against Respondent to cease and desist from acting as an Oklahoma licensed mortgage loan originator until such time as the Respondent re-applies and renews his license as an Oklahoma licensed mortgage loan originator and until such time as all fees, penalties, fines and hearing costs are all fully paid to Petitioner, and as Respondent is not the prevailing party in this matter, that Respondent pay for the costs of the hearing (being those costs of the Independent Hearing Examiner incurred in this matter) as authorized in 59 O.S. § 2095.17(D).

After reviewing the administrative record of this individual proceeding, reviewing the evidence presented at the November 1, 2018 hearing, and reviewing the Proposed Order filed by Independent Hearing Examiner, Bryan Neal, the Administrator of Consumer Credit issues the following findings, conclusions and orders.

## JURISDICTION AND AUTHORITY

The Administrator of Consumer Credit (the "Administrator") has administrative authority to administer, interpret and enforce the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act, (the SAFE Act) 59 O.S. §§ 2095 *et seq.*, 59 O.S. § 2095.1 (2).

### **Penalties**

1. In order to ensure the effective supervision and enforcement of the SAFE Act, the Administrator may, after notice and hearing pursuant to Article II of the Administrative Procedures Act, 75 O.S. §§ 308a *et seq.*, impose any or any combination of the following penalties for violations of the SAFE Act:

(a) deny, suspend, revoke, censure, place on probation or decline to renew a license issued pursuant to the SAFE Act for a violation of the SAFE Act, any rules promulgated pursuant to the SAFE Act and any order of the Administrator issued pursuant to the SAFE Act;

(b) deny, suspend, revoke, censure, place on probation or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of the SAFE Act or withholds information or makes a material misstatement in an application for a license or renewal of a license;

(c) order restitution against entities or individuals subject to the SAFE Act for violations of the SAFE Act or

(d) issue orders or directives under the SAFE Act as follows:

(i) order or direct entities or individuals subject to the SAFE Act to cease and desist from conducting business, including immediate temporary orders to cease and desist;

(ii) order or direct entities or individuals subject to the SAFE Act to cease

any harmful activities or violations of the SAFE Act, including immediate temporary orders to cease and desist;

(iii) enter immediate temporary orders to cease business under a license issued pursuant to the authority of the SAFE Act if the Administrator determines that such license was erroneously granted or the licensee is currently in violation of the SAFE Act;

(iv) order or direct such other affirmative action as the Administrator deems necessary, or

(v) impose a civil penalty of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation of the SAFE Act against a licensee or any other entity or individual subject to the SAFE Act, not to exceed Five Thousand Dollars (\$5,000.00) for all violations resulting from a single incident or transaction. 59 O.S. § 2095.17.

### **FINDINGS OF FACT**

The Administrator of Consumer Credit finds that the following facts were proven through Respondent's default by clear and convincing evidence:

1. The proceedings in this matter were conducted in accordance with the provisions of the SAFE Act, 59 O.S. §§ 2095 *et seq.* and Article II of the Administrative Procedures Act, 75 O.S. §§ 308a-323.

2. Respondent failed to appear in person or through an attorney at the hearing on November 1, 2018, at the scheduled time of 9:30 a.m. or later that same morning when his case was heard at approximately 10:04 a.m., Respondent having received notice of the hearing in this matter set for October 4, 2018, at 9:30 a.m., by first class U.S. Mail, certified with return receipt

requested through mail-delivery of a copy of the original Notice of Hearing filed in this matter on August 27, 2018, served upon Respondent as verified through the certified return receipt filed herein signed by Respondent as the Addressee on August 31, 2018, at the address given to Petitioner by Respondent at 7625 Montblanc Ct., Las Vegas, NV 89129, by a representative of the U.S. Postal Service.

On September 26, 2018, Petitioner filed the Continuance herein to continue this matter until November 1, 2018, at 9:30 a.m. at the Office of the Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> Street, Suite 340, Oklahoma City, Oklahoma 73112, which Continuance was both mailed to Respondent at 7625 Montblanc Ct., Las Vegas, NV 89129, and emailed to Respondent at [quero.erik@gmail.com](mailto:quero.erik@gmail.com) on September 26, 2018, with an Affidavit of Service filed herein on September 26, 2018, sworn to by Petitioner's Legal Administrative Programs Officer, Anissa Campbell, with a copy of the electronic delivery receipt attached thereto evidencing such delivery to Respondent at [quero.erik@gmail.com](mailto:quero.erik@gmail.com) at the email address of Respondent, [quero.erik@gmail.com](mailto:quero.erik@gmail.com), provided to NMLS by Respondent as required for registration of mortgage brokers and mortgage loan originators by NMLS.

3. The licensing system of record for mortgage brokers and mortgage loan originators in the State of Oklahoma is NMLS.

4. Respondent, at all times relevant in this matter, was licensed as a mortgage loan originator in the State of Oklahoma pursuant to the SAFE Act with the following licensing information indicated by NMLS:

(a) Oklahoma license number MLO14337;

(b) NMLS unique identifier number/company ID 828144;

- (c) Mailing address of record at 7625 Montblanc Ct., Las Vegas, NV 89129; and
  - (d) Email address of record at [quero.erik@gmail.com](mailto:quero.erik@gmail.com).
5. Respondent's license renewal fee was not paid on or before December 1, 2017.
  6. Respondent requested a renewal of his license on December 18, 2017.
  7. Respondent failed to pay \$170.00 in late license renewal fees.

### **CONCLUSIONS OF LAW**

The Administrator of Consumer Credit concludes as follows:

1. Respondent has violated 59 O.S. § 2095.6(K)(2) for failure to pay the late renewal fee as prescribed by rule of the Commission on Consumer Credit to the Department.
2. Respondent has violated the Oklahoma Administrative Code 160:5-1-2(8)(D) for failure to pay the late fee assessed per day beginning on December 1, 2017.
3. Respondent has violated 59 O.S. § 2095.18(8) for failure to comply with the SAFE Act, or rules promulgated under the SAFE Act or failure to comply with any other state or federal law, including any rules thereunder, applicable to any business authorized or conducted under the SAFE Act.

### **ORDER**

Based upon the findings of fact and conclusions of law in this individual proceeding and based in part upon the recommendation of the Independent Hearing Examiner, the Administrator of Consumer Credit issues the following orders:

Respondent is hereby found to be licensed as a mortgage loan originator in the State of Oklahoma pursuant to the SAFE Act with the following licensing information indicated by NMLS: (a) Oklahoma license number MLO14337; (b) NMLS unique identifier number/company

ID 828144; (c) mailing address of record at 7625 Montblanc Ct., Las Vegas, NV 89129; (d) email address of record of Respondent [quero.erik@gmail.com](mailto:quero.erik@gmail.com), that has violated 59 O.S. § 2095.6 and § 2095.18(8) for failure to comply with the SAFE Act, or rules promulgated under the SAFE Act or failure to comply with any other state or federal law, including any rules thereunder, applicable to any business authorized or conducted under the SAFE Act.

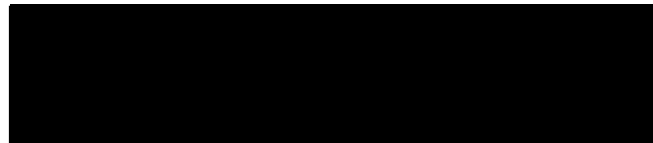
1. Respondent shall pay the late license renewal fee in the amount of One Hundred Seventy Dollars (\$170.00).

2. Respondent shall be fined in the amount of One Thousand Dollars (\$1,000.00) for violation of 59 O.S. § 2095.6(K)(2) for failure to pay the late renewal fee as prescribed by rule of the Commission on Consumer Credit.

3. As Respondent is not the prevailing party in this matter, Respondent shall be assessed \$280.50 in hearing costs incurred in this matter as authorized in 59 O.S. § 2095.17(D).

4. A Cease and Desist Order is issued against Respondent to cease and desist from acting or resuming to act as an Oklahoma licensed mortgage loan originator until such time as Respondent re-applies and renews his license as an Oklahoma licensed mortgage loan originator and until such time as all fees, penalties, fines and hearing costs are all fully paid by Respondent to Petitioner totaling \$1,450.50.

So ordered this 17<sup>th</sup> day of December, 2018.



Rubin Tornini  
Deputy Administrator of Consumer Credit  
State of Oklahoma