

RAÚL R. LABRADOR
ATTORNEY GENERAL

JAMES J. SIMERI
Chief of Consumer Protection Division

AMBER K. KAUFFMAN, ISB No. 10161
Deputy Attorney General
954 W. Jefferson Street, 2nd Floor
Boise, Idaho 83702
Telephone: (208) 947-8733
Facsimile: (208) 334-4151
Email: amber.kauffman@ag.idaho.gov
Attorneys for the Department of Finance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

In re Mortgage Loan Originator License
Application of:

DEREK ANTHONY TOWNS,
NMLS ID No.1540222,

Applicant.

Docket No. 2025-16-04

**ORDER DENYING MORTGAGE
LOAN ORIGINATOR LICENSE
APPLICATION AND NOTICE OF
THE OPPORTUNITY TO APPEAL**

The Director of the State of Idaho, Department of Finance (“Department”), pursuant to Idaho Code §§ 26-31-306(1)(d); 26-31-306(1)(h); 26-31-313(1)(a) and/or 26-31-313(1)(b) of the Idaho Residential Mortgage Practices Act (“Act”), hereby issues this Order.

FINDINGS OF FACT

1. The Applicant, Derek Anthony Towns, a resident of the state of Arizona, applied for an Idaho Mortgage Loan Originator (“MLO”) license through the online Nationwide Mortgage Licensing System and Registry (“NMLSR”) under NMLS No. 1540222. This Applicant attested to the information provided and submitted the application on October 15, 2024.

2. The application Form MU4 seeks information on an applicant’s qualifications to be

licensed as an MLO, and the “Disclosure Questions” section specifically requests information pertaining to an applicant’s financial, criminal, civil, judicial, and regulatory history.

3. In response to disclosure question (D), “Do you have any unsatisfied judgments or liens against you?” the Applicant responded, “No.”

4. As part of its regular application review under Idaho Code § 26-31-316, the Department obtained a public records background check through LexisNexis on October 21, 2024 to determine the Applicant’s fitness to be licensed.

5. The report showed a Galleria Palms LLC, DBA Galleria Apartments judgment of \$1,790.96 (Case No. CC 2015 127523) rendered on July 21, 2015, in the Kyrene Justice Court, Maricopa County, Arizona, which had not been disclosed on the Applicant’s Form MU4. The Department obtained a copy of the judgment from the Kyrene Justice Court Clerk’s Office and verified that the judgment remained unsatisfied.

6. On October 21, 2024, the Department informed the Applicant that it had obtained judgment information that required disclosure on Question (D) of the Form MU4. The Department provided notice of intent to deny the application in four (4) weeks based on an inaccurate application, unless the Applicant could provide documentation showing the judgment was not subject to disclosure because it was resolved prior to the application date. The Applicant was also provided the opportunity to withdraw the application. The Applicant did not respond.

7. Based upon its investigation, the Department has concluded that the judgment against the Applicant described above has not been satisfied.

FINDINGS AND CONCLUSIONS OF LAW

8. The allegations set forth in paragraphs 1 through 7 above are fully incorporated herein by this reference.

9. Idaho Code § 26-31-304 provides that an individual shall not engage in the business of a mortgage loan originator without first obtaining, and maintaining annually, a license.

10. Idaho Code § 26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the NMLSR in a form required by the Director of the Idaho Department of Finance (Director).

11. Idaho Code § 26-31-306(1)(d) provides that the Director shall not issue a mortgage loan originator license under the Act unless the Director makes a finding that an applicant has demonstrated financial responsibility, character, and general fitness sufficient to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the Act.

12. Pursuant to Idaho Code § 26-31-306(1)(h), before an application for license can be approved, an applicant must provide all information on the application as required per Idaho Code § 26-31-305. Idaho Code § 26-31-305(10) further provides that an applicant shall make complete disclosure of all information as set forth in the application.

13. Pursuant to Idaho Code § 26-31-313(1)(a) and (b), the Director may deny a license if an applicant violates the Act and/or withholds information or makes a material misstatement in an application for a license.

14. The Applicant made a material misstatement of fact in his application by failing to disclose his judgment in the answer to question “D”, which is grounds to deny his application for licensure pursuant to Idaho Code § 26-31-306(1)(d) and (h) and § 26-31-313(1)(a) and (b).

15. The Director finds that Applicant’s failure to disclose his judgment on the Form MU4 demonstrates that the Applicant lacks the appropriate character and fitness sufficient to command

the confidence of the community and cannot be warranted to operate honestly, fairly, and efficiently within the purposes of the Act.

16. The Director cannot make the requisite findings under Idaho Code §§ 26-31-306(1)(d) and 26-31-306(h); therefore, it is appropriate to deny the Applicant's request for an Idaho mortgage loan originator license, pursuant to Idaho Code § 26-31-313(1).

ORDER

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PURSUANT TO IDAHO CODE §§ 26-31-313(1)(a) and (b), IT IS HEREBY ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION ATTESTED TO AND SUBMITTED BY DEREK ANTHONY TOWNS, NMLS #1540222, ON OCTOBER 15, 2024, IS DENIED.

NOTICE OF THE OPPORTUNITY TO APPEAL

17. The Applicant is HEREBY NOTIFIED that he may appeal from this ORDER. Such appeal must be in writing and submitted to the Department within fifteen (15) days after the service of this Order. A copy of the request for hearing shall be served via **mail** or via **email** as follows:

Attn: Lisa Baker
Assistant to the Director
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

Lisa.Baker@finance.idaho.gov

A copy of the request for an appeal may also be served on the Department's counsel, Amber K. Kauffman, Deputy Attorney General, at amber.kauffman@ag.idaho.gov.

18. If the Applicant timely appeals this action, the Department will assign the contested case proceeding to the Office of Administrative Hearings pursuant to Idaho Code § 67-5280(2)(a). Subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.* and the Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01).

19. Pursuant to Idaho Code § 26-31-305(6), if an appeal is made, the Applicant shall reimburse, pro rata, the Director for her reasonable and necessary expenses incurred as a result of the appeal.

IT IS SO ORDERED.

DATED this 9th day of January 2025.



STATE OF IDAHO
DEPARTMENT OF FINANCE

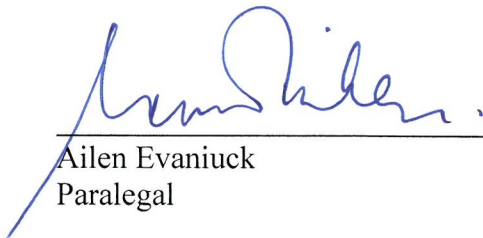
PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January 2025, I caused a true and correct fully executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY TO APPEAL to be served on the following by the designated means:

Derek Anthony Towns
17 W 6th Dr.
Mesa, AZ 85210

- U.S. Mail, Postage Paid
- Certified mail
- Facsimile
- Email: towns.derek@gmail.com;
derek.towns@rate.com



Ailen Evaniuck
Paralegal