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ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

In the Matter of the Loan Originator License of:

**MICHELLE CHERIE' DUBOSE,
Arizona Loan Originator License
No. 0918117**



Respondent.

No. 19F-BD007-BNK
CONSENT ORDER

On March 28, 2019, the Arizona Department of Financial Institutions ("Department") issued a Notice of Hearing and Complaint to Revoke Loan Originator License of Michelle Cherie Dubose or in the Alternative a Permanent Prohibition From Participating in the Affairs of Any Financial Institution or Enterprise (the "Notice"), which alleged Michelle Cherie Dubose ("Dubose") had violated Arizona statutes and regulations governing loan originator activities. Wishing to resolve this matter in lieu of an administrative hearing, Dubose agrees to the following Findings of Fact and Conclusions of Law and enters into this Consent Order ("Order") with the Department.

FINDINGS OF FACT

1. Michelle Cherie' Dubose ("Dubose") is a licensed Arizona loan originator, the holder of license number 0918117, and resides in Maricopa County, Arizona.
2. On April 7, 2011, the Arizona Department of Financial Institutions ("Department") issued Dubose her original loan originator license.
3. Dubose's loan originator license expired January 31, 2019. She did not renew it.
4. On September 17, 2018, the Department received a complaint against

1 Dubose from Finn Rose ("Ms. Rose"), Executive Director of Arizona Association of
2 Mortgage Professionals ("Association").

3 5. In the complaint from Ms. Rose, she stated that Dubose, the then-Treasurer
4 of the Central Chapter of the Association, illegally withdrew monies from the
5 Association's bank account to pay for Dubose's personal expenses. Dubose illegally
6 withdrew \$9,345.32. The illegal withdrawals occurred from April 2018 to May 2018.

7 6. A break-down of Dubose's illegal withdrawals for her personal use are as
8 follows:

10	a.	4/23/2018	Empire Elite (Cheerleader Academy)	\$1,946.70
11	b.	4/26/2018	NFCU Branches (Withdrawal)	\$1,500.00
12	c.	4/26/2018	Withdrawal fee/NFCU Branches	\$ 10.00
13	d.	4/30/2018	Target	\$ 203.63
14	e.	4/30/2018	Fry's Food and Drug	\$ 64.25
15	f.	5/02/2018	Kona Grill	\$ 50.21
16	g.	5/04/2018	Cash Withdrawal	\$2,500.00
17	h.	5/04/2018	Southwest Airlines	\$ 233.98
18	i.	5/04/2018	Southwest Airlines	\$ 233.98
19	j.	5/04/2018	Southwest Airlines	\$ 233.98
20	k.	5/04/2018	Southwest Airlines	\$ 233.98
21	l.	5/04/2018	Southwest Airlines	\$ 233.98
22	m.	5/07/2018	Empire Elite	\$ 319.12
23	n.	5/07/2018	Hilton Hotel	\$ 715.50
24	o.	5/07/2018	Hilton Hotel	\$ 225.63
25	p.	5/07/2018	Life Storage	\$ 80.38
26	q.	5/18/2018	Cash Withdrawal	\$ 300.00
27	r.	5/23/2018	Cash Withdrawal	\$ 260.00
28			Total	\$9,345.32

1 7. On May 31, 2018, Ms. Rose was informed through another Association
2 officer that Dubose had illegally withdrawn monies from the Association's bank account.
3 This discovery resulted in Ms. Rose contacting the Peoria Police Department to report the
4 stolen monies from the Association's bank account and to file a report.

5 8. The Association, through a representative, confronted Dubose as to her
6 theft of the Association's monies.

7 9. On June 1, 2018, Dubose sent an email addressed to Ms. Rose and to
8 another stating: "[], I am rightfully accountable for my actions. I will completely rectify
9 all funds that were misused in the account. My intention is and always had been to take
10 care of this right away."

11 10. On June 4, 2018, Dubose sent another email addressed to Ms. Rose and to
12 others stating: "At this time, I do not have any assets to withdraw from, savings or items
13 to place a lien against and I don't want to set an unrealistic expectation for myself or the
14 board. Please send me [sic] address for repayment and I will submit full reimbursement
15 with certified funds on or before July 31st, 2018."

16 11. On June 14, 2018, Dubose sent a notarized statement to the Association
17 wherein she took responsibility for the stolen monies from the Association and stated that
18 she understood "legal action can be taken [against her] if the information conveyed in the
19 letter is not fully adhered to by the date specified in the letter" which was July 31, 2018.
20

21 12. Due to Dubose's communications to the Association that she would return
22 the stolen monies to the Association, it requested that the Peoria Police delay its
23 investigation against her.

24 13. Dubose failed to fulfill her promise to the Association of returning its stolen
25 monies on or before July 31, 2018.

26 14. Due to Dubose's failure to return the stolen monies to the Association, this
27 caused the Association to file a complaint with the Department. In particular, the
28

1 Association stated in its complaint that Dubose should lose her loan originator license
2 because if she was willing to steal from her peers then what would prevent her from
3 stealing from the public.

4 15. Dubose's theft at the Association was communicated to her then-employer,
5 Geneva Financial, LLC – a licensed Arizona mortgage banker. A short time thereafter,
6 Dubose's employment at Geneva Financial, LLC ceased on May 31, 2018.

7 16. On September 21, 2018, the Department sent a copy of the Association's
8 complaint to Dubose. About two weeks later, Dubose sent a response to the Association's
9 complaint to the Department. Dubose's response admitted she had removed money from
10 the Association's bank account and needed to pay it back.

11 17. After the Department completed its investigation of the Association's
12 complaint, the Department contacted Dubose by email on January 29, 2019 about the
13 violations against her caused by her misconduct and offered her an opportunity to discuss
14 the complaint with a Department representative.

15 18. On January 31, 2019, Dubose responded to the Department's email and
16 wanted to discuss the complaint, but she has failed to provide the Department with a
17 specific date and time to accomplish this discussion.

18 19. As of June 20, 2019, Dubose had not repaid any funds to the Association.

20 CONCLUSIONS OF LAW

21 20. Under A.R.S. §§ 6-110 and 6-991 *et seq.*, the Department and
22 Superintendent have the authority and duty to regulate all persons engaged in the
23 business affairs of financial institutions and enterprises, including loan originators.

24 21. Dubose's professional misconduct as a loan originator, as fully described in
25 the Findings of Fact, shows she used her position of authority as treasurer to steal monies
26 from the Association's bank account for her personal use. This misconduct is an illegal
27 and improper business practice contrary to A.R.S. § 6-991.02(K).

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c. Dubose acknowledges that nothing in this Order precludes the Association or any other entity from seeking interest on any unpaid Restitution amounts.

28. That the Office of Administrative Hearings shall promptly vacate Case No. 19F-BD007-BNK due to this Order, which has eliminated the controversy between the Department and Dubose.

29. This Order shall become effective upon execution by the Department's Superintendent or representative and shall remain effective and enforceable unless modified by the parties in writing.

DATED this 8th day of July, 2019.

Keith R. Schraad, Interim Superintendent
Arizona Department of Financial Institutions

By Gabriela Marcias
Gabriela Marcias, Division Manager
Mortgage Lending
Arizona Department of Financial
Institutions

CONSENT TO ENTRY OF ORDER

A. Dubose acknowledges that she has been served with a copy of the foregoing Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, has read the same, is aware of the right to an administrative hearing in this matter, and has knowingly, intelligently, and voluntarily waived that right.

B. Dubose admits to the jurisdiction of the Superintendent and the Office of Administrative Hearings and consents to the entry of the foregoing Findings of Fact, Conclusions of Law, and Order.

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C. Dubose states that no promise of any kind or nature has been made to induce her to consent to the entry of this Order, and that she has done so voluntarily

D. Dubose agrees to cease from engaging in the conduct set forth above in the Findings of Fact and Conclusions of Law.

E. Dubose acknowledges that the acceptance of this Consent to the Entry of Order by the Superintendent is solely to settle this matter and does not preclude this Department, any other agency or officer of this state or subdivision thereof from instituting other civil or criminal proceedings as may be appropriate now or in the future.

F. Dubose acknowledges that failure to comply with this Order can result in the Department pursuing other administrative and judicial remedies against her.

G. Dubose represents that she has the authorization to consent to the entry of this Order on her own behalf. Dubose further acknowledges that is aware of her right to obtain legal counsel in this matter, and has knowingly waived that right.

H. Dubose waives all rights to seek any administrative or judicial review or otherwise to challenge or contest the validity of this Order before any court of competent jurisdiction.

DATED this 2nd day of July 2019.

By: 
Michelle Cherie Dubose

ORIGINAL of the foregoing filed
this 23rd day of July in the Office of:

Keith R. Schraad, Interim Superintendent
Arizona Department of Financial Institutions
ATTN: Ana Starcevic
100 North 15th Avenue, Suite 261

1 Phoenix, AZ 85007
2 AStarcevic@azdfi.gov

3 COPY of the foregoing e-filed same
4 date with:

5 Diane Mihalsky, Administrative Law Judge
6 Office of the Administrative Hearings
7 1740 West Adams Street, Lower Level
8 Phoenix, AZ 85007

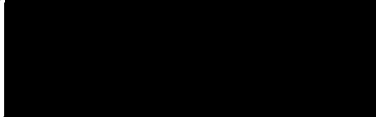
9 COPY of the foregoing mailed/delivered
10 same date to:

11 Gabriela Macias, Division Manager
12 Richard Fergus, Examiner-in-Charge
13 ATTN: Ana Starcevic
14 Arizona Department of Financial Institutions
15 100 North 15th Avenue, Suite 261
16 Phoenix, AZ 85007
17 GMacias@azdfi.gov
18 AStarcevic@azdfi.gov

19 Dena Benjamin, Assistant Attorney General
20 Office of the Attorney General
21 2005 North Central Avenue
22 Phoenix, Arizona 85004
23 Dena.Benjamin@azag.gov

24 COPY of the foregoing mailed same date
25 by e-mail and U.S. mail to:

26 Michelle Cherie' Dubose



27 Respondent

28 Denesa Carranza

#7997869