

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Loan Originator License of:

No. 19F-BD004-BNK

3 **YUNUHEN CARINA MIRANDA, Arizona**
4 **Loan Originator License No. 0928424**

CONSENT ORDER



6 Respondent.

7
8 On January 25, 2019, the Arizona Department of Financial Institutions (“Department) issued
9 a Notice of Hearing and Complaint to Revoke Loan Originator License of Yunuhen Carina Miranda
10 or in the Alternative a Permanent Prohibition From Participating in the Affairs of Any Financial
11 Institution or Enterprise (the “Notice”), which alleged Yunuhen Carina Miranda (“Miranda”) had
12 violated Arizona statutes and regulations governing loan originator activities as a mortgage officer
13 for Academy Mortgage Corporation (“Academy Mortgage”). Wishing to resolve this matter in lieu
14 of an administrative hearing, Miranda enters into the Consent Order with the Department.

15 **FINDINGS OF FACT**

16 1. In late January 2018, Academy Mortgage, an Arizona licensed mortgage banker,
17 reported to the Department its suspicion that Miranda in concert with other Academy Mortgage
18 employees, located in Tucson, Arizona, was involved in illegal or improper business practices of
19 altering and/or forging documents to allow mortgage loan applicants who had applied for residential
20 mortgage loans with Academy Mortgage to qualify for those mortgages.

21 2. Due to this information, the Department began an investigation to confirm whether
22 Miranda had indeed been involved in illegal or improper business practices while employed as a
23 loan originator with Academy Mortgage.

24 3. In cooperation with Academy Mortgage, the Department’s investigation disclosed
25 that illegal or improper business practices of altering and/or forging documents was isolated to the
26

1 Academy Mortgage employees at the Williams Circle Office located in Tucson, Arizona. At this
2 office, Nabel Mohamed Hamed (“Hamed”) held a supervisory position over loan originators as a
3 Loan Officer/Sales Manager. However, Hamed and Miranda were both supervised by Fernando
4 Ayala (“Ayala”), an area manager responsible for Academy Mortgage’s business in the southern
5 Arizona area.

6 4. The investigation revealed that Hamed and Miranda provided support to Ayala in
7 shepherding his mortgage applicants so these applicants could secure their residential mortgage
8 loans from Academy Mortgage.

9 5. The Department’s investigation found that Miranda assisted, facilitated, or submitted
10 altered or forged documents and/or assisted, facilitated, or submitted false information or
11 documentation to Academy for at least seven (7) mortgage loan applicants’ files. Those files were:

- 12 (a) Manuel and Nora Rojas (“**Rojas**”), loan file number XXX8108;
- 13 (b) Leandro Sanchez and Viviana Olivo (“**Sanchez**”), loan file number XXX8799;
- 14 (c) Michael and Ann Marie Burgess (“**Burgess**”), loan file number XXX8759;
- 15 (d) Richard Whyte (“**Whyte**”), loan file number XXX6428;
- 16 (e) Fard Simmonds and Chantay Phillips (“**Simmonds**”), loan file number XXX7633;
- 17 (f) Noreen Ortiz (“**Ortiz**”), loan file number XXX3715; and
- 18 (g) Kyle Gurnett and Lauren Jensen (“**Gurnett**”), loan file number XXX7643.

19 6. The Department’s investigation of Miranda’s loan originator activities at Academy
20 Mortgage for the **Rojas** file disclosed the following:

- 21 a. On March 3, 2017, Academy Mortgage received a mortgage loan application for the
22 Rojas.
- 23 b. Miranda was the assigned loan originator for the Rojas file.
- 24 c. On June 12, 2017, Monica Marsh (“Marsh”), a loan processor for Academy
25 Mortgage, uploaded into the Rojas file a copy of the Credit Plus, Inc. Supplemental Report. The
26 report indicated that the Rojas had a collection account with GateStone & Co. International Inc.

1 (“GateStone”). On that same day, Marsh uploaded another letter from GateStone into the Rojas file
2 stating that this account had been paid in full on January 27, 2017.

3 d. On June 15, 2017, an Academy Mortgage loan underwriter informed Miranda and
4 Marsh by email that the source of the funds used to pay off the collection account needed to be
5 verified. The funds needed to be verified because the account was paid off within 60 days before the
6 mortgage loan application date. Later that day, Miranda sent an email to Hamed informing him of
7 the request. Hamed responded to the email asking “[w]hen is the closing[?]” Miranda replied
8 “Tomorrow.” Hamed then replied “Call me”.

9 e. On June 15, 2017, Miranda sent an email to Hamed with two documents attached to
10 it, a copy of the bank statement from MidFirst Bank and a letter from GateStone. The bank
11 statement indicated that the beginning balance on the Rojas’ account on April 30, 2017 was
12 \$14,992.72, and the ending balance on May 31, 2017 was \$14,992.72. On June 16, 2017, Hamed
13 forwarded this email to his personal email account.

14 f. On June 16, 2017, Hamed sent to Miranda an email with an attachment, a copy of the
15 MidFirst Bank Account Activity Statement from January 1 to January 31, 2017. The statement
16 showed that on January 30, 2017, Rojas deposited \$3,797.12 into the account — the only activity that
17 occurred during this billing cycle. A few minutes later, Hamed sent another email to Miranda
18 stating, “**USE THIS ONE!!!!!!**” Attached to the email, was an altered copy of the MidFirst Bank
19 Account Activity Statement showing, on January 30, 2017, the Rojas withdrew \$3,797.12 from the
20 account to pay off the collection account.

21 g. On that same day, Marsh uploaded to the Rojas file a Supplemental Report showing
22 that “verified per documentation” the Rojas had paid off the collection account in full on January 27,
23 2017. In order to fulfill the verification requirement put forth by Academy Mortgage’s Underwriting
24 Department and to allow the Rojas to obtain a mortgage loan, Miranda participated in the forgery of
25 the MidFirst Bank Account Activity Statement.

26 h. On June 16, 2017, Academy Mortgage provided a mortgage loan to the Rojas.

1 i. Miranda facilitated, allowed, or submitted information or documentation into the
2 Rojas file to misrepresent facts and deceive Academy Mortgage into providing a residential
3 mortgage loan to the Rojas. Miranda's loan originator activities on the Rojas file show that she
4 participated in improper business practices against Academy Mortgage.

5 7. The Department's investigation of Miranda's loan originator activities at Academy
6 Mortgage for the Sanchez file disclosed the following:

7 a. On April 28, 2017, Academy Mortgage received a mortgage loan application for
8 Sanchez.

9 b. Miranda was the assigned loan originator for the Sanchez file.

10 c. Sanchez's initial Residential Loan Application disclosed he had \$7,093.00 at Bank of
11 America.

12 d. On June 16, 2017, Miranda sent an email pertaining to Sanchez's bank statement to
13 Hamed. Hamed responded to Miranda's email by stating, "Text me and let me know what I am
14 doing here[?]"

15 e. On June 27, 2017, Marsh uploaded into the Sanchez file an account statement from
16 Arizona Federal Credit Union. That statement indicated that Sanchez had \$8,390.25 in his saving
17 account.

18 f. On or about January 16, 2018, an Academy Mortgage representative contacted
19 Arizona Federal Credit Union to verify that Sanchez had an account with the credit union. The
20 representative received confirmation that Sanchez did not have an account with the credit union as
21 the account had a different name.

22 g. Miranda facilitated, allowed, or submitted information or documentation into the
23 Sanchez file to misrepresent facts and deceive Academy Mortgage into providing a residential
24 mortgage to Sanchez. Miranda's loan originator activities on the Sanchez file show that she
25 participated in improper business practices against Academy Mortgage.

26 8. The Department's investigation of Miranda loan originator activities at Academy

1 Mortgage for the Burgess file disclosed the following:

2 a. On September 20, 2017, Academy Mortgage started a mortgage loan file for the
3 Burgess.

4 b. Ayala was the loan originator assigned to the Burgess file.

5 c. On October 6, 2017, Miranda sent an email to Hamed. The email informed Hamed
6 about several loan applications that Miranda was working on that month and commented that the
7 Burgess file had issues. In particular, Michael Burgess's income at the time of the mortgage loan
8 application could not be used to qualify for a mortgage loan because he was employed with his then-
9 employer less than six months. And prior to his most recent employment, he had not worked since
10 2015.

11 d. A Prequalification Worksheet found in the Burgess file indicated that Michael
12 Burgess received \$2,163.00 a month in Social Security benefits and his wife, Ann Marie, had no
13 income.

14 e. The initial mortgage loan application in the Burgess file indicates that Michael
15 Burgess's monthly income from Social Security was \$2,684.00.

16 f. On November 7, 2017, Allison Mesa ("Mesa"), an Academy Mortgage loan
17 processor, uploaded to the Burgess file a Social Security letter.

18 g. The uploaded Social Security letter by Mesa states that Ann Marie Burgess receives
19 \$1,944.40 a month from Social Security. This letter contradicts the Prequalification Worksheet
20 wherein it claimed she had no income. Additionally, at the time of application, Ann Marie was too
21 young to be entitled to Social Security retirement benefits. The investigation disclosed that this
22 Social Security Letter contained a typographical error where the word "information" is misspelled as
23 "formation." The same error was found in the Social Security letter contained in the Whyte file.

24 h. Academy Mortgage provided a residential mortgage loan to the Burgess.

25 i. Miranda facilitated, allowed, or submitted false information or documentation into the
26 Burgess file to misrepresent facts and deceive Academy Mortgage into providing a residential

1 mortgage loan to the Burgess. Miranda's activities on the Burgess file show that she participated in
2 improper business practices against Academy Mortgage.

3 9. The Department's investigation of Miranda loan originator activities at Academy
4 Mortgage for the **Whyte** file disclosed the following:

5 a. On October 2, 2017, Academy Mortgage started a mortgage loan file for
6 Whyte.

7 b. Miranda was the loan originator assigned to the Whyte file.

8 c. On October 3, 2017, Miranda uploaded to the Whyte file a Social Security
9 letter indicating that Whyte received Social Security benefits for a relative. The letter stated that
10 Whyte was to receive a monthly Social Security benefit check of \$278.00 for Connor Whyte. This
11 Social Security letter contained the identical typographical error as the Social Security letter
12 addressed to Michael Burgess.

13 d. A review of the Whyte file found no documentation indicating that Whyte
14 deposited Connor Whyte's Social Security checks into his account.

15 e. Additionally, Internal Revenue Service Wage and Income Transcripts for
16 Whyte for 2015 and 2016 disclosed he claimed no Social Security monies during those years.

17 f. On November 30, 2017, Academy Mortgage provided a residential mortgage
18 loan to Whyte.

19 g. Miranda facilitated, allowed, or submitted false information or documentation
20 into the Whyte file to misrepresent facts and deceive Academy Mortgage into providing a residential
21 mortgage loan to Whyte. Miranda's activities on the Whyte file show that she participated in
22 improper business practices against Academy Mortgage.

23 10. The Department's investigation of Miranda's loan originator activities at Academy
24 Mortgage for the **Simmonds** file disclosed the following:

25 a. On November 8, 2017, Academy Mortgage started a mortgage loan file for the
26 Simmonds.

- 1 b. Miranda was the loan originator assigned to the Simmonds file.
- 2 c. On December 04, 2017, the Marriage Certificate related to Fard Simmonds
3 and Chantay Phillips was uploaded into the Simmonds file. The certificate listed the marriage date as
4 January 12, 2010.
- 5 d. On December 11, 2017, Marsh moved the Marriage Certificate to the “trash”
6 folder.
- 7 e. On December 18, 2017, Marsh sent an email to Hamed with a document
8 named “license.pdf” attached to it. The attached document was a copy of Fard Simmonds and
9 Chantay Phillips’ marriage licensee reflecting the date of marriage January 12, 2010.
- 10 f. Later that day, Marsh uploaded a copy of an altered or forged marriage license
11 for Fard Simmonds and Chantay Phillips into the Simmonds file. The uploaded marriage license
12 reflected a different marriage date of April 12, 2017. This inauthentic marriage license was used by
13 Academy Mortgage to fund a mortgage loan.
- 14 g. Further, the Simmonds file contained a copy of Chantay Phillips Simmonds’
15 Arizona driver’s license. Her Arizona driver’s license was issued on August 13, 2016, in her
16 married name, which undercuts the claim that Fard Simmonds and Chantay Phillips were married on
17 April 12, 2017.
- 18 h. On December 20, 2017, this mortgage loan was funded.
- 19 i. Miranda facilitated, allowed, or submitted false information or documentation
20 into the Simmonds file to misrepresent facts and deceive Academy Mortgage into providing a
21 residential mortgage loan to the Simmonds. Miranda’s activities on the Simmonds file show that she
22 participated in improper business practices against Academy Mortgage.
- 23 11. The Department’s investigation of Miranda’s loan originator activities at Academy
24 Mortgage for the **Ortiz** file disclosed the following:
- 25 a. On August 7, 2017, Academy Mortgage started a mortgage loan application
26 process for Ortiz.

1 b. Miranda was the loan originator assigned to the Ortiz file.

2 c. On September 12, 2017, Marsh uploaded into the Ortiz file a copy of the Pima
3 County Superior Court Child Support Order, Case Number D-20094147, and a print-out of a
4 webpage reflecting child support payments for July, August, and September 2017 to Noreen Ortiz.

5 d. The Department's investigation disclosed that the Case Number D-20094147
6 was assigned to Andrea and Ignac Borcha, not to Noreen Ortiz. The inauthentic documents upload
7 by Marsh were used by Academy Mortgage to fund a mortgage loan for Ortiz.

8 e. On September 15, 2017, this mortgage loan was funded.

9 f. Miranda facilitated, allowed, or submitted false information or documentation
10 into the Ortiz file to misrepresent facts and deceive Academy Mortgage into providing a residential
11 mortgage loan to Ortiz. Miranda's activities on the Ortiz file show that she participated in improper
12 business practices against Academy Mortgage.

13 12. The Department's investigation of Miranda's loan originator activities at Academy
14 Mortgage for the **Gurnett** file disclosed the following:

15 a. On October 3, 2017, Academy Mortgage started a mortgage loan application
16 process for Gurnett.

17 b. Miranda was the assigned loan originator for the Gurnett file.

18 c. On October 19, 2017, Marsh uploaded to the Gurnett file a copy of the
19 Arizona Superior Court Pima County Judgment, Case Number D-20133331, which reflected a
20 \$349.00 monthly payment in child support to Lauren Jensen, and a print out from the Arizona
21 Department of Economic Security's webpage reflecting the monthly child support payments for
22 August, September, and October 2017.

23 d. The Department's investigation disclosed that Case Number D-20133331 was
24 assigned to Marla F. Duenez and Juan L. Duenez, not to Lauren Jensen.

25 e. In 2016, Academy Mortgage funded a mortgage loan for Ms. Duenez. During
26 the application process, Ms. Duenez provided to Academy Mortgage a Minute Entry, Establishment

1 Judgment and Order, and ATLAS II document showing she was receiving bi-weekly child support
2 payments of \$371.54.

3 f. Miranda used these documents to facilitate or create altered documents for
4 Gurnett.

5 g. On October 31, 2017, this mortgage loan was funded.

6 h. Miranda facilitated, allowed, or submitted information or documentation into
7 the Gurnett file to misrepresent facts and deceive Academy Mortgage into providing a residential
8 mortgage to Gurnett. Miranda's loan originator activities on the Gurnett file show that she
9 participated in improper business practices against Academy Mortgage.

10 CONCLUSIONS OF LAW

11 13. Under A.R.S. §§ 6-991 *et seq.*, the Superintendent has the authority and duty to
12 regulate all persons engaged in the loan originator business by applying the applicable statutes, rules,
13 and regulations relating to loan originators.

14 14. Miranda's professional misconduct as a loan originator, as fully described in the
15 Findings of Fact, shows she engaged in making misrepresentations by altering documents submitted
16 to Academy Mortgage and other third-parties responsible for providing residential mortgage loans to
17 Arizona consumers which is contrary to A.R.S. § 6-991.02(I).

18 15. Miranda's professional misconduct as a loan originator while employed by Academy
19 Mortgage, as fully described in the Findings of Fact, shows she engaged in making
20 misrepresentations and/or concealed material facts to Academy Mortgage and other third-parties
21 responsible for providing residential mortgage loans to Arizona consumers which is contrary to
22 A.R.S. § 6-991.02(K).

23 16. Miranda's professional misconduct as a loan originator while employed by Academy
24 Mortgage, as fully described in the Findings of Fact, shows she has violated those statutes governing
25 the activities of a loan originator which is contrary to A.R.S. § 6-991.05(A)(2) and constitutes
26 grounds to revoke her loan originator license.

1 17. Miranda’s professional misconduct as a former loan originator while employed by
2 Academy Mortgage, which is stated herein as the Department’s Findings of Fact and Conclusions of
3 Law, demonstrate Miranda’s prohibited conduct and behaviors are contrary to A.R.S. § 6-161(A)(1),
4 -(A)(6) and constitute grounds to prohibit her from participating in the affairs of any financial
5 institution or enterprise for fifteen (15) years.

6 18. Under A.R.S. § 6-132, Miranda’s violations of the aforementioned statutes constitute
7 grounds to assess a civil penalty of not more than five thousand dollars (\$5,000.00) for each
8 violation for each day. Accordingly, Miranda is assessed a civil penalty for her professional
9 misconduct of **one thousand five hundred dollars (\$1,500.00)**.

10 19. Additionally, the violations, set forth above, constitute grounds for the pursuit of any
11 other remedy necessary or proper for the enforcement of statutes and rules regulating loan
12 originators under A.R.S. §§ 6-123 and 6-131.

ORDER

13
14 **WHEREFORE**, the parties agree to the following:

15 20. That Yunuhen Carina Miranda is prohibited or banned from participating in the
16 conduct and affairs of any financial institution or enterprise under the jurisdiction of the Department
17 for fifteen (15) years;

18 21. That Yunuhen Carina Miranda is required to pay the Department a civil penalty of
19 **one thousand five hundred dollars (\$1,500.00)** due to her unprofessional conduct as a former loan
20 originator. The first payment of **seven hundred and fifty dollars (\$750.00)** is due immediately to
21 the Department upon the execution of the Consent Agreement by all the parties. And the second
22 payment of **seven hundred and fifty dollars (\$750.00)** is due to the Department thirty days (30)
23 after the execution of the Consent Agreement by all the parties. Miranda shall make her payments to
24 the Department by cashier’s check or money order made payable to the “Arizona Department of
25 Financial Institutions”;

26 22. That the Office of Administrative Hearings shall promptly vacate Case No. 19F-

1 BD004-BNK due to this Consent Order, which has eliminated any controversy between the
2 Department and Miranda; and

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

6
7 DATED this 14th day of March, 2019.

8 Robert D. Charlton, Superintendent
9 Arizona Department of Financial Institutions

10 By Gabriela Marcias
11 Gabriela Marcias, Division Manager
12 Mortgage Lending
13 Arizona Department of Financial Institutions

14 **CONSENT TO ENTRY OF ORDER**

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

19 B. Miranda admits to the jurisdiction of the Superintendent and consent to the entry of
20 the foregoing Findings of Fact, Conclusions of Law, and Order.

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

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

25 E. Miranda acknowledges that the acceptance of this Consent to the Entry of Order by
26 the Superintendent is solely to settle this matter and does not preclude this Department, any other

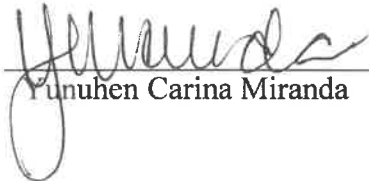
1 agency or officer of this state or subdivision thereof from instituting other proceedings as may be
2 appropriate now or in the future.

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

5 G. Miranda represents that she has the authorization to consent to the entry of this Order
6 on her own behalf.

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

9
10 DATED this 13th day of March 2019.

11 By: 
12 Yunuhen Carina Miranda

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18 ORIGINAL of the foregoing filed this 28th
19 day of March, 2019, in the office of:

20 Robert D. Charlton, Superintendent
21 Arizona Department of Financial Institutions
22 ATTN: Lola Duncan
23 100 North 15th Avenue, Suite 261
24 Phoenix, Arizona 85007
25 LDuncan@azdfi.gov

26 COPY of the foregoing E-Filed same date to:
27 Thomas Shedden, Administrative Law Judge
28 Office of the Administrative Hearings
29 1740 West Adams Street, Lower Level
30 Phoenix, AZ 85007

1 **COPY** of the foregoing mailed/delivered same date to:

2 Gabriela Macias, Division Manager
3 Richard Fergus, Examiner-in-Charge
4 ATTN: Ana Starcevic
5 100 North 15th Avenue, Suite 261
6 Phoenix, Arizona 85007
7 GMacias@azdfi.gov
8 AStarcevic@azdfi.gov

9 Roberto Pulver, Assistant Attorney General
10 Office of the Attorney General
11 2005 North Central Avenue
12 Phoenix, Arizona 85004
13 Roberto.Pulver@azag.gov

14 **COPY** mailed same date by
15 Certified Mail, Return Receipt Requested
16 and First Class U.S. Mail, to:

17 Yunuhen Carina Miranda



18 Respondent

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20 # 7726161

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