

**STATE OF ALABAMA
STATE BANKING DEPARTMENT**

IN THE MATTER OF:)	
)	
THOMAS ANTHONY ROCHA)	Case # MLO-2011-004
)	
)	
<u>RESPONDENT</u>)	

ORDER REVOKING MORTGAGE LOAN ORIGINATOR LICENSE

The Alabama State Banking Department ("**DEPARTMENT**"), having the authority to administer and provide for the enforcement of all provisions of Title 5, Chapter 26, Code of Alabama 1975, the Alabama Secure and Fair Enforcement for Mortgage Licensing ACT ("**SAFE ACT**"), upon due consideration of the subject matter hereof, and having confirmed activity in violation of the **SAFE ACT** within or from the State of Alabama, has determined as follows:

RESPONDENT

Thomas Anthony Rocha ("**ROCHA**") applied for a mortgage loan originator license on May 19, 2010 and the license was issued on July 7, 2010. **ROCHA'S** license number for Alabama was 51791. **ROCHA'S** NMLS ID number is 134218. The mortgage loan originator license was issued while **ROCHA** was employed by EOS Lending Services, LLC ("**EOS**"), NMLS ID 139517. **ROCHA** was also the CEO and a control person for **EOS** until the company's license expired on January 1, 2011. **ROCHA** obtained sponsorship with three separate companies after **EOS's** license expired.

STATEMENT OF FACTS

On September 27, 2011, the **DEPARTMENT** issued a subpoena to **EOS** c/o Thomas Rocha, sent by certified mail to 4207 West Santiago Street, Tampa, FL 33629, requesting a mortgage loan file which **ROCHA** originated through **EOS**. The subpoena was signed for and received on October 3, 2011. The subpoena gave **ROCHA** until October 14, 2011 to produce the mortgage loan file to the Superintendent of the **DEPARTMENT** for examination. **ROCHA** failed to provide the requested loan file.

ROCHA filed a voluntary surrender request with the **DEPARTMENT**, through the Nationwide Mortgage Licensing System, on October 18, 2011. The **DEPARTMENT** did not grant **ROCHA'S** voluntary surrender request.

On December 6, 2011, the Undersigned sent notification to **ROCHA** that the **DEPARTMENT** intended to **REVOKE** his mortgage loan originator license. The notice was sent by certified mail to 4207 West Santiago Street, Tampa, FL 33629, and was signed for and received on December 9, 2011. The notice gave **ROCHA** twenty (20) days from the date of the notice to request a hearing and provide a complete copy of the loan file that was subpoenaed by the **DEPARTMENT**. **ROCHA** failed to request a hearing and provide the loan file within twenty (20) days.

ROCHA did not request a renewal for his Alabama mortgage loan originator license for 2012. Therefore the Nationwide Mortgage Licensing System changed his status to Terminated-Failed to Renew on January 1, 2012. **ROCHA** did file a renewal request for his mortgage loan originator license in Arkansas, California, Florida, and Indiana. **ROCHA** has also recently obtained his mortgage loan originator license for the state of Mississippi.

CONCLUSIONS OF LAW

Section 5-26-13, Code of Alabama 1975, grants the **DEPARTMENT** the authority to **REVOKE** a mortgage loan originator's license for any violation of the chapter, or if the mortgage loan originator fails at any time, to meet the requirements of Section 5-26-6 or Section 5-26-9.

Section 5-26-16(2), Code of Alabama 1975, provides authority to the Supervisor of the Bureau of Loans ("**SUPERVISOR**") to examine the records of any person subject to the **SAFE ACT**. It further grants the Supervisor the ability to issue a subpoena to order the production of records that are deemed relevant to the investigation. **ROCHA** failed to comply with the subpoena and is in violation of this section.

Section 5-26-16(3), Code of Alabama 1975, states that each licensee, individual, or person subject to this chapter shall make available to the **SUPERVISOR**, upon request, the books and records relating to the operations of such licensee, individual, or person subject to this chapter. By failing to provide the records requested in the subpoena **ROCHA** is in violation of this section.

Section 5-26-16(8), Code of Alabama 1975, states that no licensee, individual, or person subject to investigation or examination under this section may knowingly withhold records. By failing to provide the records requested in the subpoena **ROCHA** is in violation of this section.

Section 5-26-17(1), Code of Alabama 1975, states that it is a violation for a person or individual subject to this chapter to obtain property by intentional fraud or intentional misrepresentation. The subpoena was issued for discrepancies found on the appraisal report that was submitted to a lender, licensed by this **DEPARTMENT**, ("Lender B"). The **DEPARTMENT** obtained a copy of the original appraisal report from the Appraiser, and the **DEPARTMENT** also obtained a copy of the appraisal from "Lender B". The **DEPARTMENT** found several discrepancies between those reports. From our investigation the **DEPARTMENT** found that the loan was initially submitted to another lender ("Lender A"). "Lender A" denied the loan based on the fact that the requested loan amount exceeded the appraised value. However, "Lender A" did allow **ROCHA** access to the appraisal report. "Lender B" then received an appraisal report from **ROCHA** that contained the following intentional misrepresentations:

1. The value of the property increased from \$110,000 on the Appraisers' report to \$200,000 on the report provided to "Lender B" for funding.
2. The appraisal report provided to "Lender B" did not mention the "large crack" in the brick veneer.
3. The appraisal report provided to "Lender B" stated the remaining roof life was "5 years". The appraisal report obtained from the Appraiser stated that the roof life was "2 years".
4. The comparable property addresses were the same on each of the appraisal reports but the values were inflated from the report provided by the appraiser as compared to the report provided to "Lender B". Specifically the comparables were inflated as follows:
 - Comparable 1 increased from \$99,900 to \$189,900.
 - Comparable 2 increased from \$129,000 to \$214,000.

- Comparable 3 increased from \$110,000 to \$192,000.

Therefore, **ROCHA** is in violation of Section 5-26-17 for intentionally misrepresenting the information in the appraisal report provided to "Lender B".

ORDER

THEREFORE, based upon the foregoing statement of facts and conclusions of law, the **SUPERVISOR**, Bureau of Loans, **HEREBY ORDERS**:

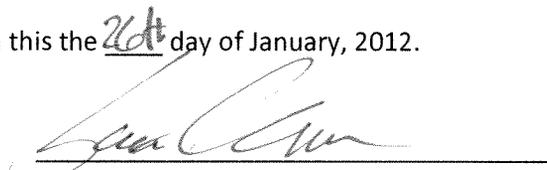
1. The Respondent, **THOMAS ANTHONY ROCHA'S**, Alabama mortgage loan originator license be **REVOKED**.
2. This is a **FINAL ORDER**.

This Order does not prevent the Department from seeking such other civil remedies that may be available to it under the Alabama Secure and Fair Enforcement for Mortgage Licensing Act nor does it prevent the Department from advising the appropriate law enforcement agencies of the activities making the Respondent, **THOMAS ANTHONY ROCHA**, subject to this **ORDER**.

APPEAL

The Respondent, **THOMAS ANTHONY ROCHA**, or his attorney may appeal this **FINAL ORDER**, to the Circuit Court of Montgomery County, Alabama by filing notice of appeal with the **DEPARTMENT**, and with the register or clerk of the Montgomery County Circuit Court within thirty (30) days of this **FINAL ORDER**.

IT IS SO ORDERED on this the 26th day of January, 2012.

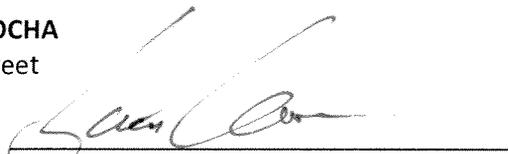


Scott Corscadden
Supervisor, Bureau of Loans
State Banking Department of Alabama

Certificate of Service

I hereby certify that a copy of the foregoing FINAL ORDER was sent by certified mail return receipt requested on this the 26th day of January, 2012, to the following:

THOMAS ANTHONY ROCHA
4207 West Santiago Street
Tampa, FL 33629



Scott Corscadden
Supervisor, Bureau of Loans
State Banking Department of Alabama