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**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCE AND CORPORATE SECURITIES**

**BEFORE THE DIRECTOR OF THE DEPARTMENT
OF CONSUMER AND BUSINESS SERVICES**

In the Matter of:

Nation’s Home Bailout,

Respondent.

Case No. DM-11-0056

**FINAL ORDER TO CEASE AND
DESIST, ORDER ASSESSING CIVIL
PENALTY**

ENTERED BY DEFAULT

On July 22, 2011, Director of the Department of Consumer and Business Services for the State of Oregon (hereafter the “Director”), acting by and pursuant to the authority of the Oregon Mortgage Lending Law, ORS 86A.100 *et seq.*, and the Oregon Debt Management Service Providers Law, ORS 697.602 *et seq.*, issued Administrative Order No. DM-11-0056 to Cease and Desist and Assessing Civil Penalties and Notice of Right to Hearing (hereafter “the Order”) against Nation’s Home Bailout (hereinafter “Respondent”).

On July 25, 2011, Respondents were duly served with true copies of the Proposed Order by regular, first-class mail and by certified mail, postage prepaid, and addressed to Respondent at the following address: 4526 N Leavitt, Chicago, Illinois 60625. The copy of the order sent via regular U.S. mail has not been returned and is therefore presumed to have been delivered as addressed. On July 28, 2011, the United States Post Office delivered copies of the proposed order via certified mail. Respondents have not made a written request for a contested case hearing in this matter and the time to do so has expired.

NOW THEREFORE, after consideration of the Investigation Report and accompanying exhibits submitted in this matter by Jason Weber, Enforcement Officer, the Director hereby

Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387



1 issues the following Findings of Fact, Conclusions of Law, and Final Order:

2 **FINDINGS OF FACT**

3 The Director FINDS that:

4 **A. Respondent**

5 1. Nation’s Home Bailout (hereinafter “Respondent”), lists its address as 4526 North
6 Leavitt, Chicago, Illinois, 60625.

7 2. Respondent is not a licensed mortgage banker, broker, or loan originator in Oregon
8 and is not registered as a debt management service provider in Oregon.

9 3. Respondent has not obtained a unique identifier from the Nationwide Mortgage
10 Licensing System and Registry.

11 **B. RB transaction**

12 4. At all times relevant to this matter, the individual consumer identified herein as “RB”
13 was an Oregon resident. At all relevant times herein, RB was a party to a home mortgage loan
14 secured by real estate located in Salem, Oregon.

15 5. On or about March 10, 2010, Respondent and RB entered into a contract whereby
16 Respondent agreed to negotiate a loan modification for a loan secured by residential real
17 property located in Salem, Oregon on behalf of RB. Respondent entered into this contract with
18 the expectation of receiving valuable consideration from RB.

19 6. On information and belief, Respondent has not conducted any substantive
20 conversations with RB’s mortgage lender that have resulted in a modification of RB’s residential
21 real estate loan.

22 7. On or about August 2, 2010, the Division of Finance and Corporate Securities
23 notified Respondent in writing that it was required to comply with the licensing requirements of
24 the Oregon Mortgage Lender law or the registration requirements of the statutes regarding debt
25 management service providers to collect and retain fees in exchange for offering to assist Oregon
26 consumers in adjusting the terms of their residential real estate loans.



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1 **CONCLUSIONS OF LAW**

2 The Director CONCLUDES that:

3 8. Respondent acted as a “mortgage broker” as defined by ORS 86A.100(7)(a)(C) when
4 they offered to negotiate the terms of RB’s mortgage loan with the expectation of compensation.

5 9. Respondent engaged in a “residential mortgage transaction in this state” as defined by
6 ORS 86A.103(2) when they offered to negotiate a home mortgage loan secured by real estate
7 located in Oregon.

8 10. Respondent violated ORS 86A.103(1) when they engaged in a residential mortgage
9 transaction in Oregon without first being licensed as either a mortgage banker or mortgage
10 broker as described herein.

11 11. Respondent performed a “debt management service” as defined by ORS
12 697.602(2)(c) when they offered to modify terms and conditions of an existing loan or obligation
13 with the expectation of compensation.

14 12. Respondent violated ORS 697.612(1)(a) when they performed a debt management
15 service without first registering with the Director under ORS 697.632.

16 **ORDERS**

17 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

18 *Cease and Desist Order*

19 13. The Director, pursuant to his authority under ORS 86A.127 and ORS 697.825 hereby
20 ORDERS Respondent to CEASE AND DESIST from violating Oregon’s Mortgage Lender law
21 and Oregon’s Debt Management Service Providers law.

22 *Order Assessing Civil Penalty*

23 14. The Director, pursuant to ORS 86A.992, and ORS 697.832, may assess CIVIL
24 PENALTIES of up to \$5,000 per violation against persons who violate the Oregon Mortgage
25 Lender law and the Debt Management Service Providers law. Pursuant to these provisions, the
26 Director, hereby proposes to ORDER Respondent to pay the State of Oregon a CIVIL

1 PENALTY totaling \$5,000. This civil penalty is based on a \$5,000 CIVIL PENALTY for the
2 violation of ORS 86A.103(1) and ORS 697.612(1) as described herein.

3 15. The entry of this Order in no way further limits remedies which may be available to
4 the Director under Oregon law.

5 IT IS SO ORDERED.

6 Dated this 17th day of September, 2011, Nunc Pro Tunc July 22, 2011.

8 SCOTT L. HARRA, Acting Director
9 Department of Consumer and Business Services

10 /s/ David Tatman
11 David C. Tatman, Administrator
12 Division of Finance and Corporate Securities

13
14 **NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing
15 a petition with the Court of Appeals in Salem, Oregon within 60 days from the service of this Order.
16 Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

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