

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:

DM-11-0080

Assured Loan Modifications LLC, Mark Swain, National Mortgage Help Center, Williams Law Center, and Jennifer Yvonne Williams,

Final Order to Cease and Desist and Order Assessing Civil Penalty against Jennifer Yvonne Williams

Respondents.

Entered by Default

On August 24, 2011, the Director (the “Director”) of the Department of Consumer and Business Services (the “Department”), acting by authority of Oregon Revised Statutes (“ORS”) 86A.100 et seq. (the “Oregon Mortgage Lender Law”), issued Administrative Order DM-11-0080, Order to Cease and Desist, Order Assessing Civil Penalties, and Notice of Right to Hearing (the “Proposed Order”) against Jennifer Yvonne Williams (the “Respondent”) and others.

On September 7, 2011, Respondent was mailed true copies of the Proposed Order by regular, first-class mail and by certified mail, postage prepaid, return receipt requested, and addressed to 2286 E. Carson St. #311, Long Beach, California, 90807, the mailing address of record for Jennifer Yvonne Williams according the California State Bar, of which she is an active member. The certified mail was delivered by the United States Post Office on September 12, 2011 to an agent of the addressee. It was signed for by an unknown person as the writing was undecipherable. The Proposed Order mailed by regular mail has not been returned to the Department.

Respondent has not made a written request for a contested case hearing in this matter and the time to do so has expired.

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1 Now therefore, after consideration of the Department’s investigative file and the related
2 documents, the Director hereby issues the following Findings of Fact, Conclusions of Law and
3 Final Order.

4 FINDINGS OF FACT

5 The Director FINDS that:

6 1. Respondent Assured Loan Modifications LLC (hereinafter “ALM”) was an
7 Oregon limited liability company with its principal place of business at 2229 NE Burnside,
8 Suite 77 in Gresham, Oregon, 97030. Respondent ALM is not a licensed mortgage banker or
9 mortgage broker in Oregon and is not registered as a debt management service provider in
10 Oregon, nor has it been licensed or registered at any time relevant herein.

11 2. Respondent Mark Swain acted on behalf of ALM and was reported as the registered
12 agent for ALM. Respondent Swain is not now, and at all times relevant herein, a licensed
13 mortgage banker or mortgage broker, licensed loan originator, was not reported as a loan
14 originator for ALM and is not registered as a debt management service provider in Oregon.

15 3. Respondent National Mortgage Help Center (hereinafter “NMHC”) lists an address
16 of PO Box 85073, Richmond, Virginia, 23285 on its website at www.nmhcenter.org but is not
17 registered as a corporation in Virginia or California. Respondent NMHC is not now, nor at any
18 time relevant herein, a licensed mortgage banker or mortgage broker in Oregon and is not
19 registered as a debt management service provider in Oregon.

20 4. Respondent Williams Law Center PC (hereinafter “WLC”) was a California
21 corporation with its principal place of business at 3140 Red Hill Avenue, Suite 225, Costa Mesa,
22 California, 92626. Respondent WLC is not now, or any time relevant herein, an Oregon licensed
23 mortgage banker or mortgage broker or registered as a debt management service provider.

24 5. Respondent Jennifer Yvonne Williams acted on behalf of WLC and was reported as
25 the registered agent for WLC. Respondent Williams is not now, nor anytime relevant herein, a
26 licensed mortgage banker or mortgage broker, licensed or reported as a loan originator, or





1 registered as a debt management service provider in Oregon. Respondent Williams is a licensed
2 attorney in California, bar no. 242146, but is not an Oregon licensed attorney.

3 6. At all times relevant to this matter, the individual consumers identified herein as
4 “RS,” “AS,” “MJ,” and “MN” were Oregon residents and , at all relevant times herein, were
5 parties to a home mortgage loan secured by real estate located in Oregon.

6 7. At all times relevant to this matter, Respondents marketed residential loan
7 modification services through the website www.assuredloanmods.com, www.nmhcenter.com
8 (which transfers to www.nmhcenter.org), and www.wlchelp.com.

9 8. On information and belief, when consumers contact Respondents, Respondents
10 promise to help consumers modify their residential real estate loans to make their payments more
11 affordable including, but not limited to, a reduction in the principal, interest, fees, or charges
12 associated with consumers’ residential real estate loans.

13 9. As instructed by Respondents, consumers submit their personal nonpublic
14 financial information, including details about their residential real estate mortgages and income,
15 together with an advance fee to Respondents in exchange for a promise to receive the mortgage
16 loan assistance with negotiating a change in the terms of their residential real estate loans.

17 10. In August 2009, Respondents Mark Swain and ALM offered loan modification
18 services to MN. In exchange for the services that Respondents were to provide, MN paid ALM
19 \$3,200 by cashiers check dated August 17, 2009.

20 11. After receiving the advance payment from MN, Respondent ALM indicated on
21 September 10, 2009 that it had retained WLC to work her file and requested that she forward
22 materials to WLC’s contact, Sean Meador. MN provided the requested materials. However,
23 ALM and WLC failed to provide services that were promised.

24 12. On September 1, 2010, Respondents WLC and NMHC offered to negotiate a loan
25 modification for AS and RS. Based upon Respondents’ representations, AS and RS agreed to
26 accept Respondents’ offer, for which AS and RS paid \$995.00 by “check card purchase” on



1 September 1, 2010.

2 13. Following receipt of payment from AS and RS, Respondent WLC contacted AS
3 and RS's lender only once, but did not complete the process with the lender. Respondents WLC
4 and NMHC failed to provide services that were promised.

5 14. In September 2010, Respondent NMHC, through Williams, offered to negotiate a
6 loan modification for MJ. Based upon Respondents' representations, MJ agreed to accept
7 Respondents' offer, for which MJ authorized NMHC and Williams to charge \$1,000 on MJ's
8 credit card. The charge was later reversed.

9 15. Respondent Williams sent an e-mail to MJ noting that Williams was "the in house
10 financial underwriter" and that "[b]ased on the new modification programs that are currently
11 available rates are as low as 2.0% or 31% of your gross income. If you are behind on your
12 mortgage the pass [sic] due amount will be caught back up through the modification
13 negotiation. All Foreclosure [sic] proceedings will be placed on hold until the modification is
14 completed." The e-mail was signed "Jennifer Y. Williams, Attorney at Law, NMHC Legal
15 Modification Firm".

16 16. Respondents have failed and refuse to perform on their promises, made in
17 exchange for the advance fees paid by AS, RS, and MN to Respondents, to negotiate a
18 modification of their residential mortgage loan including, but not limited to, securing a lower
19 interest rate, principal reductions, and a possible refund.

20 17. The Division of Finance and Corporate Securities ("Division") on behalf of the
21 Director notified Respondents, in writing, that they were required to comply with the licensing
22 requirements of the Oregon Mortgage Lender Law or the registration requirements of the Debt
23 Management Service Providers Act to collect and retain fees in exchange for offering to assist
24 Oregon consumers in adjusting the terms of their residential real estate loans.

25 18. The Division requested, in writing, that Respondents refund the fees collected from
26 AS, RS and MN, because they did not perform their promise to obtain a modification of the



1 terms of consumers' residential real loans.

2 19. Respondents failed to refund the fees that they collected from the consumers
3 within 21 days of receiving written notice from the Director advising Respondents their loan
4 modification activities were in violation of Oregon law, and the time for doing so has expired.

5 20. The Director may order Respondent WLC and NHMC to pay \$995 in restitution
6 pursuant to ORS 86A.224(2)(c) because an Oregon consumer suffered harm from Respondent
7 WLC and NHMC's acts, omissions, practices or operations.

8 **CONCLUSIONS OF LAW**

9 The Director CONCLUDES that:

10 1. Respondents Swain, ALM, WLC and NMHC acted as a "mortgage broker" as
11 defined by ORS 86A.100(5)(a)(C), formerly ORS 59.840(7)(a)(C), when they offered to
12 negotiate the terms of the mortgage loans of AS, RS, MN and MJ in exchange for receiving
13 compensation without first being licensed as either a mortgage banker or mortgage broker.

14 2. Respondents ALM, Swain, WLC and NMHC engaged in a "residential mortgage
15 transaction in this state" as defined by ORS 86A.103(2), formerly ORS 59.845(2), when they
16 offered to negotiate a home mortgage loans secured by residential real property for AS, RS, MN
17 and MJ.

18 3. Respondents ALM, Swain, WLC and NMHC violated ORS 86A.103(1), formerly
19 ORS 59.845(1), when they engaged in residential mortgage transactions without first being
20 licensed as either a mortgage banker or mortgage broker.

21 4. Respondents Swain and Williams acted as a "mortgage loan originator" as defined
22 by ORS 59.840(4) (now at ORS 86A.236(4)(a)) when they offered to negotiate terms for a
23 residential mortgage loan in exchange for compensation.

24 5. Respondent Williams violated ORS 86A.203(1)(a) by acting as a mortgage loan
25 originator on the MJ transaction without a license.

26 6. Respondents Swain, ALM, WLC, NMHC and Williams performed a "debt



1 management service” as defined by ORS 697.602(2)(c) when they offered to modify terms and
2 conditions of an existing loan or obligation in exchange for payment of an advance fee.

3 7. With regard to AS, RS, and MJ, Respondents WLC, NMHC and Williams violated
4 ORS 697.612(1)(a) when they performed a debt management service without first registering with
5 the Director under ORS 697.632.

6 8. The fees collected by Respondents Swain and ALM from MN exceeded the
7 amounts permitted by ORS 697.692(1).

8 9. Respondents Swain and ALM violated ORS 697.662(7)(a) when Respondents
9 collected fees from MN that exceeded the amounts permitted by ORS 697.692(1).

10 10. The fees collected by Respondents WLC and NMHC from AS and RS exceeded
11 the amounts permitted by ORS 697.692(1).

12 11. Respondents WLC and NMHC violated ORS 697.662(7)(a) when Respondents
13 collected fees from AS and RS that exceeded the amounts permitted by ORS 697.692(1).

14 **ORDERS**

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

16 The Director, pursuant to his authority under ORS 86A.127 (formerly ORS 59.885) and
17 ORS 697.825 hereby ORDERS Respondent Jennifer Yvonne Williams to CEASE AND
18 DESIST from violating Oregon’s Mortgage Lender Law and Oregon’s Debt Management
19 Service Providers law.

20 The Director, pursuant to ORS 86A.992 (formerly ORS 59.996) and ORS 697.832, may
21 assess civil penalties of up to \$5,000.00 per violation against persons who violate the Oregon
22 Mortgage Lender Law and the Debt Management Service Providers law. Pursuant to these
23 provisions, the Director, hereby ORDERS Respondent Williams to pay the State of Oregon a
24 civil penalty totaling \$5,000.00 for violating ORS 86A.103(1) (formerly ORS 59.845(1)) and
25 ORS 697.612(1).

26 The entry of this Order in no way further limits remedies which may be available to the

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Director under Oregon law.

Dated this 5th day of October , 2011.

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

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

NOTICE OF APPEAL RIGHTS

You are entitled to seek judicial review of this Final Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeal in Salem, Oregon within sixty (60) days from the date of service of this Final Order. Judicial review is pursuant to the provisions of ORS 183.482.

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