

1
2
3
4
5 **STATE OF OREGON**
6 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
7 **DIVISION OF FINANCE AND CORPORATE SECURITIES**

8 In the Matter of:

DM-11-0034

9 USA Home Relief, Inc.

**Order to Cease and Desist,
Order Assessing Civil Penalties,
and Consent to Entry of Order**

10 Respondent.

11
12 WHEREAS the Director of the Department of Consumer and Business Services for
13 the State of Oregon (“Director”) conducted an investigation of USA Home Relief, Inc. (“USA
14 Home”) and determined that USA Home engaged in activities constituting violations of
15 Oregon Revised Statutes (“ORS”) 86A.100 *et seq.* and Oregon Administrative Rules (“OAR”)
16 441-850-0005 through 441-885-0010 (collectively “Oregon Mortgage Lender Laws and
17 Rules”) and ORS 697.602 to 697.842 and OAR 441-910-0000 through 441-910-0120
18 (collectively “Oregon Debt Management Service Provider Laws and Rules”); and

19 WHEREAS USA Home wishes to resolve and settle this matter with the Director;

20 NOW THEREFORE, as evidenced by the authorized signature subscribed on this
21 Consent Order, USA Home hereby consents to entry of this order upon the Director’s
22 Findings of Fact and Conclusions of Law as stated hereinafter:

23 **FINDINGS OF FACT**

24 The Director finds that:

- 25 1. Based on a search of the California Secretary of State (“California SOS”) website
26 on July 24, 2012, USA Home is a domestic professional corporation (Entity No. C3128228)



1 first filed with the California SOS on August 25, 2008 and is currently suspended.

2 2. Based on a search of the Oregon Secretary of State (“Oregon SOS”) Corporations
3 Division website on July 24, 2012, USA Home is not, as of the date of this search, and has not
4 previously been registered as a domestic or foreign entity with the Oregon SOS.

5 3. As of July 24, 2012, USA Home is not currently and has not previously been
6 licensed with the Oregon Division of Finance and Corporate Securities (“Division”) to
7 conduct business as a “mortgage broker”, as that term is defined in ORS 86A.100(5)(a)(C), in
8 Oregon.

9 4. As of July 24, 2012, USA Home is not currently and has not previously been
10 registered with the Division to provide “debt management services”, as that term is defined in
11 ORS 697.602(2)(c), in Oregon.

12 5. On or about June 27, 2009, USA Home entered into an agreement with Oregon
13 consumer RW (“RW Agreement”) whereby USA Home, in exchange for a fee of \$500,
14 agreed to provide RW loan modification services on a mortgage loan on residential real
15 property located in Oregon.

16 **CONCLUSIONS OF LAW**

17 The Director concludes that:

18 6. USA Home acted as a “mortgage broker”, as that term is defined in ORS
19 86A.100(5)(a)(C), when it, for compensation, negotiated or offered to negotiate a mortgage
20 loan for Oregon consumer RW.

21 7. USA Home engaged in “residential mortgage transactions”, as that term is defined in
22 ORS 86A.103(2), when they acted as a mortgage broker as defined in Paragraph 7 above.

23 8. USA Home violated ORS 86A.103(1) when it engaged in a residential mortgage
24 transaction in Oregon without first obtaining a mortgage broker’s license from the Division.

25 9. USA Home performed “debt management services”, as that term is defined in
26 ORS 697.602(2)(c), when it received money from Oregon consumer RW in exchange for



1 offering to modify terms and conditions of an existing loan or obligation.

2 10. USA Home violated ORS 697.612(1)(a) when it performed “debt management
3 services”, as described in paragraph 10 above, without first registering as debt management
4 service providers with the Division.

5 **ORDER**

6 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDER:

7 A. Order to Cease and Desist

8 11. Pursuant to ORS 86A.127(4) and ORS 697.825(1)(a), the Director, hereby orders
9 USA Home to cease and desist from violating the Oregon Mortgage Lender Laws and Rules
10 and Debt Management Service Providers Laws and Rules.

11 B. Order Assessing Civil Penalty

12 12. Pursuant to ORS 86A.992 and ORS 697.832, the Director may assess a civil
13 penalty of up to \$5,000 for each violation of the Oregon Mortgage Lender Law and Rules and
14 Oregon Debt Management Service Providers Law and Rules.

15 13. Pursuant to these provisions, the Director hereby orders that USA Home pay a
16 \$1,000 civil penalty to the State of Oregon for violations of ORS 86A.103(1) and ORS
17 697.612(1)(a). Payments shall be in quarterly installments on December 3, 2012, March 1,
18 2013, June 3, 2013 and September 2, 2013 in amounts not less than \$250 per payment with
19 the final payment to include the entire remaining outstanding balance.

20 14. The entry of this order in no way further limits remedies that may be available to
21 the Director under Oregon Law.

22 Dated this 26th day of September, 2012.

23 PATRICK M. ALLEN, Director
24 Department of Consumer and Business Services

25 /s/ David Tatman

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



1 **CORPORATE CONSENT TO ENTRY OF ORDER**

2 I, Gilbert Garcia, state that I am an officer of USA Home Relief,
3 Inc. ("USA Home"), a California corporation, and I am authorized to act on its behalf; that I
4 have read the foregoing Consent Order and that I know and fully understand the contents
5 hereof; that I and USA Home have been advised of the right to a hearing and of the right to be
6 represented by counsel in this matter; that USA Home voluntarily and without any force or
7 duress, consents to the entry of this Consent Order, expressly waiving any right to a hearing in
8 this matter; that USA Home understands that the Director reserves the right to take further
9 actions to enforce this Consent Order or to take appropriate action upon discovery of other
10 violations of the Oregon Mortgage Lender Laws and Rules and Oregon Debt Management
11 Service Provider Laws and Rules that USA Home will fully comply with the terms and
12 conditions stated herein.

13 USA Home understands that this Consent Order is a public document.

14 Dated this 13th day of September 2012.

15 **USA Home Relief, Inc.,**
16 **a California corporation**

17 By: /s/ Gilbert Garcia

18 Name: Gilbert Garcia

19 Its: President

20 **NOTARY ACKNOWLEDGMENT**

21 State of CA)
22)ss.
23 County of Orange)

24 This instrument was acknowledged before me on 13th September, 2012 by Gilbert Garcia
25 of USA Home Relief, Inc., a California corporation.

26 /s/ Lourdes Sanchez
Notary Public – State of CA

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

