

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**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:

Case No. DM-11-0048

Home Rescue LLC,

**Order to Cease and Desist and
Consent to Entry of Order;
and
Order to Vacate**

Respondent.

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

WHEREAS Home Rescue LLC’s entity status was revoked by the state of Maryland on October 21, 2011. Home neither admits or denies the allegations in the Notice Order but wishes to resolve and settle this matter with the Director;

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

FINDINGS OF FACT

The Director FINDS that:

A. Respondent

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 1. Home Rescue, LLC lists its address as 9748 Stephen Decatur Hwy, Ocean City,
2 Maryland, 21842.

3 2. Home was not a licensed mortgage banker, brokers or loan originator in Oregon and
4 was not registered as a debt management service provider in Oregon.

5 **B. LA Transaction**

6 3. At all times relevant to this matter, the individual consumer identified herein as “LA”
7 was an Oregon resident. At all relevant times herein, LA was a party to a home mortgage loan
8 secured by real estate located in Prineville, Oregon.

9 4. On or about November 30, 2009, Respondent entered into a contract whereby
10 Respondent agreed to negotiate a loan modification for a loan secured by residential real
11 property located in Prineville, Oregon on behalf of LA in exchange for valuable consideration.

12 5. LA paid \$2,650 to Respondent in two installments. The first payment in the amount
13 of \$1,325 was paid on or about December 11, 2009; the second payment in the amount of \$1,325
14 was paid on or about January 25, 2010.

15 6. On or about October 20, 2010, the Division of Finance and Corporate Securities (“the
16 Division”) notified Respondent in writing that it was required to comply with the licensing
17 requirements of the Oregon Mortgage Lender Law or the registration requirements of the statutes
18 regarding debt management service providers to collect and retain fees in exchange for offering
19 to assist Oregon consumers in adjusting the terms of their residential real estate loans.

20 7. LA did not receive a loan modification and did not receive a refund from Respondent.

21 8. The Division requested, in writing, that Respondent refund the fees collected from
22 LA within 21 days of the October 20, 2010 letter, because Respondent did not perform its
23 promise to obtain a modification of the terms of LA’s residential real estate loan.

24 **C. The Previous Order**

25 9. On July 22, 2011, the Director issued the Order to Cease and Desist, Proposed
26 Order Assessing Civil Penalty and Notice of Right to a Hearing (Notice Order) to Home Rescue



1 LLC. The order sought to impose civil penalties for violations of the Oregon Mortgage Lender
2 Law and the Oregon Debut Management Service Provider Law.

3 10. The Notice Order was served on Dwayne Hiltner on October 9, 2012.

4 11. On September 20, 2013, the Director issued the Final Order to Cease and Desist,
5 Order Assessing Civil Penalties Entered by Default against Home Rescue LLC (Final Order).

6 12. Dwayne Hilton, on behalf of Respondent, made full refund to consumer LA \$2,650
7 with Cashier's Check No 00517522 dated October 30, 2013.

8 CONCLUSIONS OF LAW

9 The Director CONCLUDES that:

10 13. Respondent acted as a "mortgage broker" as defined by ORS 86A.100(7)(a)(C) when
11 it offered to negotiate the terms of LA's mortgage loan in exchange for \$2,650 in compensation.

12 14. Respondent engaged in a "residential mortgage transaction in this state" as defined by
13 ORS 86A.103(2) when Respondent offered to negotiate a home mortgage loan secured by real
14 estate located in Oregon.

15 15. Respondent violated ORS 86A.103(1) when Respondent engaged in a residential
16 mortgage transaction in Oregon without first being licensed as either a mortgage banker or
17 mortgage broker.

18 16. Respondent performed a "debt management service" as defined by ORS
19 697.602(2)(c) when Respondent offered to modify terms and conditions of an existing loan or
20 obligation in exchange for \$2,650 in compensation.

21 17. Respondent violated ORS 697.612(1)(a) when Respondent performed a debt
22 management service without first registering with the Director under ORS 697.632.

23 18. The \$2,650 fee collected by Respondent exceeded the amount permitted by ORS
24 697.692(1).

25 19. Respondent violated ORS 697.662(7)(a) when it collected fees from LA that
26 exceeded the amounts permitted by ORS 697.692(1).

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 20. Respondent violated ORS 697.662(4) it offered to perform a debt management
2 service without evaluating, as part of the budget analysis the debt management service provider
3 must perform under ORS 697.652(2), whether the debt management service is or would be
4 advantageous to the consumer.

5 21. Respondent violated ORS 697.662(5) when it performed a debt management service
6 without having a good faith belief formed after conducting an evaluation described in ORS
7 697.662(4) that the consumer can or will comply with the terms of the agreement described in
8 ORS 697.652.

9 **ORDER**

10 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING FINAL ORDER:

11 22. The Director, pursuant to his authority under ORS 86A.127 and ORS 697.825 hereby
12 vacates the Final Order previously entered in this case and orders Respondent to cease and desist
13 from violating Oregon’s Mortgage Lender Law and Oregon’s Debt Management Service
14 Providers law.

15 23. Respondent shall not to engage in any business activity in Oregon that requires
16 registration or licensing by the Division of Finance and Corporate Securities without first
17 obtaining the requisite registration or license.

18 IT IS SO ORDERED.

19 Dated this 20th day of November, 2013.

20 PATRICK ALLEN, Director
21 Department of Consumer and Business Services

22 /s/ David Tatman
23 David C. Tatman, Administrator
24 Division of Finance and Corporate Securities
25
26

