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

9 In the Matter of:

DM-12-0087

10 David M. Green dba The Law Offices of
11 David M. Green

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

Respondent.

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

20 **WHEREAS** Green wishes to resolve and settle this matter with the Director,

21 **NOW THEREFORE**, as evidenced by the authorized signature subscribed on this
22 order, Green hereby **CONSENTS** to entry of this order upon the Director’s Findings of Fact
23 and Conclusions of Law as stated hereinafter:

24 **FINDINGS OF FACT**

25 The Director finds that:

- 26 1. Based on a search of the NYS Department of State Division of Corporations (“New





1 York DOS”) website on September 6, 2012, The Law Offices of David M. Green (“Green”)
2 was not, as of the date of the search, and had not previously been registered as a domestic or
3 foreign entity with the New York DOS.

4 2. Based on a search of the Oregon Secretary of State (“Oregon SOS”) Corporations
5 Division website on September 6, 2012, Green was not, as of the date of the search, and has
6 not previously been registered as a domestic or foreign entity with the Oregon SOS.

7 3. As of September 6, 2012, Green was not currently and has not previously been
8 licensed with the Oregon Division of Finance and Corporate Securities (“Division”) to
9 conduct business as a “mortgage broker”, as that term is defined in ORS 86A.100(5)(a)(C)
10 [formerly ORS 59.840], in Oregon.

11 4. As of September 6, 2012, Green was not currently and has not previously been
12 registered with the Division to provide “debt management services”, as that term is defined in
13 ORS 697.602(2)(c), in Oregon.

14 5. On November 14, 2009, Green entered into an agreement with Oregon resident JM
15 (“JM Agreement”) whereby Green agreed to provide JM loan modification services on a
16 mortgage loan on residential real property located in Oregon.

17 6. Pursuant to the terms of the JM Agreement, Green was paid \$2,495 through
18 personal check No. 2453 dated November 23, 2009.

19 CONCLUSIONS OF LAW

20 The Director concludes that:

21 7. Green acted as a “mortgage broker”, as that term is defined in ORS
22 86A.100(5)(a)(C) [formerly ORS 59.840], when it, for compensation, negotiated or offered
23 to negotiate a mortgage loan for an Oregon client.

24 8. Green engaged in “residential mortgage transactions”, as that term is defined in
25 ORS 86A.103(2) [formerly ORS 59.845], when it acted as a mortgage broker as defined in
26 Paragraph 7 above.

1 b. \$5,000 for a violation of ORS 697.692(1).

2 16. Civil penalties in the amount of \$9,000 shall be suspended for three years from the
3 date this order is signed by the Division so long as Green complies with the following:

4 a. Pays \$1,000 in civil penalties no later than 5 p.m. on September 3, 2013; and

5 b. Does not violate any Oregon Mortgage Lender Laws and Rules or Oregon Debt
6 Management Service Provider Laws during the period in which the penalty is
7 suspended.

8 17. Should Green violate the terms of this agreement, the remaining civil penalty of
9 \$9,000 shall become due and owing immediately.

10 18. If Green abides by the terms of this agreement, the suspended portion of the civil
11 penalties shall expire at the end of the three year period. The three year period shall
12 commence on the date this Consent Order is signed by the Division.

13 19. The entry of this Order in no way further limits remedies that may be available
14 to the Director under Oregon Law.

15 Dated this 18th day of September 2013.

16 PATRICK M. ALLEN, Director
17 Department of Consumer and Business Services

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

21 **CONSENT TO ENTRY OF ORDER**

22 I, David M. Green, state that I have read the foregoing Consent Order and that I know
23 and fully understand the contents hereof; that I have been advised of the right to a hearing and
24 of the right to be represented by counsel in this matter; that I voluntarily and without any
25 force or duress, consent to the entry of this Consent Order, expressly waiving any right to a
26



1 hearing in this matter; that I understand that the Director reserves the right to take further
2 actions to enforce this Consent Order or to take appropriate action upon discovery of other
3 violations of the Oregon Mortgage Lender Laws and Rules or the Oregon Debt Management
4 Service Provider Laws and that I will fully comply with the terms and conditions stated
5 herein.

6 I understand that this Consent Order is a public document.

7 Dated this 1 day of September, 2013.

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10 /s/ David M. Green
David M. Green

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13 **NOTARY ACKNOWLEDGMENT**

14 State of New York)
15)ss.
16 County of Westchester)

17 This instrument was acknowledged before me on, September 1, 2013 by David M.
18 Green.

19
20 /s/ Joseph C. Heinzmann
Notary Public – State of New York
21 My commission expires: 10-24-2013

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