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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:

Evergreen Realty Investors, Inc. dba Evergreen
Mitigation Company and EMitigation, LLC

Respondents.

DM-13-0036

**Final Order to Cease and Desist and Order
Assessing Civil Penalties Entered by Default**

On March 13, 2013, the Director of the Department of Consumer and Business Services for the State of Oregon (hereafter the “Director”), acting pursuant to the Oregon statutes regulating mortgage lending, ORS 86A.100 et seq., and debt management service providers, ORS 697.602 to 697.842, issued Administrative Order No. DM-13-0036 - Order to Cease and Desist, Proposed Order Assessing Civil Penalties and Notice of Right to a Hearing (hereinafter “the Order”) to Evergreen Realty Investors, Inc. dba Evergreen Mitigation Company and EMitigation, LLC.

On March 14, 2013, a true copy of the Order was mailed by regular, first-class mail and by certified mail postage prepaid addressed to Evergreen Mitigation Company, EMitigation, LLC, and Casey Hatcher, the companies’ owner and registered agent of Evergreen Realty Investors, Inc., at 10999 Reed Hartman Highway Suite 219, Cincinnati, Ohio 25242, to Evergreen Mitigation Company, EMitigation, LLC, and Casey Hatcher at 1147 Reed Hartman Highway, Cincinnati Ohio 45241, and to Casey Hatcher at 117 East Louisa #354, Seattle, Washington 98102.

A green card evidencing receipt was signed and returned from the Order sent by

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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 certified mail to the Seattle, Washington address, and the Order sent by regular mail to the
2 Seattle, Washington address was returned as unclaimed. The Orders sent by certified and
3 regular mail to both of the Cincinnati, Ohio addresses were returned as undeliverable.

4 Neither Evergreen Realty Investors, Inc. dba Evergreen Mitigation Company nor
5 Emitigation, LLC made a written request for a contested case hearing in this matter, and the
6 time to do so has expired.

7 **FINDINGS OF FACTS**

8 The Director FINDS that:

9 1. Evergreen Realty Investors, Inc. (hereinafter “Evergreen Realty”) is a Washington
10 corporation formed on August 18, 2005 with a principal place of business of 1147 Reed
11 Hartman Highway, Cincinnati, Ohio 45241. This corporation is currently listed as inactive.

12 2. Evergreen Mitigation Company (hereinafter “Evergreen Mitigation”) is an active
13 fictitious business name for Evergreen Realty registered with the Ohio Secretary of State.

14 3. At all times material to this order, EMitigation, LLC (hereinafter “EMitigation”)
15 reported to be a Delaware Limited Liability Company with a principal place of business of
16 10999 Reed Hartman Highway, Suite 219, Cincinnati, Ohio 45242.

17 4. The Delaware Department of State, Division of Corporations reported that there is no
18 listing, active or inactive, for EMitigation, LLC.

19 5. Upon information and belief, at all times material to this order, Casey Hatcher owned
20 and controlled Evergreen Realty and EMitigation.

21 6. Neither Evergreen Realty, nor Evergreen Mitigation, nor EMitigation have ever been
22 registered with the Oregon Secretary of State to do business in Oregon.

23 7. Neither Evergreen Realty, nor Evergreen Mitigation, nor EMitigation have ever held a
24 license to engage in residential mortgage transactions as a mortgage broker in Oregon and have
25 never been registered to provide debt management services in Oregon.

26 8. A search of Oregon State Bar records show that there is not an Oregon licensed attorney by

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Default – Evergreen Realty Investors, Inc. dba Evergreen Mitigation Company and EMitigation,
LLC, DM-13-0036





1 the name of Casey Hatcher.

2 9. At all times material to this order, consumer “JB” was an Oregon resident and was party to a
3 home mortgage loan secured by real estate located in Oregon.

4 10. Around February 2009, JB entered into an agreement with Evergreen Mitigation for loan
5 modification services wherein Evergreen Mitigation would negotiate with JB’s lender to obtain a loan
6 modification for a fee.

7 11. Later correspondence sent to JB regarding her loan modification transaction with Evergreen
8 Mitigation, including application materials, listed EMitigation on the documents and was sent from
9 EMitigation.

10 12. Evergreen Mitigation and EMitigation represented to JB that they were authorized to
11 assist JB in obtaining a loan modification on JB’s behalf from JB’s lender.

12 13. From the time period of March 5, 2009 through March 15, 2009, JB paid
13 Evergreen Mitigation a total of \$1,030 in three installments, including an initial fee of \$300.

14 14. After some contact and correspondence with Evergreen Mitigation and EMitigation, JB
15 later attempted to contact these companies and did not receive a response.

16 15. JB then requested a refund of her fees paid for loan modification services and did not
17 receive a loan modification or a refund from Evergreen Mitigation or EMitigation.

18 **CONCLUSIONS OF LAW**

19 The Director CONCLUDES that:

20 1. Evergreen Realty and EMitigation acted as a “mortgage broker” under ORS
21 86A.100(5)(a)(C) when Evergreen Realty and EMitigation, for compensation, or in the
22 expectation of compensation, either directly or indirectly made, negotiated, or offered to make
23 or negotiate a modification to the terms and conditions of a mortgage loan.

24 2. Evergreen Realty and EMitigation engaged in “residential mortgage transactions in this
25 state” under ORS 86A.103(2) by acting as a mortgage broker when Evergreen Realty and
26 EMitigation offered to negotiate a modification to the terms and conditions of JB’s residential



1 mortgage loan secured by property located in Oregon.

2 3. Evergreen Realty and EMitigation violated 86A.103(1) by engaging in residential
3 mortgage transactions in Oregon without first obtaining a license as a mortgage broker under
4 ORS 86A.095 to 86A.198.

5 4. Evergreen Realty and EMitigation may not rely upon the exclusion from the definition
6 of mortgage broker contained in ORS 86A.100(5)(b) because Casey Hatcher is not an attorney
7 licensed or authorized to practice law in Oregon.

8 5. Evergreen Realty and EMitigation received money or expected to receive money for
9 providing advice, assistance, instruction or instructional material concerning a debt management
10 service, modifying the terms and conditions of an existing loan under ORS 697.602(2)(c), in
11 violation of ORS 697.612(1)(b)(E).

12 6. Evergreen Realty and EMitigation may not rely upon the exclusion from registration as a
13 debt management service provider contained in ORS 697.612(3) because Casey Hatcher is not
14 an attorney licensed or authorized to practice law in Oregon.

15 7. Evergreen Realty and EMitigation violated ORS 697.692 by accepting or receiving an
16 initial fee of more than \$50 from JB.

17 8. Evergreen Realty and EMitigation represented to JB that they were authorized to
18 perform a debt management service when they were not authorized under Oregon law to
19 perform a debt management service in violation of ORS 697.662(2).

20 **ORDERS**

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

22 1. Pursuant to ORS 86A.127(4) and 697.825(1)(a), the Director hereby ORDERS
23 Evergreen Realty and EMitigation, and all entities owned or controlled by Evergreen Realty and
24 EMitigation, to CEASE AND DESIST from violating the Oregon statutes regulating mortgage
25 lending, ORS 86A.100 et seq., and debt management service providers, ORS 697.602 to
26 697.842.

1 NOTICE: You may be entitled to judicial review of this Order. Judicial review may be obtained
2 by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the service
3 of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court
4 of Appeals.
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