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**STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
DIVISION OF FINANCE AND CORPORATE SECURITIES  
MORTGAGE LENDING SECTION**

**BEFORE THE DIRECTOR OF THE DEPARTMENT  
OF CONSUMER AND BUSINESS SERVICES**

**In the Matter of:**

**Vina Investments, LLC  
NMLS# 287832**

Respondent.

**M-13-0125  
FINAL ORDER CONDITIONING  
MORTGAGE BANKER/BROKER  
LICENSE, ORDER TO CEASE AND  
DESIST, ORDER ASSESSING CIVIL  
PENALTIES, AND CONSENT TO ENTRY  
OF ORDER**

**WHEREAS** the Director of the Department of Consumer and Business Services for the State of Oregon (hereinafter “the Director”) conducted an investigation of Vina Investments, LLC (hereinafter “Vina”) and determined that Vina engaged in activities constituting violations of ORS 86A.100 et seq. and OAR 441-850-0005 through 441-885-0010 (hereinafter collectively cited as the “Oregon Mortgage Lender Law”); and

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

**NOW THEREFORE**, as evidenced by the authorized signature subscribed on this order, Vina 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:

1. Vina is an Oregon Limited Liability Company with a principal place of business located at 2850 SE 82nd Ave, Suite 32E, Portland, Oregon 97266.
2. Thanh Huynh (hereinafter “Huynh”) is the one hundred percent owner of Vina.
3. Vina received an Oregon mortgage banker/broker license from the Oregon Division of Finance and Corporate Securities (hereinafter “Division”) on March 18, 2008, NMLS# 287832.

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           4. In 2011, the Nationwide Mortgage Licensing System (hereinafter “NMLS”) released  
2 the mortgage call report (hereinafter “MCR”) functionality. The MCR includes a licensed  
3 mortgage broker’s Residential Mortgage Loan Activity (hereinafter “RMLA”) that is compiled  
4 and submitted by the company to NMLS on a quarterly basis.

5           5. The Division undertook an extensive compliance campaign to notify all companies of  
6 the new quarterly MCR reporting requirement throughout 2011 and 2012. The Division has  
7 continued with routine communication about this recurring requirement.

8           6. Vina employed at least one licensed loan originator during the fourth quarter of 2012  
9 and the first and second quarters of 2013.

10          7. At all times material to this order, the Division’s email and mail communication to  
11 Vina was sent to the company’s e-mail and mailing address of record in NMLS,  
12 [thanhhuyn@aol.com](mailto:thanhhuyn@aol.com) and 2850 SE 82nd Ave, Suite 32E, Portland, Oregon 97266

13           **I.       2012 Q4 MCR**

14          8. Vina filed the 2012 fourth quarter (hereinafter “Q4”) MCR with Oregon RMLA on  
15 March 25, 2013.

16          9. On March 26, 2013, a Division examiner reviewed the Oregon RMLA Vina filed and  
17 found several errors in the report.

18          10. The Division placed a deficiency on Vina’s license notifying of the errors in the  
19 Oregon RMLA and requested that the errors be corrected by April 26, 2013. The deficiency  
20 noted the specific nature of the errors.

21          11. On April 29, 2013, Vina filed a revision to the 2012 Q4 MCR with Oregon RMLA.

22          12. On April 30, 2013, the Division examiner reviewed the revised Oregon RMLA and  
23 found that the items were not corrected as directed and left the deficiency in NMLS.

24          13. On April 30, 2013, the Division sent an e-mail to Vina notifying of the failure to  
25 correct the errors and requested that Vina address the errors.

26          14. On May 9, 2013, the Division placed another deficiency notifying Vina of the



1 requirement to review the 2012 Q4 MCR with Oregon RMLA and correct the errors. The  
2 deficiency noted that the deadline to make the corrections, or face enforcement action and a civil  
3 penalty, was June 10, 2013.

4 15. Since Vina had failed to correct the errors or submit a revision to the 2012 Q4 MCR,  
5 on July 1, 2013, the Division sent a letter to Vina notifying of the requirement to correct the  
6 MCR with a new deadline of July 31, 2013 or face enforcement action and a civil penalty.

7 16. On July 1, 2013, the Division sent an e-mail to Vina notifying that it must correct the  
8 errors in the report and file the corrected report by July 31, 2013 or face enforcement  
9 action and a civil penalty.

10 17. On July 31, 2013, at approximately 4:30 p.m. the Division received a voice message  
11 from Huynh indicating that she did not know what was wrong with the report despite the emails  
12 and deficiencies that indicated the specificity of the errors.

13 18. By late afternoon on August 1, 2013, Vina filed a revision to 2012 Q4 MCR that  
14 included correct data on the number of loans for Oregon RMLA.

## 15 II. 2013 Q1 MCR

16 19. On May 7, 2013, since Vina had not filed the first quarter ("Q1") 2013 MCR with  
17 Oregon RMLA, the Division sent an e-mail to Vina notifying of the Q1 requirement and the  
18 upcoming May 15, 2013 deadline.

19 20. On May 17, 2013, the Division sent an e-mail to Vina notifying that the 2013 Q1  
20 MCR with Oregon RMLA was past due. The email warned that if Vina failed to file the 2013  
21 Q1 MCR by June 16, 2013, the company would be subject to civil penalties.

22 21. On May 17, 2013, the Division sent a letter to Vina notifying that if the 2013 Q1  
23 MCR was not filed by June 16, 2013, the matter would be referred for enforcement action.

24 22. On June 5, 2013, the Division placed a deficiency on the company's license  
25 notifying of the obligation to file the report by the June 16, 2013, a new deadline, or the matter  
26 would be referred for enforcement action.



1 23. On August 7, 2013, the Division set another deadline for Vina to file the 2013 Q1  
2 MCR by the close of business on Tuesday, August 12, 2013.

3 24. On August 30, 2013, Vina filed the 2013 Q1 MCR.

4 25. On August 30, 2013, a Division examiner reviewed the Oregon RMLA Vina filed and  
5 found an error in the report.

6 26. The Division placed a deficiency on Vina's license notifying of the errors in the  
7 Oregon RMLA and requested that the errors be corrected by September 15, 2013. The  
8 deficiency noted the specific nature of the errors.

9 27. On September 13, 2013, Vina made the requested corrections to the 2013 quarter one  
10 MCR.

### 11 **III. 2013 Q2 MCR**

12 28. On August 1, 2013, since Vina had not filed the second quarter ("Q2") 2013 MCR  
13 with Oregon RMLA, the Division sent an e-mail to Vina notifying of the requirement and the  
14 upcoming August 15, 2013 deadline.

15 29. On August 15, 2013, the Division sent an e-mail to Vina notifying that the 2013 Q2  
16 MCR with Oregon RMLA was due. The email warned that if Vina failed to file the 2013 Q2  
17 MCR by September 15, 2013, the company would be subject to civil penalties.

18 30. On August 15, 2013, the Division sent Vina a letter to the address of record notifying  
19 that if the 2013 Q2 MCR was not filed by September 15, 2013, a new deadline, the matter would  
20 be referred for enforcement action.

21 31. On August 15, 2013, the Division placed a deficiency on the company's license  
22 notifying of the obligation to file the report by the September 15, 2013 deadline, or the matter  
23 would be referred for enforcement action.

24 32. On August 29, 2013, Huyhn emailed several Division employees confirming her  
25 understanding that the 2013 Q2 MCR was due on September 15, 2013.

26 33. On August 30 and September 10, 2013, a Division employee sent an e-mail to Vina



1 confirming the September 15 deadline.

2 34. On September 16, 2013, Huynh e-mailed the Division reporting that the Q2 2013  
3 MCR was done, but the NMLS system would not accept the report. She indicated that she would  
4 contact the NMLS call center the next day. The Division employee responded that the report had  
5 to be filed 3:00 pm PST on September 16, 2013.

6 35. On September 16, 2013 at 9:35 pm, after the deadline, Vina filed the 2013 Q2 MCR.

### 7 CONCLUSIONS OF LAW

8 The Director **CONCLUDES** that:

- 9 1. By failing to file the 2012 Q4 MCR that included correct data for Oregon RMLA in  
10 NMLS by July 31, 2013, Vina violated ORS 86A.112(2) and ORS 86A.115(12).
- 11 2. By failing to file the 2013 Q1 MCR with Oregon RMLA in NMLS by May 15, 2013,  
12 Vina violated ORS 86A.239(2).
- 13 3. By failing to file the 2013 Q2 MCR with Oregon RMLA in NMLS by August 15, 2013,  
14 Vina violated ORS 86A.239(2).

### 15 ORDER

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

17 The Director, pursuant to ORS 86A.127, hereby orders Vina to Cease and Desist from  
18 violating the Oregon Mortgage Lender Law.

19 The Director, pursuant to ORS 86A.992, may assess civil penalties of up to \$5,000 per  
20 violation of the Oregon Mortgage Lender Law.

21 The Director, pursuant to ORS 86A.992(2), hereby orders Vina to pay a civil penalty of  
22 \$3,000 total for each violation of ORS 86A.239(2).

23 The Director, pursuant to ORS 86A.115, hereby **ORDERS** that, effective the date of this  
24 order, a conditional Oregon mortgage banker/broker license shall be issued to Vina until further  
25 order of the Director subject to renewal fee and document requirements. The conditional license  
26 shall be subject to the following conditions such that if Vina fails to comply, Vina agrees that the



1 license shall be revoked immediately:

2 1. Vina shall make a timely and accurate filing of all financial reports or other information  
3 that the director by rule or order requires, including but not limited to the Mortgage Call Report,  
4 the annual report for mortgage lending activity, and a written response to the Division  
5 examination reports under ORS 86A.112(2).

6 2. Vina shall promptly correct a document filed with the director that is or becomes  
7 incomplete or inaccurate in any material respect under ORS 86A.112(2).

8 Notwithstanding the foregoing, Vina may, following a period of five years wherein all  
9 Division required reports are timely filed, all required civil penalties and fines are timely paid,  
10 and no open or substantiated complaints made with the Division, make written application to the  
11 Director for an unconditional license.

12 The Director will review and act upon any application or request for licensing according  
13 to the current law, including any rights available to request a contested case hearing on any  
14 licensing or registration decision. This does not mean any request will be granted, but the  
15 request will be reviewed.

16 The entry of this Order in no way limits further remedies which may be available to the  
17 Director under Oregon law, including for the violations noted in the Conclusions of Law section  
18 above.

19 Dated this 23rd day of October, 2013.

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

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

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