

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:

DM-11-0080

Assured Loan Modifications LLC, Mark Swain, National Mortgage Help Center, Williams Law Center, and Jennifer Yvonne Williams,

Order to Cease and Desist and Consent to Entry of Order as to Mark Swain and Assured Loan Modifications LLC

Respondents.

WHEREAS the Director of the Department of Consumer and Business Services for the State of Oregon (Director) conducted an investigation of Assured Loan Modifications LLC (ALM), Mark Swain, National Mortgage Help Center (NMHC), Williams Law Center and Jennifer Yvonne Williams (collectively “the Respondents”) and determined the Respondents 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 ALM and Mark Swain neither admit or deny the allegations in the Notice Order but wish to resolve and settle this matter with the Director;

NOW THEREFORE, as evidenced by the authorized signatures subscribed on this Consent Order, ALM and Mark Swain, hereby consent 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 1. ALM was an Oregon limited liability company with its principal place of business
2 at 2229 NE Burnside, Suite 77 in Gresham, Oregon, 97030. Respondent ALM is not a licensed
3 mortgage banker or mortgage broker in Oregon and is not registered as a debt management
4 service provider in Oregon, nor has it been licensed or registered at any time relevant herein.

5 2. Respondent Mark Swain acted on behalf of ALM and was reported as the registered
6 agent for ALM. Respondent Swain is not now, and at all times relevant herein, a licensed
7 mortgage banker or mortgage broker, licensed loan originator, was not reported as a loan
8 originator for ALM and is not registered as a debt management service provider in Oregon.

9 3. Respondent National Mortgage Help Center (hereinafter “NMHC”) lists an address
10 of PO Box 85073, Richmond, Virginia, 23285 on its website at www.nmhcenter.org but is not
11 registered as a corporation in Virginia or California. Respondent NMHC is not now, nor at any
12 time relevant herein, a licensed mortgage banker or mortgage broker in Oregon and is not
13 registered as a debt management service provider in Oregon.

14 4. Respondent Williams Law Center PC (hereinafter “WLC”) was a California
15 corporation with its principal place of business at 3140 Red Hill Avenue, Suite 225, Costa Mesa,
16 California, 92626. Respondent WLC is not now, or any time relevant herein, an Oregon licensed
17 mortgage banker or mortgage broker or registered as a debt management service provider.

18 5. Respondent Jennifer Yvonne Williams acted on behalf of WLC and was reported as
19 the registered agent for WLC. Respondent Williams is not now, nor anytime relevant herein, a
20 licensed mortgage banker or mortgage broker, licensed or reported as a loan originator, or
21 registered as a debt management service provider in Oregon. Respondent Williams is a licensed
22 attorney in California, bar no. 242146, but is not an Oregon licensed attorney.

23 6. At all times relevant to this matter, the individual consumers identified herein as
24 “RS,” “AS,” “MJ,” and “MN” were Oregon residents and, at all relevant times herein, were
25 parties to a home mortgage loan secured by real estate located in Oregon.

26 7. At all times relevant to this matter, Respondents marketed residential loan



1 modification services through the website www.assuredloanmods.com, www.nmhcenter.com
2 (which transfers to www.nmhcenter.org), and www.wlchelp.com.

3 8. On information and belief, when consumers contact Respondents, Respondents
4 promise to help consumers modify their residential real estate loans to make their payments more
5 affordable including, but not limited to, a reduction in the principal, interest, fees, or charges
6 associated with consumers' residential real estate loans.

7 9. As instructed by Respondents, consumers submit their personal nonpublic
8 financial information, including details about their residential real estate mortgages and income,
9 together with an advance fee to Respondents in exchange for a promise to receive the mortgage
10 loan assistance with negotiating a change in the terms of their residential real estate loans.

11 10. In August 2009, Respondents Mark Swain and ALM offered loan modification
12 services to MN. In exchange for the services that Respondents were to provide, MN paid ALM
13 \$3,200 by cashiers check dated August 17, 2009.

14 11. After receiving the advance payment from MN, Respondent ALM indicated on
15 September 10, 2009 that it had retained WLC to work her file and requested that she forward
16 materials to WLC's contact, Sean Meador. MN provided the requested materials. However,
17 ALM and WLC failed to provide services that were promised.

18 12. On September 1, 2010, Respondents WLC and NMHC offered to negotiate a loan
19 modification for AS and RS. Based upon Respondents' representations, AS and RS agreed to
20 accept Respondents' offer, for which AS and RS paid \$995.00 by "check card purchase" on
21 September 1, 2010.

22 13. Following receipt of payment from AS and RS, Respondent WLC contacted AS
23 and RS's lender only once, but did not complete the process with the lender. Respondents WLC
24 and NMHC failed to provide services that were promised.

25 14. In September 2010, Respondent NMHC, through Williams, offered to negotiate a
26 loan modification for MJ. Based upon Respondents' representations, MJ agreed to accept



1 Respondents' offer, for which MJ authorized NMHC and Williams to charge \$1,000 on MJ's
2 credit card. The charge was later reversed.

3 15. Respondent Williams sent an e-mail to MJ noting that Williams was "the in house
4 financial underwriter" and that "[b]ased on the new modification programs that are currently
5 available rates are as low as 2.0% or 31% of your gross income. If you are behind on your
6 mortgage the pass [sic] due amount will be caught back up through the modification
7 negotiation. All Foreclosure [sic] proceedings will be placed on hold until the modification is
8 completed." The e-mail was signed "Jennifer Y. Williams, Attorney at Law, NMHC Legal
9 Modification Firm".

10 16. Respondents have failed and refuse to perform on their promises, made in
11 exchange for the advance fees paid by AS, RS, and MN to Respondents, to negotiate a
12 modification of their residential mortgage loan including, but not limited to, securing a lower
13 interest rate, principal reductions, and a possible refund.

14 17. The Division of Finance and Corporate Securities ("Division") on behalf of the
15 Director notified Respondents, in writing, that they were required to comply with the licensing
16 requirements of the Oregon Mortgage Lender Law or the registration requirements of the Debt
17 Management Service Providers Act to collect and retain fees in exchange for offering to assist
18 Oregon consumers in adjusting the terms of their residential real estate loans.

19 18. The Division requested, in writing, that Respondents refund the fees collected from
20 AS, RS and MN, because they did not perform their promise to obtain a modification of the
21 terms of consumers' residential real loans.

22 19. Respondents failed to refund the fees that they collected from the consumers
23 within 21 days of receiving written notice from the Director advising Respondents their loan
24 modification activities were in violation of Oregon law, and the time for doing so has expired.

25 20. The Director may order Respondent WLC and NHMC to pay \$995 in restitution
26 pursuant to ORS 86A.224(2)(c) because an Oregon consumer suffered harm from Respondent



1 WLC and NHMC’s acts, omissions, practices or operations.

2 21. The Director entered a final order by default against Jennifer Yvonne Williams in
3 this matter on October 6, 2011.

4 22. Mark Swain is currently the subject of a Chapter 13 bankruptcy.

5 **CONCLUSIONS OF LAW**

6 The Director CONCLUDES that:

7 1. Respondents Swain, ALM, WLC and NMHC acted as a “mortgage broker” as
8 defined by ORS 86A.100(5)(a)(C), formerly ORS 59.840(7)(a)(C), when they offered to
9 negotiate the terms of the mortgage loans of AS, RS, MN and MJ in exchange for receiving
10 compensation without first being licensed as either a mortgage banker or mortgage broker.

11 2. Respondents ALM, Swain, WLC and NMHC engaged in a “residential mortgage
12 transaction in this state” as defined by ORS 86A.103(2), formerly ORS 59.845(2), when they
13 offered to negotiate a home mortgage loans secured by residential real property for AS, RS, MN
14 and MJ.

15 3. Respondents ALM, Swain, WLC and NMHC violated ORS 86A.103(1), formerly
16 ORS 59.845(1), when they engaged in residential mortgage transactions without first being
17 licensed as either a mortgage banker or mortgage broker.

18 4. Respondents Swain and Williams acted as a “mortgage loan originator” as defined
19 by ORS 59.840(4) (now at ORS 86A.236(4)(a)) when they offered to negotiate terms for a
20 residential mortgage loan in exchange for compensation.

21 5. Respondent Williams violated ORS 86A.203(1)(a) by acting as a mortgage loan
22 originator on the MJ transaction without a license.

23 6. Respondents Swain, ALM, WLC, NMHC and Williams performed a “debt
24 management service” as defined by ORS 697.602(2)(c) when they offered to modify terms and
25 conditions of an existing loan or obligation in exchange for payment of an advance fee.

26 7. With regard to AS, RS, and MJ, Respondents WLC, NMHC and Williams violated



1 ORS 697.612(1)(a) when they performed a debt management service without first registering
2 with the Director under ORS 697.632.

3 8. The fees collected by Respondents Swain and ALM from MN exceeded the
4 amounts permitted by ORS 697.692(1).

5 9. Respondents Swain and ALM violated ORS 697.662(7)(a) when Respondents
6 collected fees from MN that exceeded the amounts permitted by ORS 697.692(1).

7 10. The fees collected by Respondents WLC and NMHC from AS and RS exceeded
8 the amounts permitted by ORS 697.692(1).

9 11. Respondents WLC and NMHC violated ORS 697.662(7)(a) when Respondents
10 collected fees from AS and RS that exceeded the amounts permitted by ORS 697.692(1).

11 **ORDER**

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

13 12. The Director, pursuant to his authority under ORS 86A.127 (formerly ORS 59.885)
14 and ORS 697.825 hereby ORDERS ALM and Mark Swain to CEASE AND DESIST from
15 violating Oregon's Mortgage Lender Law and Oregon's Debt Management Service Providers
16 law. ALM shall not to engage in any debt management service or mortgage service that
17 requires registration or licensing by the Division of Finance and Corporate Securities. Mark
18 Swain shall not to engage in any debt management service or mortgage service that requires
19 registration or licensing by the Division of Finance and Corporate Securities for a period of one
20 year from the date of this Order. After one year, Mark Swain shall be eligible to apply for a
21 license or registration and may engage in debt management service or mortgage service that
22 requires registration or license by the Division of Finance and Corporate Securities only when
23 properly registered or licensed to engage in such activity.

24 The entry of this Order in no way further limits remedies which may be available to the
25 Director under Oregon law as to other Respondents.

26 \\\



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

Dated this 18th day of February, 2014.

PATRICK ALLEN, Director
Department of Consumer and Business Services

_ /s/ David Tatman _____
David C. Tatman, Administrator
Division of Finance and Corporate Securities

CONSENT TO ENTRY OF ORDER AS TO ASSURED LOAN MODIFICATIONS LLC

I, Mark Swain, state that I am a former member of Assured Loan Modifications LLC, and that I am acting in my capacity as a former member of Assured Loan Modification, LLC. On behalf of Assured Loan Modification LLC, I state that I have read the foregoing Consent Order and that I know and fully understand the contents hereof; that I have been advised of the right to a hearing and of the right to be represented by counsel in this matter; that I on behalf of Assured Loan Modification LLC voluntarily and without any force or duress, consent to the entry of this Consent Order, expressly waiving any right to a hearing in this matter; that I understand that the Director reserves the right to take further actions to enforce this Consent Order or to take appropriate action upon discovery of other violations of the Oregon Mortgage Lender Laws and Rules and that I will fully comply with the terms and conditions stated herein.

I understand that this Consent Order is a public document.

Dated this 4th day of February, 2014.

_ /s/ Mark Swain _____
Mark Swain

Subscribed and sworn to before me this 4th day of February, 2014.

_ /s/ Amy M. Chamberlain _____
Signature of Notary

_ Amy Chamberlain _____
Printed Name of Notary Public
Notary Public for the State of: Oregon
My commission expires: 7/28/2017

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

CONSENT TO ENTRY OF ORDER AS TO MARK SWAIN

I, Mark Swain, state that I have read the foregoing Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. I desire to resolve and settle this matter with the Director. I voluntarily, without any force or duress, consent to the entry of this Order, expressly waiving any right to a hearing in this matter. I understand that the Director reserves the right to take further actions to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Loan Originator Law, and I will fully comply with the terms and conditions stated herein.

I understand that this Consent Order is a public document.

Dated this 4th day of February, 2014.

_____/s/ Mark Swain_____
Mark Swain

Subscribed and sworn to before me this 4th day of February, 2014.

_____/s/ Amy M. Chamberlain_____
Signature of Notary

____Amy M. Chamberlain_____
Printed Name of Notary Public
Notary Public for the State of: Oregon
My commission expires: 7/28/2017

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

