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3 **STATE OF OREGON**
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**

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

8 In the Matter of:

DM-15-0041

9 A New Beginning, Inc.
10 Respondent.

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

11 On July 13, 2015, the Director of the Department of Consumer and Business Services
12 for the State of Oregon (hereinafter “the Director”), acting pursuant to the authority contained in
13 the Oregon Mortgage Lender Law, Oregon Revised Statutes (“ORS”) 86A.100 *et seq.*, and
14 Oregon Administrative Rules (“OAR”) 441-850-0005 through 441-885-0010 (hereinafter “the
15 Oregon Mortgage Lender Law”) and ORS 697.602 to 697.842 and OAR 441-910-0000 through
16 441-910-0120 (hereinafter “the Oregon Debt Management Service Provider law”), issued
17 Administrative Order No. DM-15-0041, (Order) Order to Cease and Desist, Proposed Order
18 Assessing Civil Penalties and Notice of Right to a Hearing for A New Beginning, Inc. (ANB).

19 On July 14, 2015, a true copy of the Order was mailed by regular, first-class mail and by
20 certified mail postage prepaid addressed to A New Beginning, Inc. 6409 Belair Road,
21 Baltimore, MD 21206. The certified mail was returned by the United States Post Office marked
22 Return to Sender Unable to Forward. The first-class mailing was not returned.

23 On July 14, 2015, pursuant to ORS 60.731(3), a copy of the Order was hand delivered to
24 the Oregon Secretary of State at 255 Capitol Street NE, Salem, Oregon.

25 **FINDINGS OF FACTS**

26 The Director finds that:





1 1. At all times material to this Order, ANB reported a principal place of business of 6409
2 Belair Road, Baltimore, Maryland, 21206.

3 2. ANB was a foreign corporation that became incorporated in the State of Maryland on
4 October 7, 2007. ANB was never been registered with Oregon Secretary of State to conduct
5 business in Oregon.

6 3. ANB has never been licensed to act as a mortgage broker or banker and ANB has not
7 sponsored any Oregon mortgage loan originator licenses.

8 4. ANB has never been registered to provide debt management services in Oregon.

9 5. At all times material to this order, consumers BP and TP were Oregon residents and
10 were party to a home mortgage loan secured by real estate located in Oregon.

11 6. On or about January of 2011, BP and TP were contacted by a representative of ANB.
12 The representative sought out the couple to see if they were interested in modifying their
13 residential loan for their Oregon home.

14 7. BP and TP engaged ANB to modify their mortgage for them and completed and returned
15 the packet of documents sent to them by ANB.

16 8. One of the documents that BP and TP completed and returned was an ACH
17 Authorization form that the couple completed, dated January 15, 2011, and returned to ANB.

18 9. On January 19, 2011, ANB withdrew \$995 from the BP and TP's bank account. ANB
19 withdrew another \$995 from the couple's bank account on January 24, 2011. However, BP and
20 TP complained to ANB and ANB refunded \$995 to the couple's bank account.

21 10. BP and TP closed their bank account before ANB was able to withdraw further funds.

22 11. BP and TP sent numerous emails and made numerous phone calls to ANB but ANB
23 never provide BP and TP with a refund or a loan modification.

24 CONCLUSIONS OF LAW

25 The Director concludes that:

26 1. ANB acted as a "mortgage broker" under ORS 86A.100(5)(a)(C) when ANB for
compensation, or in the expectation of compensation, either directly or indirectly made,



1 negotiated, or offered to make or negotiate a modification to the terms and conditions of a
2 mortgage loan for BP and TP.

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

5 3. ANB engaged in “residential mortgage transactions in this state” under ORS 86A.103(2)
6 by acting as a mortgage broker when ANB offered to negotiate a modification to the terms and
7 conditions of BP and TP’s residential mortgage loan secured by property located in Oregon.

8 4. ANB engaged in debt management services when it received money from BP and TP for
9 modifying or offering to modify the terms and conditions of an existing Oregon loan under ORS
10 697.602(2)(c).

11 5. ABN violated ORS 697.612(1)(a) by performing a debt management service in Oregon
12 for consumers BP and TP without being registered with the Director to provide such a service.

13 6. ABN violated ORS 697.612(1)(b)(E) by providing advice, assistance, instruction or
14 instruction material regarding a debt management service to Oregon consumers BP and TP when
15 ABN was not registered as Oregon debt management service providers.

16 7. ABN violated ORS 697.692(1)(a) by accepting or receiving an initial fee of more than
17 \$50 from BP and TP.

18 **ORDERS**

19 **NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDER:**

20 1. Pursuant to ORS 86A.127(4) and 697.825(1)(a), the Director hereby orders Respondent
21 and all entities owned or controlled by Respondent to cease and desist from violating the
22 Oregon statutes regulating mortgage lending, ORS 86A.100 et seq., and debt management
23 service providers, ORS 697.602 to 697.842.

24 2. Pursuant to ORS 86A.992, the Director may assess a civil penalty in the amount of not
25 more than \$5,000 per violation against any person who violates or who procures, aids or abets in
26

1 the violation of any provision of ORS 86A.095 to 86A.198 or any rule or order issued under
2 ORS 86A.124 or 86A.242. Pursuant to the authority of ORS 697.832, the Director may assess a
3 civil penalty in an amount of not more than \$5,000 per violation against any person who violates
4 ORS 697.612 or 697.642 to 697.702, rules adopted under ORS 697.632, or any order issued
5 under ORS 697.825.

6 3. The Director orders Respondent to pay civil penalties in the amount of \$10,000 as
7 follows:

- 8 a. \$5,000 for committing one violation of ORS 86A.103(1), ORS 697.612(1)(b)(E),
9 or ORS 697.612(1)(a);
- 10 b. \$5,000 for committing one violation of ORS 697.692(1)(a).

11 4. The entry of this Order in no way further limits remedies which may be available to the
12 Director under Oregon law.

13
14 Dated this 25th day of August, 2015.

15
16 PATRICK M. ALLEN, Director
Department of Consumer and Business Services

17 /s/ David Tatman
18 David C. Tatman, Administrator
19 Division of Finance and Corporate Securities
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21 NOTICE: You may be entitled to judicial review of this Order. Judicial review may be obtained
22 by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the service
23 of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court
24 of Appeals.
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