

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of:

Case No. M-16-0170

HOMEPAATH LENDING INC.,
(NMLS # 1125099),

Respondent.

ORDER TO CEASE AND DESIST,
PROPOSED 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 Homepath, LLC (hereinafter “Homepath”) and determined that Homepath engaged in an activity that constitutes a violation of 86A.100 et seq. and OAR 441-850-0005 through 441-885-0010 (hereinafter collectively cited as the “Oregon Mortgage Lender Law”); and

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

NOW THEREFORE, as evidenced by the authorized signature subscribed on this order, Homepath 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. Homepath is a California corporation formed on September 30, 2013.
2. Homepath, NMLS #1125099, obtained an Oregon mortgage broker/banker license from the Oregon Division of Financial and Corporate Securities (hereinafter the “Division”), currently known as the Division of Financial Regulation, on November 20, 2015.
3. Homepath’s principal place of business is located at 575 Anton Blvd Suite 610, Costa Mesa, California 92626.

Division of Financial Regulation
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 (“NMLS”) released the
2 mortgage call report (“MCR”) functionality. The MCR includes a licensed mortgage
3 broker or banker’s Residential Mortgage Loan Activity (“RMLA”) that is compiled and
4 submitted by the company to NMLS on a quarterly basis, and for standard filers like
5 Homepath, a financial condition report must be filed annually 90 days after the end of the
6 company’s fiscal year.

7 5. The quarterly reports are due 45 days following the end of each quarter such
8 that the fourth quarter (“Q4”) MCR was due on February 14, 2016.

9 6. Homepath employed at least one licensed loan originator during the 2015 Q4.

10 7. Since Homepath had not filed the 2015 Q4 MCR with Oregon RMLA, on
11 February 1, 2016, the Division sent an e-mail to Homepath’s e-mail address of record
12 notifying of the filing deadline.

13 8. The email was sent to whijazin@homepathlending.com which has been the e-
14 mail address of record for Homepath at all times relevant to this order.

15 9. Since Homepath had not filed the 2015 Q4 MCR by the deadline, on February
16 15, 2016, NMLS automatically placed a deficiency on Homepath’s license notifying of
17 the obligation to file the 2015 Q4 MCR. The deficiency sends an email to the licensee.

18 10. On February 15, 2016, the Division sent an e-mail to Homepath’s address of
19 record notifying that it must file the 2015 Q4 MCR, and if it did not do so by March 16,
20 2016, the company would be fined.

21 11. On February 16, 2016, the Division sent a letter to Homepath’s principal place
22 of business notifying that the report had to be filed on March 16, 2016 or a fine would be
23 assessed.

24 12. On May 9, 2016, Homepath successfully filed the 2015 Q4 MCR with RMLA
25 for Oregon.

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1 CONCLUSIONS OF LAW

2 The Director CONCLUDES that:

3 13. By failing to file the 2015 Q4 MCR including RMLA for Oregon in NMLS by
4 February 14, 2016, Homepath violated ORS 86A.239(2) and OAR 441-865-0025.

5 ORDERS

6 Now, therefore, the Director issues the following ORDERS:

7 14. The Director, pursuant to ORS 86A.127, hereby ORDERS Homepath to
8 Cease and Desist from violating Oregon's Mortgage Lender Law.

9 15. The Director, pursuant to ORS 86A.992, may assess civil penalties of up to
10 \$5,000 per violation of the Oregon Mortgage Lender Law. Pursuant to these provisions,
11 the Director hereby proposes to order Homepath to pay a civil penalty of \$1,000 for
12 violation of ORS 86A.239(2) and OAR 441-865-0025.

13 DESIGNATION OF RECORD

14 16. The Director designates the Division's file on this matter, which includes all
15 materials submitted by the party, as the record in this case. Pursuant to OAR 137-003-
16 0075(3), that record contains sufficient evidence of the existence of facts necessary to
17 support a final order by default should the Director issue such an order.

18 SO ORDERED this 15th day of June, 2016 in Salem, Oregon.

19
20 PATRICK M. ALLEN, Director
Department of Consumer and Business Services

21
22 /s/ David Tatman
David C. Tatman, Chief of Enforcement
23 Division of Financial Regulation
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ENTITY CONSENT TO ENTRY OF ORDER

I, Wesam Hijazin, state that I am an officer of Homepath, and I am authorized to act on its behalf. I have read the foregoing order and that 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. Homepath voluntarily and without any force or duress consents to the entry of this order expressly waiving any right to a hearing in this matter. Homepath understands 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 Mortgage Lender Law. Homepath will fully comply with the terms and conditions stated herein.

Homepath further assures the Director that neither Homepath, nor its officers, directors, employees, or agents will effect mortgage transactions in Oregon unless such activities are in full compliance with the Oregon Mortgage Lender Law. Homepath understands that this Consent Order is a public document.

By /s/ Wesam Hijazin

President
Office Held

ENTITY ACKNOWLEDGMENT

There appeared before me this ____ day of _____ 2016, _____, who was first duly sworn on oath, and stated that (s)he was and is an officer of Homepath and that (s)he is authorized and empowered to sign this Consent to Entry of Order on behalf of Homepath and to bind Homepath to the terms hereof.

Acknowledgment attached

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who, signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California)
County of Orange)

On MAY 17, 2016 before me, Octavio Romero Alvarez public
(insert name and title of the officer)

personally appeared Miriam Hizazia
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in his/her/their authorized capacity~~(ies)~~, and that by ~~his~~/her/their signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature OR



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