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

In the Matter of:	Case No. M-23-0005
AMERICAS BEST HOME LOANS LLC, NMLS# 2170850 Respondent.	FINAL ORDER TO CEASE AND DESIST AND FINAL ORDER ASSESSING CIVIL PENALTY, ENTERED BY DEFAULT

On February 2, 2023, the Director of the Department of Consumer and Business Services for the State of Oregon (the "Director"), through the Division of Financial Regulation (the "Division") and pursuant to Oregon Revised Statutes ("ORS") 86A.100 et seq. and Oregon Administrative Rules ("OAR") 441-850-0005 through 441-885-0010 (collectively, the "Oregon Mortgage Lender Law"), properly served Americas Best Home Loans LLC ("ABHL" or the "company") an Order to Cease and Desist, Proposed Order Assessing Civil Penalty, and Notice of Right to a Hearing ("Notice Order") via certified and regular United States mail at the company's business address of record and registered agent's address

The Notice Order offered ABHL an opportunity for a hearing, if requested in writing within 20 days of service. The Notice Order further informed ABHL that if a hearing was not conducted because it did not timely request a hearing or otherwise defaulted, then the designated portion of Division's file, which includes all materials ABHL submitted, would automatically become part of the contested case record to prove a *prima facie* case. ABHL has not made a written request for a contested hearing, and the time to do so has expired.

After considering the relevant portions of the Division's file in this matter, the Director finds that the record proves a *prima facie* case.

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Now, therefore, the Director makes the following Findings of Fact and Conclusions of Law and issues the following Orders.

FINDINGS OF FACT

The Director FINDS that:

1. ABHL is a Michigan limited liability company with a principal place of business located at 280 W. Maple Road, Suite 200, Birmingham, MI 48009.

2. ABHL was licensed as an Oregon mortgage banker/broker with the Division on April 13, 2022 (NMLS# 2170850). The company's license expired on January 1, 2023.

3. In 2011, the Nationwide Multistate Licensing System ("NMLS") released the Mortgage Call Report ("MCR") functionality. The MCR includes a licensed mortgage banker or broker's Residential Mortgage Loan Activity ("RMLA") that is compiled and submitted by licensees to NMLS on a quarterly basis and an annual report of financial condition.

4. All mortgage bankers and brokers that employ licensed loan originators must complete the MCR functionality. In 2022, ABHL employed at least one licensed loan originator.

5. The quarterly reports are due 45 days following the end of each quarter such that the Q3 2022 MCR was due on November 14, 2022.

6. If a licensee does not timely file an MCR, the NMLS system automatically sets a deficiency on the company's license the day after the deadline, reminding the company of the filing requirement.

7. When a deficiency is set in NMLS, the system emails the licensee's email address of record. Similarly, at all times material, when the Division contacted ABHL by email, all messages were sent to ABHL's email address of record on file with NMLS, marlonattiq@americasbestloan.com.

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2022 Q3 MCR

8. ABHL did not file the 2022 Q3 MCR with Oregon RMLA by November 14, 2022. NMLS placed a deficiency on November 15, notifying ABHL of the requirement.

9. On November 17, 2022, a Division financial examiner emailed ABHL about the failure to file and extended the deadline to December 2, 2022. The email required ABLM to file its 2022 Q3 MCR with Oregon RMLA by the new deadline to avoid regulatory enforcement action.

10. On November 23, 2022, the examiner emailed ABHL again, reminding the company of the December 2 deadline and the potential for regulatory enforcement action.

11. On November 30, 2022, the examiner emailed ABHL a final notice to file by December 2, 2022, to avoid regulatory enforcement action.

12. On December 6, 2022, the examiner called ABHL regarding the deficiency and left a message. The telephone call was not returned.

13. To date, ABHL has not filed the 2022 Q3 MCR with Oregon RMLA.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

14. By failing to file the 2022 Q3 MCR with Oregon RMLA, ABHL violated ORS 86A.112(2), ORS 86A.239(2), and OAR 441-865-0025.

ORDERS

Now, therefore, the Director issues the following ORDERS:

15. The Director, pursuant to ORS 86A.127(4) and ORS 86A.224(2)(a), hereby ORDERS ABHL to CEASE and DESIST from violating ORS 86A.112(2), ORS 86A.239(2), and OAR 441-865-0025.

16. The Director, under ORS 86A.992, may assess a civil penalty of up to $5,000 per violation of the Oregon Mortgage Lender Law. Pursuant to this provision, the Director hereby ORDERS ABHL to pay a $2,000 CIVIL PENALTY for violating ORS 86A.112(2),

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ORS 86A.239(2), and OAR 441-865-0025.

17. This is a "Final Order" under ORS 183.310(6)(b). Subject to this provision, entry of this Order does not limit further remedies that may be available to the Director under Oregon Law.

SO ORDERED this 7th day of March, 2023.

ANDREW R. STOLFI, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

NOTICE OF RIGHT TO JUDICIAL APPEAL

Except as provided in ORS 86A.139(2) and ORS 86A.142, you may be entitled to judicial review of this Order under ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of this Order is served.

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