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

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| In the Matter of:<br><br>A BETTER LIFE MORTGAGE, LLC, NMLS# 2124084<br><br>Respondent. | Case No. M-23-0004<br><br>FINAL ORDER TO CEASE AND DESIST AND FINAL ORDER ASSESSING CIVIL PENALTY, ENTERED BY CONSENT |

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"), investigated the business activities of A Better Life Mortgage, LLC ("ABLM" or the "company") and determined that ABLM engaged in an activity that violates 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").

ABLM wishes to settle this matter with the Director.

Now, therefore, as evidenced by the authorized signature(s) subscribed in this Order, ABLM hereby consents to entry of this Order upon the Director's Findings of Fact and Conclusions of Law below.

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350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

## FINDINGS OF FACT

The Director FINDS that:

1. ABLM is an Arizona limited liability company with a principal place of business located at 5995 E. La Privada Dr., Cornville, AZ 86325.

2. ABLM was licensed as an Oregon mortgage banker/broker with the Division on July 12, 2021 (NMLS# 2124084). 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, ABLM 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 ABLM by email, all messages were sent to ABLM's email address of record on file with NMLS, kathy@abetterlifemortgage.com.

**2022 Q3 MCR**

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

9. On November 17, 2022, a Division financial examiner emailed ABLM 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 ABLM again, reminding the company of the December 2 deadline and potential for regulatory enforcement action.

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

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

13. ABLM filed its 2022 Q3 MCR with Oregon RMLA on February 16, 2023.

## CONCLUSIONS OF LAW

The Director CONCLUDES that:

14. By failing to file its 2022 Q3 MCR with Oregon RMLA by November 14, 2022 or December 2, 2022, ABLM 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 ABLM 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 ABLM to pay a $2,000 CIVIL PENALTY for violating ORS 86A.112(2), ORS 86A.239(2), and OAR 441-865-0025.

17. The Director suspends $1,000 of the CIVIL PENALTY for three years from the date of this Order, provided ABLM does not violate the Oregon Mortgage Lender Law or the terms of this Order during this three-year period. If ABLM fails to adhere to this condition, the $1,000 suspended civil penalty will become immediately due and owing. Otherwise, the suspended civil penalty will be waived three years from the date of this Order.

18. This Order is binding upon ABLM successors and assigns.

19. This is a "Final Order" under ORS 183.310(6)(b). Subject to this provision, entry of this Order does not limit the Director's authority to enforce this Order or take

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action against ABLM for violations of this Order or violations not included in this Order that are discovered after the date of this Order.

SO ORDERED this 9th 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

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## ENTITY CONSENT TO ENTRY OF ORDER

I, Kathy Kemper-Zanck, am an officer or manager of A Better Life Mortgage, LLC ("ABLM"). I am authorized to act and sign on its behalf. I have read the foregoing Order, and I know and fully understand its contents. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. ABLM voluntarily consents to the entry of this Order with no force or duress, expressly waiving any right to a hearing in this matter and any rights to administrative or judicial review of this Order. ABLM understands that the Director reserves the right to take further action to enforce this Order or to take action upon discovery that ABLM has committed other violations of the Oregon Mortgage Lender Law. ABLM, along with its officers, directors, employees, or agents, shall comply with the terms and conditions stated herein.

ABLM understands that this Order is a public document.

Signature: */s/ Kathy Kemper-Zanck*

Position Held: Owner

## ACKNOWLEDGMENT

State of Utah

County of Utah

Signed or attested before me on the 1st of March, 2023.

*/s/ Caleb Sorensen*
Notary Public

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