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2  
3 STATE OF OREGON  
4 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
5 DIVISION OF FINANCIAL REGULATION

6 In the Matter of:

Case No. M-17-0077

7 VINA INVESTMENTS, LLC,

8 Respondent.

9 FINAL ORDER TO CEASE AND  
10 DESIST, ORDER CONDITIONING  
11 LICENSE AND ASSESSING CIVIL  
12 PENALTY, AND CONSENT TO  
13 ENTRY OF ORDER

14 The Director of the Department of Consumer and Business Services for the State  
15 of Oregon (“the Director”) has decided to take enforcement action against Vina  
16 Investments, LLC (“Vina”) for violating certain provisions of Oregon Revised Statutes  
17 (“ORS”) 86A.100 et seq. and Oregon Administrative Rules (“OAR”) 441-850-0005  
18 through 441-885-0010 (collectively, “the Oregon Mortgage Lender Law”).

19 Vina wishes to resolve and settle this matter with the Director.

20 Now, therefore, as evidenced by the authorized signature(s) subscribed in this  
21 Order, Vina hereby consents to entry of this Order upon the Director’s Findings of Fact  
22 and Conclusions of Law as stated below.

23 FINDINGS OF FACT

24 The Director FINDS that:

- 25 1. Vina Investments, LLC (“Vina” or “the company”) was first licensed in  
26 Oregon as a mortgage broker on March 18, 2008. Its NMLS # is 287832.
- 27 2. Vina’s principal business and mailing address is 2850 SE 82<sup>nd</sup> Ave, Suite 32E,  
28 Portland, Oregon 97266.
- 29 3. Thanh Huynh is the sole owner of Vina.
- 30 4. On October 23, 2013, the Division of Financial Regulation (“the Division”),

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





1 formerly known as the Division of Finance and Corporate Securities, issued a consent  
2 order under Case No. M-13-0125, placing conditions on Vina’s mortgage broker license  
3 (“license”) based on the company’s failure to timely and accurately file three required  
4 reports. The consent order imposed a \$3,000 civil penalty.

5 5. The conditions placed on the license included a requirement that Vina file  
6 with the Division timely and accurate reports and other required information, including  
7 responses to examination reports.

8 6. Vina surrendered its license to the Division on December 26, 2013.

9 7. On January 29, 2015, the Division issued Vina a new conditional license with  
10 the same conditions that were imposed on its previous license.

11 8. On June 5, 2015, the Division conducted an examination of Vina. The  
12 company failed to respond to the examination report. Consequently, on December 12,  
13 2015, the Division issued a consent order under Case No. M-15-0117, imposing  
14 additional conditions on Vina’s license.

15 9. On September 26, 2016, the Division conducted an examination of Vina. On  
16 October 25, 2016, the examination report was sent to Vina at the company’s mailing  
17 address, along with a request for Vina to respond to the report within two weeks of its  
18 receipt. Vina failed to respond.

19 10. On April 17, 2017, the Division sent Vina a warning letter at the company’s  
20 mailing address, reminding the company that it had not yet responded to the 2016  
21 examination report. The letter requested a response by May 3, 2017.

22 11. On July 10, 2017, Vina submitted a response to the Division’s 2016  
23 examination report.

#### 24 CONCLUSIONS OF LAW

25 The Director CONCLUDES that:

26 12. Under ORS 86A.127(4), whenever the Director has reasonable cause to

1 believe that any person has been engaged or is engaging or is about to engage in any  
2 violation of the Oregon Mortgage Lender Law, the Director may issue an order to that  
3 person to cease and desist from such violation or threatened violation.

4 13. By failing to file a response to the Division's 2016 examination report for  
5 eight months after the response was due, Vina committed a continuing violation of  
6 ORS 86A.112(2), which requires a mortgage broker to file financial reports or other  
7 information that the Director by rule or order requires.

8 14. ORS 86A.115(12) authorizes the Director to impose conditions on Vina's  
9 license based on the company's violation of ORS 86A.112(2).

10 15. ORS 86A.992 authorizes the Director to impose on Vina a civil penalty of up  
11 to \$20,000 for a continuing violation of ORS 86A.112(2).

12 ORDER

13 Now therefore, the Director issues the following Order:

14 16. As authorized by ORS 86A.127(4), the Director ORDERS Vina to CEASE  
15 AND DESIST from violating the Oregon Mortgage Lender Law.

16 17. As authorized by ORS 86A.115(12), the Director ORDERS that Vina's  
17 license be subject to the following conditions:

18 a. Vina shall timely file accurate financial reports or other information that  
19 the Director by rule or order requires, including but not limited to the Mortgage Call  
20 Report, the annual report for mortgage lending activity, and a written response to the  
21 Division examination reports, as required by ORS 86A.112(2).

22 b. Vina shall promptly correct a document filed with the Director that is or  
23 becomes incomplete or inaccurate in any material respect, as required by ORS  
24 86A.112(2).

25 c. Vina shall achieve an examination score of at least a 3, a satisfactory  
26 score. If Vina fails to achieve an examination score of at least a 3, Vina agrees to





1 surrender its license within seven days following the issuance of the examination report.  
2 If Vina fails to surrender its license within this seven-day period, Vina consents to the  
3 revocation of its mortgage broker license.

4 d. Vina may make a written application to the Director for an unconditional  
5 license after a five-year period wherein the company timely files all Division required  
6 reports, promptly pays all required fees, civil penalties, and fines, and has no open or  
7 substantiated complaints with the Division. This shall not be construed as a guarantee that  
8 the Director, who will review and act upon any application or request for licensing  
9 according to current law, will grant the request.

10 18. As authorized by ORS 86A.992, the Director hereby ORDERS Vina to pay a  
11 civil penalty of \$10,000 for committing a continuing violation of ORS 86A.112(2).

12 19. The Director SUSPENDS \$5,000 of the civil penalty for a period of five years  
13 from the date of this Order, provided that Vina does not violate the Oregon Mortgage  
14 Lender Law or the terms of this Order. If Vina commits any such violation, the  
15 suspended portion of the civil penalty will become immediately due and owing. If Vina  
16 does not violate the Oregon Mortgage Lender Law or the terms of this Order during the  
17 prescribed five-year period, the suspended portion of the civil penalty is waived.

18 20. Along with this Order, Vina shall submit to the Director payment of \$5,000.

19 21. The entry of this Order in no way limits further remedies which may be  
20 available to the Director under Oregon law.

21  
22 SO ORDERED this 31<sup>st</sup> day of August, 2017.

23 PATRICK M. ALLEN, Director  
24 Department of Consumer and Business Services

25  
26 /s/ David Tatman  
David C. Tatman, Chief of Enforcement

Division of Financial Regulation

ENTITY CONSENT TO ENTRY OF ORDER

I, Thanh Huynh, am an officer of Vina Investments, LLC (“Vina”). I am authorized to act on behalf of Vina. 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. Vina voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order. Vina understands that the Director reserves the right to take further action to enforce this Order or to take appropriate action upon discovery that any of the Vina has committed other violations of the Oregon Mortgage Lender Law. Vina, along with its officers, directors, employees, or agents, will fully comply with the terms and conditions stated herein.

Vina understands that this consent Order is a public document.

/s/ Thanh Huynh  
Thanh Huynh, President

ACKNOWLEDGMENT

State of Oregon  
County of Multnomah

Signed or attested before me on the 29<sup>th</sup> of August, 2017 by

Thanh Huynh.

/s/ Christopher James Polk  
Notary Public

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