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

<p>In the Matter of:</p> <p>Green Credit Solutions,</p> <p style="text-align: center;">Respondent.</p>	<p>DM-11-0052</p> <p>Final Order to Cease and Desist and Final Order Assessing Civil Penalty Entered by Default</p>
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On July 22, 2011, the Director of the Department of Consumer and Business Services for the State of Oregon (“Director”) acting pursuant to the authority contained in Oregon Revised Statutes (“ORS”) 86A.100 *et. seq.* and Oregon Administrative Rules (“OAR”) 441-850-0005 through 441-885-0010 (“Oregon Mortgage Lender Laws and Rules”) and ORS 697.602 to 697.842 and OAR 441-910-0000 through 441-910-0120 (“Oregon Debt Management Service Provider Laws and Rules”), issued Administrative Order No. DM-11-0052 Order to Cease and Desist, Proposed Order Assessing Civil Penalty and Notice of Right to a Hearing (“Notice Order”) against Green Credit Solutions.

On May 30, 2012, the Division properly served the Notice Order on Respondent by certified and first class U.S. mail at 19462 Pompano Ln. #109, Huntington Beach, CA 92648. Respondent has not made a written demand for a contested case hearing in this matter and the time to do so has expired.

NOW THEREFORE, after consideration of the file in this matter maintained by the Oregon Department of Consumer and Business Services, the Director hereby issues the following Findings of Fact, Conclusions of Law, and Final Orders.

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Division of Finance and Corporate Securities
Labor and Industries Building
330 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387





1 **FINDINGS OF FACT**

2 The Director finds that:

3 **A. Respondent**

4 1. Green Credit Solutions (“Respondent”) lists its address as 7525 Irvine Center Drive,
5 Suite 200, Irvine, California, 92618.

6 2. Respondent is not a licensed mortgage banker, broker, or loan originator in Oregon
7 and is not registered as a debt management service provider in Oregon.

8 3. Respondent has not obtained a unique identifier from the Nationwide Mortgage
9 Licensing System and Registry.

10 **B. JCA transaction**

11 4. At all times relevant to this matter, the individual consumer identified herein as
12 “JCA” was an Oregon resident. At all relevant times herein, JCA was a party to a home
13 mortgage loan secured by real estate located in Salem, Oregon.

14 5. On or about February 15, 2009, Respondent and JCA entered into a contract
15 whereby Respondent agreed to negotiate a loan modification for a loan secured by residential
16 real property located in Salem, Oregon on behalf of JCA in exchange for valuable
17 consideration.

18 6. On February 21, 2009, JCA paid \$3,495 to Respondent.

19 7. On information and belief, Respondent has not conducted any substantive
20 conversations with JCA’s mortgage lender that have resulted in a modification of JCA’s
21 residential real estate loan.

22 8. On or about August 18, 2010, the Division of Finance and Corporate Securities
23 notified Respondent in writing that it was required to comply with the licensing requirements
24 of the Oregon Mortgage Lender law or the registration requirements of the statutes regarding
25 debt management service providers to collect and retain fees in exchange for offering to assist
26 Oregon consumers in adjusting the terms of their residential real estate loans.

1 9. The Division requested, in writing, that Respondent refund the fees collected from
2 JCA within 21 days from August 18, 2010, because it did not perform its promise to obtain a
3 modification of the terms of JCA’s residential real estate loan.

4 10. As of the date of this order, Respondent has failed to refund the fees that it
5 collected from JCA.

6 **CONCLUSIONS OF LAW**

7 The Director concludes that:

8 11. Respondent acted as a “mortgage broker” as defined by ORS 86A.100(7)(a)(C)
9 when they offered to negotiate the terms of JCA’s mortgage loan in exchange for
10 compensation.

11 12. Respondent engaged in a “residential mortgage transaction in this state” as defined
12 by ORS 86A.103(2) when they offered to negotiate a home mortgage loan secured by real
13 estate located in Oregon.

14 13. Respondent violated ORS 86A.103(1) when they engaged in a residential
15 mortgage transaction in Oregon without first being licensed as either a mortgage banker or
16 mortgage broker as described herein.

17 14. Respondent violated ORS 86A.154(2) when it knowingly made an untrue
18 statement of material fact by telling JCA that Respondent would attempt to negotiate JCA’s
19 residential real estate loan.

20 15. Respondent performed a “debt management service” as defined by ORS
21 697.602(2)(c) when they offered to modify terms and conditions of an existing loan or
22 obligation in exchange for compensation.

23 16. Respondent violated ORS 697.612(1)(a) when they performed a debt management
24 service without first registering with the Director under ORS 697.632.

25 17. The \$3,495 fee collected by Respondent exceeded the amount permitted by ORS
26 697.692(1).



1 18. Respondent violated ORS 697.662(7)(a) when it collected fees from JCA that
2 exceeded the amounts permitted by ORS 697.692(1).

3 19. Respondent violated ORS 697.662(4) when it offered to perform a debt
4 management service without evaluating, as part of the budget analysis the debt management
5 service provider must perform under ORS 697.652(2), whether the debt management service
6 is or would be advantageous to the consumer.

7 20. Respondent violated ORS 697.662(5) when it performed a debt management
8 service without having a good faith belief formed after conducting an evaluation described in
9 ORS 697.662(4) that the consumer can or will comply with the terms of the agreement
10 described in ORS 697.652.

11 **ORDERS**

12 NOW, THEREFORE, the Director issues the following orders:

13 *Cease and Desist Order*

14 21. The Director, pursuant to his authority under ORS 86A.127 and ORS 697.825
15 hereby orders respondent to cease and desist from violating Oregon's Mortgage Lender Laws
16 and Rules and Oregon's Debt Management Service Providers Laws and Rules.

17 *Proposed Order Assessing Civil Penalty*

18 22. The Director, pursuant to ORS 86A.992, and ORS 697.832, may assess civil
19 penalties of up to \$5,000 per violation against persons who violate the Oregon Mortgage
20 Lender Laws and Rules and Debt Management Service Providers Laws and Rules. Pursuant
21 to these provisions, the Director, hereby orders Respondent to pay the State of Oregon a civil
22 penalty totaling \$20,000. This civil penalty is calculated as follows: \$5,000 for unregistered
23 and unlicensed loan modification activity in violation of ORS 86A.103(1) and ORS
24 697.612(1); \$5,000 for mortgage fraud in violation of ORS 86A.154(2); \$5,000 for collecting
25 excessive fees in violation of ORS 697.692(1) and ORS 697.662(7)(a); and \$5,000 for
26 offering to perform a debt management service without a good faith belief that it would



1 actually be beneficial to the consumer in violation of ORS 697.662(4) and ORS 697.662(5).

2 23. The entry of this Order in no way further limits remedies which may be available
3 to the Director under Oregon law.

4 Dated this 5th day of July, 2012.

5
6 PATRICK M. ALLEN, Director
7 Department of Consumer and Business Services

8 /s/ David Tatman
9 David C. Tatman, Administrator
10 Division of Finance and Corporate Securities

11
12 **NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by
13 filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the service of
14 this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of
15 Appeals.

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