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

**BEFORE THE DIRECTOR OF THE DEPARTMENT  
OF CONSUMER AND BUSINESS SERVICES**

In the Matter of:

**DM-13-0026**

Protection Law Center LLC and Thomas  
William Austin, Jr.,

**Final Order to Cease and Desist and  
Order Assessing Civil Penalties Entered  
by Default**

Respondents.

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On March 21, 2013, the Director of the Department of Consumer and Business Services for the State of Oregon (“Director”), acting pursuant its authority granted in Oregon Revised Statutes (“ORS”) 86A.100 *et seq.*, and Oregon Administrative Rules (“OAR”) 441-850-0005 through 441-885-0010 (collectively “Oregon Mortgage Lender Law”) and ORS 697.602 to 697.842 and OAR 441-910-0000 through 441-910-0120 (collectively “Oregon Debt Management Service Provider Law”) issued Administrative Order No. DM-11-0069 Order to Cease and Desist, Proposed Order Assessing Civil Penalty and Notice of Right to a Hearing (Notice Order).

On March 22, 2013, a certified true copy of the Notice Order was sent via certified and first class U. S. mail to Respondent Protection Law Center LLC at 5571 N University Drive, #101, Coral Springs, FL 33067. The green card was returned to the Division showing that Curtis A. Morgan signed for the document on April 5, 2013.

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



1 On March 22, 2013, a certified true copy of the Notice Order was sent via  
2 certified and first class U. S. mail to Respondent Thomas William Austin, Jr., at 2702-A  
3 W Oakland Park FL, 33311-1336 . The green card was returned to the Division  
4 showing that Thomas William Austin, Jr. signed for the document on April 1, 2013.  
5 Service was effectuated pursuant to ORS 183.415.

6 Respondents have not made a written request for a contested case hearing on  
7 this matter and the time to make such request has expired.

8 **NOW THEREFORE**, the Director hereby issues the following Findings of Fact,  
9 Conclusions of Law, and Order.

### 10 **FINDINGS OF FACTS**

11 The Director finds that:

- 12 1. At all times material to this Order, Protection Law Center LLC (hereinafter  
13 “PLC”) has reported a principal place of business of 1620 West Oakland Park  
14 Boulevard Ste. 200, Oakland Park, Florida 33311.
- 15 2. At all times material herein, Respondent William Thomas Austin, Jr. was the owner  
16 and managing member of PLC.
- 17 3. PLC has never been registered with the Oregon Secretary of State to do business  
18 in Oregon.
- 19 4. Neither PLC nor Thomas William Austin, Jr. (hereinafter “Austin”) have ever held a  
20 license to engage in residential mortgage transactions as a mortgage broker in Oregon  
21 and have never been registered to provide debt management services in Oregon.
- 22 5. A search of Oregon State Bar records shows that there is no Oregon licensed  
23 attorney by the name of Thomas William Austin, Jr.
- 24 6. At all times material to this Order, consumer “MRG” was an Oregon resident and  
25 was party to a home mortgage loan secured by real estate located in Oregon.

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1 7. In mid 2011, MRG was contacted by phone by Thomas William Austin who told  
2 MRG that he knew she was late with her mortgage payments. MRG responded that she  
3 did not speak English.

4 8. Austin called MGR again and told her that "Martin" from Austin's office spoke  
5 Spanish and he would contact MRG.

6 9. Martin called MRG and told her that PLC knew of government assistance  
7 programs to help avoid foreclosure. Martin also promised MRG that he could reduce her  
8 mortgage payments from \$1,050 to no more than \$800 a month.

9 10. Martin told MRG that in order to reduce her loan payments, she would have to pay  
10 PLC \$3,000 but that she could do so in installment payments which could be withdrawn  
11 directly from her bank account.

12 11. Martin faxed MRG an authorization form for the withdrawal from her bank account.  
13 MRG completed the form and returned the document to PLC. Martin told MRG not to  
14 send any mortgage payments to the bank.

15 12. MRG paid PLC \$3,000 in four installment payments as follows: \$800 on October  
16 3, 2011 (Check No. 930); \$1,000 on October 31, 2011 (Check No. 101); \$400 on October  
17 31, 2011, (Check No. 0000); and \$800 on November 29, 2011, (Check No. 0000), for the  
18 loan modification services.

19 13. After she submitted her payments to PLC, and upon being contacted by her bank  
20 regarding late payments, MRG attempted to contact Martin to tell him about the late  
21 notices from the bank. MRG was told that Martin no longer worked for PLC and was  
22 referred to a person named Vince.

23 14. Vince assured MRG that her loan application was being processed and that there  
24 was nothing for her to worry about.

25 15. MRG became concerned when she received notices telling her that her home was  
26 in foreclosure and called the bank.



1 16. The bank told MRG that they had never heard of PLC nor an individual named  
2 Martin or Vince and that she could have dealt with the bank directly.

3 17. By this time, it was too late for MRG to get help lowering her monthly payments  
4 because she did not have the ability to bring her account current and she lost her home.

5 18. MRG never heard anything further from PLC and did not receive any loan  
6 modification services or a refund from PLC.

7 19. Institutions entered a final order against both Austin and PLC for violations of the  
8 Washington residential mortgage loan modification laws.

9 20. On November 26, 2012, the Georgia Department of Banking and Finance issued  
10 Final Cease and Desist Order to PLC for engaging in residential mortgage brokering  
11 and/or originating activities without a license or an exemption from the licensure  
12 requirement.

### 13 **CONCLUSIONS OF LAW**

14 The Director concludes that:

15 1. PLC and Austin acted as a “mortgage broker” under ORS 86A.100(5)(a)(C)  
16 when PLC and Austin, for compensation, or in expectation of compensation, either  
17 directly or indirectly made, negotiated, or offered to make or negotiate a modification to  
18 the terms and conditions of a mortgage loan.

19 2. PLC and Austin engaged in “residential mortgage transactions in this state  
20 under ORS 86A.103(2) by acting as a mortgage broker when PLC and Austin offered  
21 to negotiate a modification to the terms and conditions of MRG’s residential mortgage  
22 loan secured by property located in Oregon.

23 3. PLC and Austin violated 86A.103(1) by engaging in residential mortgage  
24 transactions in Oregon without first obtaining a license as a mortgage broker under  
25 ORS 86A.095 to 86A.198.

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1 4. PLC and Austin may not rely upon the exclusion from the definition of mortgage  
2 broker contained in ORS 86A.100(5)(b) because Austin is not an attorney  
3 licensed or authorized to practice law in Oregon.

4 5. PLC and Austin may not rely upon the exclusion from registration as a debt  
5 management service provider contained in ORS 697.612(3) because Austin is not an  
6 attorney licensed or authorized to practice law in Oregon.

7 6. PLC and Austin received money or expected to receive money for providing  
8 advice, assistance, instruction or instructional material concerning a debt management  
9 service, modifying the terms and conditions of an existing loan under ORS  
10 697.602(2)(c), in violation of ORS 697.612(1)(b)(E).

11 7. PLC and Austin violated ORS 697.692(1)(a) by accepting or receiving an initial fee  
12 of more than \$50 from MRG.

13 8. PLC and Austin knowingly misrepresented to MRG that they would provide loan  
14 modification services, and then failed to have any further contact with MRG, failed to  
15 provide loan modification services, and failed to provide a refund in violation of ORS  
16 86A.154(2).

## 17 **ORDERS**

18 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

### 19 Cease and Desist Order

20 1. Pursuant to ORS 86A.127(4) and 697.825(1)(a), the Director hereby orders  
21 PLC and Austin, and all entities owned or controlled by PLC and Austin, to cease and  
22 desist from violating the Oregon statutes regulating mortgage lending, ORS 86A.100 et  
23 seq., and debt management service providers, ORS 697.602 to 697.842.

### 24 Civil Penalties Order

25 2. Pursuant to ORS 86A.992, the Director may assess a civil penalty in the  
26 amount of not more than \$5,000 per violation against any person who violates or who



1 procures, aids or abets in the violation of any provision of ORS 86A.095 to 86A.198 or  
2 any rule or order issued under ORS 86A.124 or 86A.242. Pursuant to the authority of  
3 ORS 697.832, the Director may assess a civil penalty in an amount of not more than  
4 \$5,000 per violation against any person who violates ORS 697.612 or 697.642 to  
5 697.702, rules adopted under ORS 697.632, or any order issued under ORS 697.825.

6 a. Pursuant to ORS 86A.224(3)(a) and 697.832, the Director hereby orders  
7 PLC to pay a civil penalty in the amount of \$5,000 for the violation of ORS  
8 697.612(1)(unlicensed mortgage broker)/ORS 697.612 (unregistered debt  
9 management service provider).

10 b. Pursuant to ORS 86A.224(3)(a) and 697.832, the Director hereby orders  
11 Austin to pay a civil penalty in the amount of \$5,000 for the violation of  
12 ORS 697.612(1)(unlicensed mortgage broker)/ORS 697.612 (unregistered  
13 debt management service provider).

14 c. Pursuant to ORS 86A.224(3)(a) and 697.832, the Director hereby orders  
15 PLC and Austin to pay a civil penalty, jointly and severally, in the amount  
16 of \$10,000: \$5,000 for the violation of ORS 697.692 (unlawful DMSP fees)  
17 and \$5,000 for the violation of ORS 86A.154(2) (mortgage fraud).

18 3. Pursuant to ORS 86A.224(2)(c), PLC and Austin are liable to consumers who  
19 suffer an ascertainable loss of money or property in connection with PLC and Austin's  
20 violation of a provision of ORS 697.653, 697.663, 697.682, or 697.707. Therefore, the  
21 Director hereby orders PLC and Austin to pay restitution, jointly and severally, in the  
22 amount of \$3,000 to MGR.

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

3 Dated this 23rd day of April, 2013.

4 PATRICK M. ALLEN  
5 Department of Consumer and Business Services

6  
7 /s/David Tatman  
8 David C. Tatman, Administrator  
9 Division of Finance and Corporate Securities

10 Notice

11 You are entitled to judicial review of this Order. Judicial review may be obtained by  
12 filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the  
13 service of this order.

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