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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:  
  
ELM Nationwide Enterprises, LLC dba  
1<sup>st</sup> Foreclosure Prevention and Roie Raitses;  
  
Respondents.

**DM-13-0573**  
  
**Final Order to Cease and Desist and Order  
Assessing Civil Penalties Entered by Default**

On November 15, 2013, the Director of the Department of Consumer and Business Services for the State of Oregon (hereafter the “Director”), acting pursuant to the Oregon statutes regulating mortgage lending, ORS 86A.100 et seq., and debt management service providers, ORS 697.602 to 697.842, issued Administrative Order No. DM-13-0573 - Order to Cease and Desist, Proposed Order Assessing Civil Penalties, and Notice of Right to a Hearing (hereinafter “the Order”) to ELM Nationwide Enterprises, LLC dba 1<sup>st</sup> Foreclosure Prevention and Roie Raitses.

On November 15, 2013, the Director mailed ELM Nationwide Enterprises, LLC dba 1<sup>st</sup> Foreclosure Prevention and Roie Raitses a true copy of the Order by regular, first-class mail and by certified mail, postage prepaid addressed to 3422 Old Capitol Trail 1371, Wilmington, Delaware. The certified mailings were both returned as refused.

Neither ELM Nationwide Enterprises, LLC dba 1<sup>st</sup> Foreclosure Prevention nor Roie Raitses has made a written request for a contested case hearing in this matter, and the time to do

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 so has expired.

2 **FINDINGS OF FACTS**

3 The Director FINDS that:

4 1. ELM Nationwide Enterprises, LLC is a Pennsylvania limited liability company formed  
5 on July 14, 2008 with a principal place of business of 67 Buck Road B25, Huntingdon Valley,  
6 Pennsylvania 19006 and also operating from Old Capitol Trial 1371, Wilmington, Delaware  
7 19808.

8 2. 1<sup>st</sup> Foreclosure Prevention (hereinafter “ELM”) is a fictitious Pennsylvania business  
9 named owned by ELM.

10 3. ELM is not registered to do business in Oregon with the Oregon Secretary of State.

11 4. Roie Raitses (hereinafter “Raitses”) was known to be a Vice President and Manager of  
12 ELM.

13 5. Neither ELM nor Raitses has ever held a license to engage in Oregon residential mortgage  
14 transactions as a mortgage broker or been registered to provide debt management services in  
15 Oregon.

16 6. Raitses has never been licensed or otherwise authorized to act as an Oregon mortgage loan  
17 originator or attorney.

18 7. At all times material to this order, consumer “SR” was an Oregon resident party to a home  
19 mortgage loan secured by real estate located in Oregon.

20 8. In September 2010, ELM and Raitses offered to negotiate a modification to the terms and  
21 conditions of SR’s residential mortgage loan for a fee, and SR entered into an agreement with  
22 ELM for loan modification services.

23 9. ELM and Raitses represented to SR that they were authorized to assist in obtaining a  
24 loan modification on SR’s behalf from her lender, and that they had a one hundred percent  
25 success rate.

26 10. On September 23, 2010, SR paid ELM \$2,890 for loan modification services, including



1 an initial fee of more than \$50.

2 11. RR advised SR not to make mortgage payments while ELM negotiated with her lender  
3 for a loan modification.

4 12. SR did not receive a loan modification and reported that her home was foreclosed on.

5 13. SR contacted ELM several times to request a refund and her file, so she could see if  
6 ELM worked on her transaction, and she has not received a refund or a response.

### 7 **CONCLUSIONS OF LAW**

8 The Director CONCLUDES that:

9 1. ELM and Raitses acted as a “mortgage broker” under ORS 86A.100(5)(a)(C) when  
10 each, for compensation or in the expectation of compensation, either directly or indirectly made,  
11 negotiated, or offered to make or negotiate a modification to the terms and conditions of SR’s  
12 mortgage loans.

13 2. ELM and Raitses engaged in “residential mortgage transactions in this state” under ORS  
14 86A.103(2) by acting as a mortgage broker when they offered to negotiate a modification to the  
15 terms and conditions of SR’s residential mortgage loans secured by property located in Oregon.

16 3. ELM and Raitses violated 86A.103(1) by engaging in residential mortgage  
17 transactions in Oregon without first obtaining a license as a mortgage broker under ORS  
18 86A.095 to 86A.198.

19 4. ELM and Raitses may not rely upon the exclusion from the definition of mortgage  
20 broker contained in ORS 86A.100(5)(b) because Raitses is not an attorney licensed or  
21 authorized to practice law in Oregon.

22 5. Raitses offered to negotiate the terms of SR’s residential mortgage loan without  
23 obtaining a mortgage loan originator’s license in violations of ORS 86A.203.

24 6. ELM and Raitses received money or other valuable consideration, or expected to receive  
25 money or other valuable consideration, for obtaining or attempting to obtain, as an intermediary  
26 on SR’s behalf, a concession from a creditor including, but not limited to, a reduction in the





1 principal, interest, penalties or fees associated with the debt without registering under ORS  
2 697.632 in violation of ORS 697.612(1)(a).

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

6 8. ELM violated ORS 697.692 by accepting or receiving an initial fee of more than \$50 from  
7 SR.

8 9. ELM and Raitses represented to SR that they were authorized to perform a debt  
9 management service when they were not authorized under Oregon law to perform a debt  
10 management service in violation of ORS 697.662(2).

### 11 **ORDERS**

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

13 1. Pursuant to ORS 86A.127(4) and 697.825(1)(a), the Director hereby ORDERS  
14 ELM and Raitses and all entities owned or controlled by ELM and Raitses to CEASE AND  
15 DESIST from violating the Oregon Mortgage Lender Law and the Oregon statutes regulating  
16 debt management service providers, ORS 697.602 to 697.842.

17 2. Pursuant to ORS 86A.992, the Director may assess a CIVIL PENALTY in the amount of  
18 not more than \$5,000 per violation against any person who violates or who procures, aids or  
19 abets in the violation of any provision of the Oregon Mortgage Lender Law. Pursuant to the  
20 authority of ORS 697.832, the Director may assess a CIVIL PENALTY in an amount of not  
21 more than \$5,000 per violation against any person who violates ORS 697.612 or ORS 697.642 to  
22 697.702, or rules adopted under ORS 697.632.

23 a. Pursuant to ORS 86A.224(3)(a) and ORS 697.832, the Director hereby ORDERS  
24 ELM to pay a CIVIL PENALTY in the amount of \$10,000. This civil penalty is  
25 based upon \$5,000 for the violation of ORS 86A.103(1) (unlicensed mortgage  
26 broker)/ORS 697.612 (unregistered debt management service provider) and



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\$5,000 for the violation of ORS 697.692 (unlawful DMSP fee).

b. Pursuant to ORS 86A.224(3)(a) and 697.832, the Director ORDERS Raitses to pay a CIVIL PENALTY in the amount of \$5,000 for the violation of ORS 86A.103(1) (unlicensed mortgage broker)/ORS 697.612 (unregistered debt management service) ORS 86A.203 (unlicensed MLO).

c. Pursuant to ORS 86A.224(3)(a) and ORS 697.832, the Director ORDERS ELM and Raitses to pay a CIVIL PENALTY jointly and severally in the amount of \$5,000 for the violation of ORS 697.662(2) (unauthorized representation).

3. By offering to provide loan modification services that Raitses was unregistered and unlicensed to provide and by failing to provide the services or a refund, Raitses caused SR to suffer harm under ORS 86A.224(2)(c). Pursuant to ORS 86A.224(2)(c), the Director hereby proposes to ORDER that Raitses pay \$2,890 restitution to consumer SR.

Dated this 10th day of December, 2013.

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

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

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