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2	STATE OF (DREGON
3	DEPARTMENT OF CONSUMER DIVISION OF FINANCE AND	
4 5	BEFORE THE DIRECTOR OF CONSUMER AND B	
5 6	In the Matter of:	DM-14-0041
7		
8	Paul Boccolucci dba Home Group LLC aka Consumer Financing Services LLC, aka Lower	Final Order to Cease and Desist and Order Assessing Civil Penalties Entered by Default
9	My Payments, aka Lower My Payments Today,	
10	Respondent.	
11	On August 28, 2014, the Director of the D	Department of Consumer and Business
12	Services for the State of Oregon (the Director), ac	ting pursuant to the authority contained in
13	Oregon statutes regulating mortgage lending, ORS	S 86A.100 et seq., and ORS 697.602 et seq.,
14	the statutes regulating Oregon Debt Management	Service Providers, issued Administrative
15	Order No. M-14-0041, Order to Cease and Desist,	Proposed Order Assessing Civil Penalties,
16	and Notice of Right to a Hearing in the Matter of I	Paul Boccolucci dba Home Group LLC aka
17	Consumer Financing Services LLC, aka Lower M	y Payments, aka Lower My Payments Today.
18	On August 29, 2014, the Director mailed F	Paul Boccolucci a certified true copy of the
19	Order by regular, first-class mail and by certified a	mail, postage prepaid addressed to Paul
20	Boccolucci, 707 Cheswick Avenue, Concord, NC	28025. On or about October 31, 2014, the
21	document was returned to the Director, marked un	claimed by the Post Office. To date, the
22	regular, first-class mailing has not been returned.	
23	No one on behalf of Respondent has filed a	a written request for a contested case hearing
24	in this matter and the time do so has expired.	
25 26	FINDINGS O	DF FACTS
26	The Director finds that:	

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1	
1	1. At all times material to this Order, Paul Boccolucci dba Home Group LLC, aka
2	Consumer Financing Services, LLC, aka Lower My Payments, aka Lower My Payments Today
3	(Respondent) reported a principal place of business of 2285 Sanford Avenue SW Ste. 20378,
4	Grandville, MI 49418.
5	2. Respondent has never been registered with the Oregon Secretary of State to do business in
6	Oregon.
7	3. Respondent has never held a license to engage in residential mortgage transactions as a
8	mortgage broker in Oregon and has never been registered to provide debt management services in
9	Oregon.
10	4. At all times material to this order, consumer "DC" was an Oregon resident, and was a party
11	to a home mortgage loan secured by real estate located in Oregon.
12	5. In or about July 2013, "KN", a close friend of DC, sought a loan modification for DC. KN
13	thought she had contacted DC's lender but in fact had contacted Respondent.
14	6. Respondent's representative told KN that Respondent could help with the loan
15	modification.
16	7. KN and DC talked the matter over and agreed to seek a loan modification through
17	Respondent.
18	8. When KN called Respondent's representative back to seek the modification, she was told
19	that the company would need \$149 to get started and that all of the paperwork would be done by
20	email.
21	9. The couple provided DC's banking information to Respondent so that Respondent could
22	automatically deduct the \$149 from DC's bank account.
23	10. The couple saw that the \$149 had cleared the bank but then Respondent called again and
24	said that they would need \$1,200 more. KN told Respondent that they did not have that much
25	money and requested an explanation for the additional funds requested by Respondent.
26	Respondent told KN that they needed the additional money to keep DC current on the mortgage.

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1 11. On or about August 1, 2013, DC entered into a payment plan with Respondent in order to 2 receive a loan modification. 3 12. DC then paid Respondent a total of \$1,846 for a loan modification as follows: \$149 on 4 July 19, 2013 by transaction no. (TN) 6634667; \$200 on August 1, 2013 by TN 6642126; \$300 on 5 August 23, 2013 by TN 6651533 (KN paid the \$300 on DC's behalf); \$200 on September 1, 2013 6 by TN 6642571; \$200 on September 23, 2013 by TN 667319; \$497 on October 23, 2013 by TN 7 6680120; and \$200 on November 1, 2013 by TN 6671639. 8 13. On or about August 9, 2013, DC and KN download the loan modification documents, 9 completed the documents, and faxed them back to Respondent. 10 14. During September through October of 2013, KN contacted Respondent on numerous 11 occasions in an attempt to determine the status of the loan modification process but received no 12 response from Respondent. 13 15. On October 19, 2013, DC received a nonpayment notice on his mortgage. 16. DC did not receive a loan modification or a refund from Respondent. 14 15 16 CONCLUSIONS OF LAW 17 The Director concludes that: 18 1. Respondent acted as a "mortgage broker" under ORS 86A.100(5)(a)(C) for compensation, 19 or in the expectation of compensation, either directly or indirectly made, negotiated, or offered to 20 make or negotiate a modification to the terms and conditions of a mortgage loan. 21 2. Respondent engaged in "residential mortgage transactions in this state" under ORS 22 86A.103(2) by acting as a mortgage broker when Respondent offered to negotiate a 23 modification to the terms and conditions of DC's residential mortgage loan secured by property 24 located in Oregon. 25 3. Respondent violated 86A.103(1) by engaging in residential mortgage transactions in 26 Oregon without first obtaining a license as a mortgage broker under ORS 86A.095 to 86A.198.

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2 assistance, instruction or instructional material concerning a debt management service, or 3 modifying the terms and conditions of an existing loan under ORS 697.602(2)(c), in violation of 4 ORS 697.612(1)(b)(E). 5 5. Respondent violated ORS 697.612(1)(a) by performing a debt management service 6 without being registered with the Director to provide such a service. 7 6. Respondent violated ORS 697.692(1) by accepting or receiving an initial fee of more than 8 \$50 from DC. 9 7. Respondent violated ORS 86A.154(3) by misrepresenting that Respondent would use the 10 funds provided on DC's behalf to keep DC from getting behind on his mortgage and that they would obtain a loan modification for DC. 11 12 **ORDERS** 13 14 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDER: 15 1. Pursuant to ORS 86A.127(4) and 697.825(1)(a), the Director hereby orders Respondent, 16 and all entities owned or controlled by Respondent to cease and desist from violating the 17 Oregon statutes regulating mortgage lending, ORS 86A.100 et seq., and debt management 18 service providers, ORS 697.602 to 697.842. 19 2. Pursuant to ORS 86A.992, the Director may assess a civil penalty in an amount not to 20 exceed \$5,000 per violation against any person who violates or who procures, aids or abets in the 21 violation of any provision of ORS 86A.095 to 86A.198 or any rule or order issued under ORS 22 86A.124 or 86A.242. Pursuant to the authority of ORS 697.832, the Director may assess a civil 23 penalty in an amount not to exceed \$5,000 per violation against any person who violates ORS 24 697.612 or 697.642 to 697.702, rules adopted under ORS 697.632, or any order issued under 25 ORS 697.825. 26 // Page 4 of 5– Final Order to Cease and Desist, Order Assessing Civil Penalties Entered by Default – DM-14-0041

4. Respondent received money or expected to receive money for providing advice,

Division of Finance and Corporate Securities Labor and Industries Building 350 Winter Street NE, Suite 410 Salem, OR 97301-3881 Telenhone, (503) 378-4387 1

1	3. The Director proposes to order Respondent to pay civil penalties in the amount of
2	\$15,000 as follows:
3	a. \$5,000 for Respondent committing one violation of ORS 86A.103(1), ORS
4	697.612(1)(b)(E), and ORS 697.612(1)(a).
5	b. \$5,000 for Respondent committing one violation of ORS 697.692.
6	c. \$5,000 for Respondent committing one violation of ORS 86A.154(3).
7	4. In addition to the preceding paragraph, pursuant to ORS 86A.224(2)(c), the Director
8	may order a person subject to regulation under ORS 86A.200 to 86A.239 to pay restitution
9	to a consumer that suffers harm due to the person's acts, omissions, practices or operations or
10	as a result of the person's violation of a provision of ORS 86A.200 to 86A.239. The Director
11	hereby orders Respondent to pay restitution of \$1,846 to DC.
12	5. This order is a Final Order under ORS 183.310(6)(b). Subject to that provision, the entry
13	of this order does not limit other remedies that are available to the Director under Oregon law.
14	Dated this <u>23rd</u> day of <u>December</u> , 2014.
14 15	
	Dated this <u>23rd</u> day of <u>December</u> , 2014. PATRICK M. ALLEN, Director Department of Consumer and Business Services
15	PATRICK M. ALLEN, Director
15 16	PATRICK M. ALLEN, Director Department of Consumer and Business Services
15 16 17	PATRICK M. ALLEN, Director Department of Consumer and Business Services /s/ David Tatman David C. Tatman, Administrator
15 16 17 18	PATRICK M. ALLEN, Director Department of Consumer and Business Services /s/ David Tatman
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