

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

In the Matter of

Case No. DM-15-0015

FRESH START FINANCIAL
CONSULTING CORP., FKA PREMIER
LEGAL SERVICE CORP.; and LAURA
MARIE METTIAS,

FINAL ORDER TO CEASE AND
DESIST AND ASSESSING CIVIL
PENALTIES, ENTERED BY
DEFAULT

Respondents.

On March 23, 2015, the Director of the State of Oregon, Department of Consumer and Business Services (the “*Director*”), acting under the authority of the Oregon statutes relating to debt management service providers, Oregon Revised Statutes (“*ORS*”) 697.602 to 697.842, and the administrative rules promulgated thereunder, issued Administrative Order No. DM-15-0015, ORDER TO CEASE AND DESIST, PROPOSED ORDER ASSESSING CIVIL PENALTIES, AND NOTICE OF RIGHT TO AN ADMINISTRATIVE HEARING (the “*Notice Order*”) against Respondents Fresh Start Financial Consulting Corp., formerly known as Premier Legal Service Corp., and Laura Marie Mettias (collectively “*Respondents*”).

On March 30, 2015, the Notice Order was sent to Respondent Fresh Start Financial Consulting Corp., formerly known as Premier Legal Service Corp. (collectively “*Fresh Start*”) by certified United States Mail, postage prepaid, to the following addresses: (1) 3576 Arlington Ave., Suite 303, Riverside, CA 92506, the address identified in the State of California Secretary of State (“*CA S.O.S*”) records on the date of issuance of the Notice Order as the principal place of business of Fresh Start (Article No. 7012 1010 0003 0365 8623); and (2) 6043 Riverside Ave., Riverside, CA 92506, the

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1 address identified in the CA S.O.S. records on the date of issuance of the Notice Order as
2 the address of the registered agent for Fresh Start, Respondent Laura Marie Mettias
3 (“*Mettias*”) (Article No. 7012 1010 0003 0365 8630).

4 On March 30, 2015, the Notice Order was sent to Mettias by certified United
5 States Mail, postage prepaid, to 20915 Stoddard Wells Rd., Walnut, CA 91789, the most
6 recent address identified for Mettias on January 15, 2015 (Article No. 7012 1010 0003
7 0365 8654).

8 The Notice Order was also sent to Respondents by first class mail to the addresses
9 noted above on March 30, 2015.

10 With respect to Fresh Start, on March 30, 2015, via hand delivery, the Oregon
11 Department of Consumer and Business Services, Division of Finance and Corporate
12 Securities (the “*Division*”) also served the Notice Order on the Oregon Secretary of State,
13 Corporations Division, pursuant to ORS 60.731(2)(c) and (e), as Fresh Start is a
14 California corporation that has engaged in the unauthorized transaction of business in
15 Oregon.

16 In accordance with OAR 137-003-0075, the Notice Order designated the file of
17 the Division, including all materials submitted by Respondents, as the record for the
18 purpose of making a prima facie case in the event that the Director entered a final order
19 against Respondents by default.

20 Respondents did not timely or properly request a hearing.

21 Now, therefore, after consideration of the record, the Director issues the following
22 Findings of Fact, Conclusions of Law, and Final Order.

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1 I. FINDINGS OF FACT

2 The Director FINDS that:

3 1. At all times material to this order, Fresh Start was a California corporation,
4 with a principal place of business located at 3576 Arlington Ave., Suite 203, Riverside,
5 CA 92506.

6 2. Upon information and belief, Mettias is and was the Chief Executive Officer,
7 Secretary, and Registered Agent for Fresh Start Financial Consulting Corp. Upon further
8 information and belief, Mettias was the Chief Executive Officer, Secretary, Chief
9 Financial Officer, and Registered Agent for Premier Legal Service Corp.

10 3. Fresh Start is not currently and has not previously been registered with the
11 Oregon Secretary of State to conduct business in Oregon.

12 4. Neither of the Respondents are or ever have been registered with the Oregon
13 Division of Finance and Corporate Securities (the “*Division*”) to provide “debt
14 management services” in Oregon, as that term is defined in ORS 697.602(2)(c).

15 Similarly, Respondents have never filed a bond with the Division, in accordance with
16 ORS 697.642, relating to the provision of Respondents’ debt management services in
17 Oregon.

18 5. At all times material to this order, the consumer identified herein as “*HC*” was
19 an Oregon resident and was a party to a residential mortgage loan secured by real estate
20 located in Tigard, Oregon (the “*Tigard Property*”).

21 6. HC was also a party to a residential mortgage loan secured by real estate
22 located in Beaverton, Oregon (the “*Beaverton Property*”). At all times material to this
23 order, HC and HC’s son, “*KC*,” were the owners of the Beaverton Property, but only HC
24 was obligated on the residential mortgage loan secured by the Beaverton Property.
25 However, KC resided at the Beaverton Property, and made the mortgage payments on the
26 Beaverton Property.

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1 7. In September 2013, Respondents offered, for a fee, to negotiate a modification
2 of HC’s residential mortgage loans with HC’s lender including, but not limited to, a
3 reduction in the interest, penalties or fees associated with the loans.

4 8. HC signed a Client Service Agreement with Fresh Start for modification of
5 the loan secured by Tigard Property, and KC signed a Client Service Agreement with
6 Fresh Start for modification of the loan secured by the Beaverton Property.

7 9. Beginning in September 2013, and continuing through February 2014, HC
8 paid Respondents \$300 per month, for a total amount of \$1,800, in exchange for loan
9 modification services relating to the Tigard Property. The funds were automatically
10 withdrawn from HC’s bank account.

11 10. Beginning in October 2013, and continuing through December 2013, KC paid
12 Respondents five payments of \$500 each, for a total amount of \$2,500, in exchange for
13 loan modification services relating to the Beaverton Property. The funds were
14 automatically withdrawn from KC’s bank account.

15 11. Mettias misrepresented to HC and KC (collectively the “*Consumers*”) that
16 Fresh Start had obtained a loan modification for the Tigard Property and Beaverton
17 Property (collectively the “*Properties*”). In fact and in truth, Respondents were
18 unsuccessful in obtaining loan modifications for the Properties.

19 12. Upon learning that Respondents had failed to obtain loan modifications for the
20 Properties, the Consumers requested a refund of the loan modification fees they paid to
21 Respondents. Respondents failed and refused to provide such refunds.

22 CONCLUSIONS OF LAW

23 The Director concludes that:

24 13. Respondents performed “debt management services,” as that phrase is defined
25 in ORS 697.602(2)(c) and (d), respectively, when Respondents:
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1 A. Offered to modify the terms and conditions of the Consumers' existing
2 loans or obligations; and

3 B. Attempted to obtain as an intermediary on the Consumers' behalf a
4 concession from a creditor including, but not limited to, a reduction in the
5 interest, penalties, or other fees associated with a debt.

6 14. Respondents acted as "debt management service providers," as that phrase
7 defined in ORS 697.602(3) when they provided or performed, or represented that they
8 would provide or perform, the debt management services described in paragraph 13
9 above to the Consumers for an initial fee of more than \$50.00 each.

10 15. Respondents violated ORS 697.612(1)(a) when Respondents provided the
11 debt management services described in paragraph 13 above to each of the Consumers
12 without first registering with the Division as debt management service providers.

13 16. Respondents violated ORS 697.662(7)(a) and (12)(d)(A), respectively, when
14 Respondents:

15 A. Accepted and received unauthorized and excessive fees, in violation of
16 ORS 697.692, from each of the Consumers for the provision of debt management
17 services; and

18 B. Misrepresented to the Consumers, directly or indirectly, the nature of the
19 debt management services that Respondents would or did perform.

20 17. Respondents violated ORS 697.642 when Respondents provided the debt
21 management services described in paragraph 13 above without first filing with the
22 Division a bond issued by one or more corporate sureties authorized to do business in
23 Oregon.

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III. ORDERS

The Director ISSUES the following ORDERS:

Order to Cease and Desist

18. Pursuant to ORS 697.825(1)(a), the Director hereby ORDERS Respondents, and all entities owned or controlled by Respondents, their successors and assignees, to CEASE AND DESIST from violating any provision of the Oregon statutes regulating debt management service providers, ORS 697.602 to 697.842, or any administrative rule adopted by the Director under such statutes.

Order Assessing Civil Penalties

19. Pursuant to the authority of ORS 697.832(1), the Director may assess CIVIL PENALTIES against persons who violate the Oregon statutes regulating debt management service providers, ORS 697.602 to 697.842, or any administrative rule adopted by the Director under such statutes, in an amount not to exceed \$5,000.00 per violation.

20. Pursuant to ORS 697.832(1) and ORS 86A. 992, the Director hereby assesses CIVIL PENALTIES against Respondents, jointly and severally, in the total amount of forty thousand dollars (\$40,000.00), as follows:

A. A CIVIL PENALTY of ten thousand dollars (\$10,000.00) for two separate violations of ORS 697.612(1)(a) (providing debt management services to both HC and KC without first registering with the Division as debt management service providers);

B. A CIVIL PENALTY of ten thousand dollars (\$10,000.00) for two separate violations of ORS 697.662(7)(a) (receipt of unauthorized and excessive fees, in violation of ORS 697.692, from both HC and KC);

C. A CIVIL PENALTY of ten thousand dollars (\$10,000.00) for two separate violations of ORS 697.662(12)(d)(A) (misrepresenting the nature of the debt

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management services Respondents would and did perform for both HC and KC);
and
D. A CIVIL PENALTY of ten thousand dollars (\$10,000.00) for two separate
violations of ORS 697.642 (providing debt management services to both HC and
KC without first filing a bond with the Division).

IV. AUTHORITY OF THE DIRECTOR TO SEEK OTHER REMEDIES UNDER
OREGON LAW

21. This Order is a “Final Order” under ORS 183.310(6)(b). Subject to that
provision, the entry of this Order does not limit other remedies, sanctions, or actions
which may be available to the Director under Oregon law.

IT IS SO ORDERED.

Dated this 24th day of April, 2015.

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

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

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NOTICE OF RIGHT TO APPEAL

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A person aggrieved by an Order of the Director of the Department of Consumer and Business Services which has been the subject of a timely application for a hearing before the director shall be entitled to judicial review of the order under ORS Chapter 183. Pursuant to ORS 697.825(2)(d) and (e), a person who does not timely file a request for a hearing on an order is not entitled to judicial review.

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