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

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

8 In the Matter of:

DM-15-0044

9 First America Financial Consulting, Inc.,
10 Respondent.

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

11 On July 13, 2015, the Director of the Department of Consumer and Business Services
12 for the State of Oregon (the Director), acting pursuant to the authority contained in the Oregon
13 Mortgage Lender Law, Oregon Revised Statutes (ORS) 86A.100 *et seq.*, and Oregon
14 Administrative Rules (OAR) 441-850-0005 through 441-885-0010 (the Oregon Mortgage
15 Lender Law) and ORS 697.602 to 697.842 and OAR 441-910-0000 through 441-910-0120 (the
16 Oregon Debt Management Service Provider Law), issued Administrative Order No. DM-15-
17 0044, (Order) Order to Cease and Desist, Proposed Order Assessing Civil Penalties and Notice
18 of Right to a Hearing to First America Financial Consulting, Inc. (FAFC).

19 On July 14, 2015, a true copy of the Order was mailed by regular, first-class mail and by
20 certified mail postage prepaid addressed to First America Financial Consulting, Inc. at 13173
21 Hedda Dr. Cerritos, CA 97281 and to 1775 W Lincoln Ave. Ste. B, Anaheim, CA 92081. A true
22 copy of the Order was also mailed by regular, first-class mail and by certified mail postage
23 prepaid addressed to Joaquin A. Santamaria at 382 Yellowstone Circle, Corona, CA 92782 and
24 to JC Ruiz Capital Group Inc. at 1775 W Lincoln Ave. Ste. B, Anaheim, CA 92782.

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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 The Order was sent to the Joaquin A. Santamaria and to JC Ruiz Capital Group because
2 they both had previously been listed as agents for process of service purposes for Respondent.

3 On July 14, 2015, pursuant to ORS 60.731(3), a copy of the Order was hand delivered
4 to the Oregon Secretary of State at 255 Capitol Street NE, Salem, Oregon.

5 The Division received the return receipt requested postcard back from the United States
6 Post Office indicating that someone had signed the card indicating it had been received on July
7 17, 2015 by JC Ruiz Capital Group Inc. The signature was illegible. All other mailings were
8 either returned as unclaimed on addressee unknown.

9 No request for hearing has been submitted to the Division and the time to do so has past.

11 FINDINGS OF FACTS

12 The Director finds that:

- 13 1. FAFC was incorporated in the State of California but was dissolved on February 21,
14 2008.
- 15 2. FAFC has never been licensed to act as a mortgage broker or banker in Oregon and
16 FAFC has not sponsored any Oregon mortgage loan originator licenses.
- 17 3. FAFC has never been registered to provide debt management services in Oregon.
- 18 4. At all times material to this order, consumer JOH was an Oregon resident and was party
19 to a home mortgage loan secured by real estate located in Oregon.
- 20 5. On or about July 15, 2011, JOH entered into an agreement with FAFC for loan
21 modification services.
- 22 6. A FAFC representative told JOH that if he did not obtain a loan modification, FAFC
23 would make full refund. The representative further told JOH that FAFC would need \$500 in
24 order to begin the process with his lender.
- 25 7. On September 5, 2011, JOH received a statement from FAFC that his fee of \$2,395 had
26 been paid in full by three direct deposits made to FAFC's bank account.





1 8. JOH never received a loan modification or a refund from FAFC.
2

3 CONCLUSIONS OF LAW

4 The Director concludes that:

5 1. FAFC acted as a “mortgage broker” under ORS 86A.100(5)(a)(C) when FAFC for
6 compensation, or in the expectation of compensation, either directly or indirectly made,
7 negotiated, or offered to make or negotiate a modification to the terms and conditions of a
8 mortgage loan for JOH.

9 2. FAFC engaged in “residential mortgage transactions in this state” under ORS
10 86A.103(2) by acting as a mortgage broker when FAFC offered to negotiate a modification to
11 the terms and conditions of JOH’s residential mortgage loan secured by property located in
12 Oregon.

13 3. FAFC violated ORS 86A.103(1) by engaging in an Oregon residential mortgage
14 transactions for JOH without first obtaining a license as a mortgage broker under ORS 86A.095
15 to 86A.198.

16 4. FAFC engaged in debt management services when it received money from Oregon
17 consumer JOH for modifying or offering to modify the terms and conditions of an existing loan
18 under ORS 697.602(2)(c).

19 5. FAFC violated ORS 697.612(1)(a) by performing a debt management service in Oregon
20 for Oregon consumer JOH without being registered with the Director to provide such a service.

21 6. FAFC violated ORS 697.612(1)(b)(E) by providing advice, assistance, instruction or
22 instruction material regarding a debt management service to Oregon consumer JOH when FAFC
23 was not registered as an Oregon debt management service provider.

24 7. FAFC violated ORS 697.692(1)(a) by accepting or receiving an initial fee of more than
25 \$50 from Oregon consumer JOH.

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ORDER

NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDER:

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

2. Pursuant to ORS 86A.992, the Director may assess a civil penalty in the amount of not more than \$5,000 per violation against any person who violates or who procures, aids or abets in the violation of any provision of ORS 86A.095 to 86A.198 or any rule or order issued under ORS 86A.124 or 86A.242. Pursuant to the authority of ORS 697.832, the Director may assess a civil penalty in an amount of not more than \$5,000 per violation against any person who violates ORS 697.612 or 697.642 to 697.702, rules adopted under ORS 697.632, or any order issued under ORS 697.825.

3. The Director orders Respondent to pay civil penalties in the amount of \$10,000 as follows:

- a. \$5,000 for committing one violation of ORS 86A.103(1), ORS 697.612(1)(b)(E), or ORS 697.612(1)(a);
- b. \$5,000 for committing one violation of ORS 697.692(1)(a).

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

Dated this 15th day of September, 2015.

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

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

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