Respondent.

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-15-0044

First America Financial Consulting, Inc.,

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

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

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

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

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

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

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

FINDINGS OF FACTS

The Director finds that:

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

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

The Director concludes that:

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

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

CONCLUSIONS OF LAW

- 3. FAFC violated ORS 86A.103(1) by engaging in an Oregon residential mortgage transactions for JOH without first obtaining a license as a mortgage broker under ORS 86A.095 to 86A.198.
- 4. FAFC engaged in debt management services when it received money from Oregon consumer JOH for modifying or offering to modify the terms and conditions of an existing loan under ORS 697.602(2)(c).
- 5. FAFC violated ORS 697.612(1)(a) by performing a debt management service in Oregon for Oregon consumer JOH without being registered with the Director to provide such a service.
- 6. FAFC violated ORS 697.612(1)(b)(E) by providing advice, assistance, instruction or instruction material regarding a debt management service to Oregon consumer JOH when FAFC was not registered as an Oregon debt management service provider.
- 7. FAFC violated ORS 697.692(1)(a) by accepting or receiving an initial fee of more than \$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.

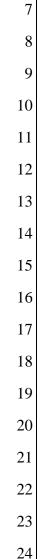
Dated this 15th day of September , 2015.

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

/S/ David Tatman

David C. Tatman, Administrator

Division of Finance and Corporate Securities



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.