ORDER SUMMARY – Case Number: C-16-1920

Name(s): V2S Technologies, Inc. d/b/a Home Rescue Center d/b/a Mortgage Relief Portal; Brian J. Kucsan

Order Number: C-16-1920-17-FO01

Effective Date: 05/05/17

License Number: NMLS #1237734
Or **NMLS Identifier** [U/L]

License Effect: n/a

Not Apply Until: Never

Not Eligible Until: Never

Prohibition/Ban Until: Permanent prohibition

Investigation Costs	$2,510.40	Due: 06/4/17	Paid ☐ Y ☒ N	Date
Fine	$15,000.00	Due:06/4/17	Paid ☐ Y ☒ N	Date
Assessment(s)	$0	Due	Paid ☐ Y ☐ N	Date
Restitution	$0	Due	Paid ☐ Y ☐ N	Date
Judgment	$0	Due	Paid ☐ Y ☐ N	Date
Satisfaction of Judgment Filed?		☐ Y ☐ N		
No. of Victims:				

Comments:

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

IN THE MATTER OF DETERMINING Whether there has been a violation of the Mortgage Broker Practices Act of Washington by: V2S TECHNOLOGIES, INC. d/b/a HOME RESCUE CENTER d/b/a MORTGAGE RELIEF PORTAL and BRIAN J. KUCSAN d/b/a V2S TECHNOLOGIES, Respondents.	No.: C-16-1920-17-FO01 FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through her designee, Consumer Services Division Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On January 31, 2017, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intent to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) against V2S Technologies, Inc. d/b/a Home Rescue Center d/b/a Mortgage Relief Portal (Respondent V2S) and Brian J. Kucsan (Respondent Kucsan). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated February 1, 2017, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On February 1, 2017, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On February

2, 2017, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service as undeliverable.

Respondents did not request an adjudicative hearing within twenty calendar days after the Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

B. Record Presented. The record presented to the Director's designee for his review and for entry of a final decision included the Statement of Charges, cover letter dated February 1, 2017, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for each Respondent, with documentation for service.

C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the Director's designee hereby adopts the Statement of Charges, which is attached hereto.

II. FINAL ORDER

Based upon the foregoing, and the Director's designee having considered the record and being otherwise fully advised, NOW, THEREFORE:

A. IT IS HEREBY ORDERED, That:

1. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall cease and desist engaging in the business of a mortgage broker or loan originator.

2. Respondents V2S Technologies, Inc. and Brian J. Kucsan are permanently prohibited from participation, in any manner, in the conduct of the affairs of any mortgage broker subject to licensure by the Director.

3. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall jointly and severally pay a fine, which as of the date of this Statement of Charges totals $15,000.

4. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall jointly and severally pay an investigation fee, which as of the date of this Statement of Charges totals $2,510.40.

5. Respondents V2S Technologies, Inc. and Brian J. Kucsan shall maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' provision of residential mortgage loan modification services in Washington, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

B. Reconsideration. Pursuant to RCW 34.05.470, each Respondent has the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on a petition.

C. Stay of Order. The Director's designee has determined not to consider a Petition to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

D. Judicial Review. Each Respondent has the right to petition the superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

E. Non-compliance with Order. If you do not comply with the terms of this order, **including payment of any amounts owed within 30 days of receipt of this order,** the Department may seek its enforcement by the Office of the Attorney General to include the collection of the fine,

investigation fee, and restitution imposed herein. The Department also may assign the amounts owed to a collection agency for collection.

F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

DATED this 5th day of May, 2017.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

/s/_____
CHARLES E. CLARK
Director
Division of Consumer Services

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

IN THE MATTER OF DETERMINING Whether there has been a violation of the Mortgage Broker Practices Act of Washington by: V2S TECHNOLOGIES, INC. d/b/a HOME RESCUE CENTER d/b/a MORTGAGE RELIEF PORTAL and BRIAN J. KUCSAN d/b/a V2S TECHNOLOGIES, Respondents.	No. C-16-1920-17-SC01 STATEMENT OF CHARGES and NOTICE OF INTENT TO ENTER AN ORDER TO CEASE AND DESIST BUSINESS, PROHIBIT FROM INDUSTRY, ORDER RESTITUTION, IMPOSE FINE, COLLECT INVESTIGATION FEE, and RECOVER COSTS AND EXPENSES

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Acting Director of the Department of Financial Institutions of the State of Washington (Acting Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of this Statement of Charges, the Acting Director, through her designee, Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. V2S Technologies, Inc. (Respondent V2S) is a corporation registered with the California Secretary of State. Respondent V2S has done business as Home Rescue Center and Mortgage Relief Portal. Respondent V2S has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

B. Brian J. Kucsan (Respondent Kucsan) has done business as V2S Technologies. During the relevant time period, Respondent Kucsan was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1.2 Unlicensed Activity. Between at least February 9, 2015, and April 15, 2015, Respondents were offering residential mortgage loan modification services to Washington consumers on property located in Washington State. The Department received at least one complaint alleging Respondents offered to provide residential mortgage loan modification services while not licensed by the Department to provide those services. Respondents requested fees of $195 and $297 to provide loan modification services.

1.3 Failure to Comply with Director's Authority.

A. On or about September 8, 2014, Respondent Kucsan, under the Department's Consent Order No. C-13-1340-14-CO01, agreed to a prohibition from participation in the conduct of any licensed mortgage broker for a period of five years from the date of the Consent Order.

B. On or about September 3, 2015, the Department issued a subpoena to Respondents. As of the date of the Statement of Charges, Respondents have never provided a response to the Department's subpoena.

1.4 Misrepresentations and Omissions. Respondents represented that they were licensed to provide the residential mortgage loan modification services or omitted disclosing that they were not licensed to provide those services.

1.5 On-Going Investigation. The Department's investigation into the alleged violations of the Act by Respondents continues to date.

II. GROUNDS FOR ENTRY OF ORDER

2.1 Mortgage Broker Defined. Pursuant to RCW 19.146.010(14), "Mortgage broker" means any person who for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or performs residential mortgage loan modification services or (b) holds himself or herself out as

being able to assist a person in obtaining or applying to obtain a residential mortgage loan or provide residential mortgage loan modification services.

2.2 Loan Originator Defined. Pursuant to RCW 19.146.010(11)(b), "Loan originator" means a natural person who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain performs residential mortgage loan modification services or holds himself or herself out as being able to perform residential mortgage loan modification services.

2.3 Requirement to Obtain and Maintain Mortgage Broker License. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1) for engaging in the business of a mortgage broker for Washington residents or property without first obtaining a license to do so.

2.4 Requirement to Obtain and Maintain Loan Originator License. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1) for engaging in the business of a loan originator without first obtaining and maintaining a license.

2.5 Prohibited Acts. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.0201(2) for engaging in an unfair or deceptive practice toward any person.

2.6 Requirement to Comply with Director's Authority. Based on the Factual Allegations set forth in Section I above, Respondent Kucsan is in apparent violation of the Act for failing to comply with any order of the Director, and Respondents are in apparent violation of RCW 19.146.235 for failing to comply with the Director's investigation authority.

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III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Issue an Order to Cease and Desist. Pursuant to RCW 19.146.220(4)[1], the Director may issue orders directing any person subject to the Act to cease and desist from conducting business.

3.2 Authority to Prohibit from Industry. Pursuant to RCW 19.146.220(5)[2], the Director may issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker any person subject to licensing under the Act for any violation of the Act.

3.3 Authority to Order Restitution. Pursuant to RCW 19.146.220(2), the Director may order restitution against any person subject to the Act for any violation of the Act.

3.4 Authority to Impose Fine. Pursuant to RCW 19.146.220(2), the Director may impose fines against any person subject to the Act for any violation of the Act.

3.5 Authority to Collect Investigation Fee. Pursuant to RCW 19.146.228(2) and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted to an investigation of any person subject to the Act.

3.6 Authority to Recover Costs and Expenses. Pursuant to RCW 19.146.221(2), the Director may recover the state's costs and expenses for prosecuting violations of the Act.

IV. NOTICE OF INTENT TO ENTER ORDER

Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223. Therefore, it is the Acting Director's intent to ORDER that:

4.1 Respondents V2S Technologies, Inc. and Brian J. Kucsan cease and desist engaging in the business of a mortgage broker or loan originator.

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[1] Amended to RCW 19.146.220(3) effective July 24, 2015.
[2] Amended to RCW 19.146.220(4) effective July 24, 2015.

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

4.2 Respondents V2S Technologies, Inc. and Brian J. Kucsan be permanently prohibited from participation, in any manner, in the conduct of the affairs of any mortgage broker subject to licensure by the Director.

4.3 Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay restitution to each Washington consumer with whom they entered into a contractual relationship for residential mortgage loan modification services related to real property or consumers located in the state of Washington equal to the amount collected from that Washington consumer for those services in an amount to be determined at hearing.

4.4 Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay a fine, which as of the date of this Statement of Charges totals $15,000.

4.5 Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay an investigation fee, which as of the date of this Statement of Charges totals $2,510.40.

4.6 Respondents V2S Technologies, Inc. and Brian J. Kucsan jointly and severally pay the Department's costs and expenses for prosecuting violations of the Act in an amount to be determined at hearing or by Declaration with supporting documentation in event of default by Respondents.

4.7 Respondents V2S Technologies, Inc. and Brian J. Kucsan maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' provision of residential mortgage loan modification services in Washington, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 31st day of January, 2017.

/s/
CHARLES E. CLARK
Director, Division of Consumer Services
Department of Financial Institutions

Presented by:

/s/
RACHELLE VILLALOBOS
Financial Legal Examiner

Approved by:

/s/
STEVEN C. SHERMAN
Enforcement Chief