

1 STATE OF WASHINGTON
2 DEPARTMENT OF FINANCIAL INSTITUTIONS
3 DIVISION OF CONSUMER SERVICES

4 IN THE MATTER OF DETERMINING:
5 Whether there has been a violation of the
6 Mortgage Broker Practices Act of Washington by:

No: C-09-378-11-FO01

7 THE NOW BRAND, INC.,
8 d/b/a SHORTREFINOW.COM,
9 BRANDON HINTZ, Owner and CEO, and
10 PATRICK J. FREEMAN, Owner and CFO,

FINAL ORDER

THE NOW BRAND, INC. and
BRANDON HINTZ

Respondents.

11 I. DIRECTOR'S CONSIDERATION

12 A. Default. This matter has come before the Director of the Department of Financial
13 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
14 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On August 27,
15 2010, the Director, through the Director's designee, issued a Statement of Charges and Notice of
16 Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect
17 Investigation Fee (Statement of Charges) against The Now Brand, Inc. d/b/a ShortRefiNow.com
18 (The Now Brand), Brandon Hintz, and Patrick J. Freeman (Respondents). A copy of the Statement of
19 Charges is attached and incorporated into this order by this reference. The Statement of Charges was
20 accompanied by a cover letter dated August 31, 2010, a Notice of Opportunity to Defend and
21 Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent
22 (collectively, accompanying documents).

23 On August 31, 2010, the Department served Respondent The Now Brand and Respondent
24 Hintz with the Statement of Charges and accompanying documents, sent by First-Class mail and
Federal Express overnight delivery. On September 1, 2010, the documents sent via Federal Express

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

3 Respondent The Now Brand and Respondent Hintz did not request an adjudicative hearing
4 within 20 calendar days after the Department served the Notice of Opportunity to Defend and
5 Opportunity for Hearing, as provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's designee for her review and
7 for entry of a final decision included the Statement of Charges, cover letter dated August 31, 2010,
8 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
9 Adjudicative Hearing for Respondent The Now Brand and Respondent Hintz, with documentation for
10 service.

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

13 II. FINAL ORDER

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

16 A. IT IS HEREBY ORDERED, That:

- 17 1. Respondent The Now Brand, Inc. d/b/a ShortRefiNow.com is prohibited from
18 participation in the conduct of the affairs of any mortgage broker subject to
licensure by the Director, in any manner, for a period of five years.
- 19 2. Respondent Brandon Hintz is prohibited from participation in the conduct of the
20 affairs of any mortgage broker subject to licensure by the Director, in any manner,
for a period of five years.
- 21 3. Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com and Brandon Hintz
22 jointly and severally pay a fine of \$10,000. This fine shall also be joint and
several with any other Respondents determined to have violated the Act.
- 23 4. Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com and Brandon Hintz
24 jointly and severally pay \$5,370 in restitution to borrower D.T. This restitution

1 shall also be joint and several with any other Respondents determined to have
2 violated the Act.

3 5. Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com and Brandon Hintz
4 jointly and severally pay an investigation fee of \$768. This fee shall also be joint
5 and several with any other Respondents determined to have violated the Act.

6 6. Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com and Brandon Hintz,
7 maintain records in compliance with chapter 19.146 RCW, the Mortgage Broker
8 Practices Act (Act) and provide the Director with the location of the books,
9 records and other information relating to Respondents' mortgage broker business,
10 and the name, address, and telephone number of the individual responsible for
11 maintenance of such records in compliance with the Act.

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

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

23 C. Stay of Order. The Director's designee has determined not to consider a Petition to
24 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. Respondents The Now Brand and Hintz have the right to petition the
superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW.

1 For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections
2 following.

3 E. Non-compliance with Order. If you do not comply with the terms of this order, the
4 Department may seek its enforcement by the Office of the Attorney General to include the collection
5 of the fine, fee, and restitution imposed herein. The Department also may assign the amounts owed
6 to a collection agency for collection.

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

10 DATED this 13th day of September, 2011



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12 STATE OF WASHINGTON
13 DEPARTMENT OF FINANCIAL INSTITUTIONS

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15 DEBORAH BORTNER
16 Director
17 Division of Consumer Services

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**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:

NO. C-09-378-10-SC01

THE NOW BRAND, INC.,
d/b/a SHORTREFINOW.COM,
BRANDON HINTZ, Owner and CEO, and
PATRICK J. FREEMAN, Owner and CFO,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO PROHIBIT FROM INDUSTRY,
IMPOSE FINE, ORDER RESTITUTION,
AND COLLECT INVESTIGATION FEE

Respondents.

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act)¹. 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 Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **The Now Brand, Inc., d/b/a ShortRefiNow.com (ShortRefiNow)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker. Respondent ShortRefiNow conducted business as a mortgage broker for residential properties in Washington from a location at 1410 Rocky Ridge Drive, Suite 260-208, Roseville, California.

B. **Brandon Hintz (Hintz)** is an Owner and CEO of Respondent ShortRefiNow. Respondent Hintz has never been licensed by the Department to conduct business as a mortgage broker.

¹ RCW 19.146 (2006)

1 C. **Patrick J. Freeman (Freeman)** is an Owner and CFO of Respondent ShortRefiNow.
2 Respondent Freeman has never been licensed by the Department to conduct business as a mortgage broker.

3 **1.2 Unlicensed Activity.** Between about September 3, 2008, and about November 6, 2008, Respondents
4 assisted at least one Washington borrower in applying to obtain a modification of a residential mortgage loan on
5 property located in the State of Washington from the unlicensed location discussed in paragraph 1.1.
6 Respondents received a fee in the amount of at least \$5,370 for this loan modification.

7 **1.3 Obtaining Property by Misrepresentation.** As referenced in section 1.2 above, Respondents obtained
8 at least \$5,370 from the borrowers in the referenced loan modification. This amount of money was obtained
9 through Respondents' misrepresentation of their lawful ability to assist with loan modification services for
10 Washington property and borrowers.

11 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
12 Respondents continues to date.

13 II. GROUNDS FOR ENTRY OF ORDER

14 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12), "Mortgage Broker" means any
15 person who, for compensation or gain, or in the expectation of compensation or gain (a) makes a residential
16 mortgage loan or assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds
17 himself or herself out as being able to make a residential mortgage loan or assist a person in obtaining or
18 applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a person assists another person
19 in obtaining or applying to obtain a residential mortgage loan by, among other things, counseling on loan terms
20 (rates, fees, other costs).

21 **2.2 Definition of Borrower.** Pursuant to RCW 19.146.010(3), a "Borrower" is defined as any person who
22 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information
23 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself
24 or herself, regardless of whether the person actually obtains such a loan.

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1 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
2 I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a mortgage
3 broker without first obtaining and maintaining a license under the Act.

4 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in
5 apparent violation of RCW 19.146.0201(3) for obtaining property by misrepresentation.

6 **III. AUTHORITY TO IMPOSE SANCTIONS**

7 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5), the Director may issue
8 orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, any officer,
9 principal, or employee of any person subject to licensing under the Act for any violation of RCW
10 19.146.0201(1) through (9) or RCW 19.146.200.

11 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) and (3)(a), the Director may impose fines
12 on a person subject to the Act for any violation of the Act.

13 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(e), the Director may issue orders
14 directing a person subject to the Act to pay restitution to an injured borrower.

15 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-550(5)(a),
16 the Department may collect the costs of investigation. The investigation charge will be calculated at the rate of \$48
17 per hour that each examiner devoted to the investigation.

18 **IV. NOTICE OF INTENTION TO ENTER ORDER**

19 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
20 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
21 for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223. Therefore, it is the
22 Director's intention to ORDER that:

23 **4.1** Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com, Brandon Hintz, and Patrick J. Freeman be
24 prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by
the Director, in any manner, for a period of five years;

- 1 4.2 Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com, Brandon Hintz, and Patrick J. Freeman jointly and severally pay a fine which as of the date of these charges totals \$10,000;
- 2
- 3 4.3 Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com, Brandon Hintz, and Patrick J. Freeman jointly and severally pay restitution in the amount of \$5,370 to the borrower referenced in section 1.2 above;
- 4
- 5 4.4 Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com, Brandon Hintz, and Patrick J. Freeman jointly and severally pay an investigation fee which as of the date of these charges totals \$768, calculated at \$48 per hour for the 16 examiner hours devoted to the investigation; and
- 6
- 7 4.5 Respondents The Now Brand, Inc. d/b/a ShortRefiNow.com, Brandon Hintz, and Patrick J. Freeman maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' mortgage broker business, 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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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose
3 Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the
4 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to
5 the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written
6 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
7 FOR HEARING accompanying this Statement of Charges.

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9 Dated this 27th day of August, 2010.



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A handwritten signature in blue ink, appearing to read "Deborah Bortner", written over a horizontal line.

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DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

A handwritten signature in blue ink, appearing to read "Steven C. Sherman", written over a horizontal line.

STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:

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JAMES R. BRUSSELBACK
Enforcement Chief