

**ORDER SUMMARY – Case Number: C-10-392**

**Name(s):** ELM Nationwide Enterprises, LLC, d/b/a 1st Foreclosure Prevention;  
Barbara Weidner  
Roie Raitses

**Order Number:** C-10-392-12-FO04

**Effective Date:** July 27, 2012

**License Number:** NMLS ID: 976054 - ELM

**Or NMLS Identifier [U/L]** NMLS ID: 976028 - Raitses

NMLS ID: 976027 - Weidner

(Revoked, suspended, stayed, application denied or withdrawn)

If applicable, you must specifically note the ending dates of terms.

**License Effect:** None

**Not Apply Until:** n/a

**Not Eligible Until:** n/a

**Prohibition/Ban Until:** 07/27/17

<b>Investigation Costs-\$912 Joint and Several with Raitses</b>	\$1,680	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine-Joint and Several</b>	\$150,000	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution-\$9,865 Joint and Several with Raitses</b>	\$20,350	Due:30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>	<input type="checkbox"/> Y <input type="checkbox"/> N N/A			
No. of Victims:	7			

**Comments:** \_\_\_\_\_

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\_\_\_\_\_



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF DETERMINING whether  
there has been a violation of the Mortgage Broker  
Practices Act of Washington by:

ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
BARBARA J. WEIDNER, President, and  
ROIE J. RAITSES, Vice President,

Respondents.

NO. C-10-392-12-FO04

AMENDED & CORRECTED  
FINAL ORDER

ELM NATIONWIDE ENTERPRISES,  
LLC, d/b/a 1<sup>ST</sup> FORECLOSURE  
PREVENTION,  
BARBARA J. WEIDNER, and  
ROIE J. RAITSES

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) pursuant to RCW 34.05.464. On December 22, 2010, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) against ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (ELM), Barbara J. Weidner, and Roie J. Raitses (Respondents). The Statement of Charges was accompanied by a cover letter dated December 22, 2010, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On December 22, 2010, the Department served Respondents with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On

1 December 23, 2010, the documents sent via Federal Express overnight delivery were delivered. The  
2 documents sent via First-Class mail were not returned to the Department by the United States Postal  
3 Service as undeliverable.

4 On or about January 10, 2011, the Department received an email from Respondent Weidner  
5 on behalf of herself and Respondent ELM disputing the allegations in the Statement of Charges and  
6 requesting a hearing. Respondent Raitses, however, did not submit his request for an adjudicative  
7 hearing until June 8, 2011; more than 20 calendar days after the Department served the Notice of  
8 Opportunity to Defend and Opportunity for Hearing as provided for in WAC 208-08-050(2), and a  
9 default Final Order was subsequently entered against him under C-10-392-11-FO01.  
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11 On February 3, 2011, the Director, through the Director's designee, issued an Amended  
12 Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose  
13 Fine, Order Restitution, and Collect Investigation Fee (Amended Statement of Charges) against  
14 ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (ELM), Barbara J. Weidner,  
15 and Roie J. Raitses (Respondents). A copy of the Amended Statement of Charges is attached and  
16 incorporated into this order by this reference. The Amended Statement of Charges was  
17 accompanied by a cover letter dated February 4, 2011, and a Notice of Opportunity to Defend and  
18 Opportunity for Hearing,  
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20 On February 7, 2011, the Department made a request to the Office of Administrative Hearings  
21 (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the  
22 Statement of Charges. On February 17, 2011, OAH issued a Notice of Prehearing Conference  
23 scheduling a prehearing conference by telephone on February 24, 2011, at 11:00 a.m. On February 23,  
24 2011, Respondent Weidner contacted OAH and requested a continuance of the hearing set for  
25 February 24, 2011. Respondent Weidner's request was granted, and on February 24, 2011, OAH

1 issued a Notice of Prehearing Conference rescheduling a prehearing conference by telephone for  
2 March 14, 2011, at 9:00 a.m.

3 On March 14, 2011, Respondent Weidner contacted OAH by facsimile prior to the hearing and  
4 requested a continuance of the telephonic prehearing conference due to a medical emergency. OAH  
5 replied to Respondent Weidner by email granting the continuance, and later the same day ALJ Thomas  
6 P. Rack issued a letter continuing the Prehearing Conference to April 7, 2011.

7 On April 5, 2011, attorney Chris Rosfjord entered a Notice of Appearance for Respondents.  
8 On April 7, 2011, the parties, through their legal representatives, attended a telephonic prehearing  
9 conference. On April 8, 2011, ALJ Rack issued a Notice of Hearing and Order Following Prehearing  
10 Conference of April 7, 2011, scheduling a hearing on October 24-27, 2011, at 9:00 a.m.

11 On June 10, 2011, attorney Rosfjord withdrew as the legal representative for Respondents and  
12 served all Respondents, including Raitses, with a copy of the withdrawal by U.S. Mail and email.

13 On September 15, 2011, ALJ Rack issued a Notice of Motions Hearing by Telephone  
14 scheduling a hearing for October 5, 2011, at 10:00 a.m. Pacific Time. The notice contained the  
15 following warning:  
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17 *Default:* If you fail to appear or participate in the telephone conference,  
18 hearing, or any other scheduled stage of these proceedings, you may lose  
19 your right to a hearing as described in RCW 34.05.440.

20 The notice was served on Respondents by First Class U.S. Mail, postage prepaid, to the address  
21 previously provided to OAH by Respondents and Respondents' legal representative.

22 On October 5, 2011, the telephonic motions hearing was convened by ALJ Rack at 10:00 a.m.  
23 Pacific Time. The Department appeared through its legal representative. Respondents did not appear.  
24 The Department moved for an Order of Default based on Respondents' failure to appear, and on  
25 October 5, 2011, ALJ Rack issued an Order of Default dismissing Respondents' request for hearing

1 and affirming the Amended Statement of Charges.<sup>1</sup> A copy of the Order of Default was sent by OAH  
2 to Respondents ELM, Weidner and Raitses by First Class U.S. Mail, postage prepaid, to their last  
3 known address.

4 Pursuant to RCW 34.05.440(3), Respondents ELM, Weidner and Raitses had seven (7) days  
5 from the date of service of the Order of Default to file a written motion with OAH requesting that the  
6 Order of Default be vacated, and stating the grounds relied upon. Respondents ELM, Weidner and  
7 Raitses did not make a request to vacate during the statutory period. Pursuant to RCW 34.05.464 and  
8 WAC 10-08-211, Respondents ELM, Weidner and Raitses had twenty (20) days from the date of  
9 service of the Order of Default to file a Petition for Review of the Order of Default and with the  
10 Director. Respondents ELM, Weidner and Raitses did not file a Petition for Review during the  
11 statutory period.  
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13 Subsequently, Respondent Roie J. Raitses filed an untimely Petition for Reconsideration with  
14 the Director, which was nonetheless accepted for review. By separate order of even that with this Final  
15 Order, the Director denied the Petition for Reconsideration, setting forth findings and conclusions for  
16 doing so.

17 B. Record Presented. The record presented to the Director for his review and for entry of  
18 a final decision included the following:

- 19 1. Statement of Charges, cover letter dated December 22, 2010, and Notice of  
20 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 21 2. Amended Statement of Charges, cover letter dated February 4, 2011, and Notice of  
22 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 23 3. Request to OAH for Assignment of Administrative Law Judge;

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25 <sup>1</sup> The Order of Default erroneously affirms the "Statement of Charges." The Director has determined this to be a scrivener's  
as only the Amended Statement of Charges was before the ALJ for consideration.

- 1 4. Notice of Prehearing Conference dated February 17, 2011, with documentation of  
2 service;
- 3 5. Notice of Prehearing Conference dated February 24, 2011, with documentation of  
4 service;
- 5 6. OAH letter to Respondents ELM and Weidner dated March 14, 2011, continuing the  
6 March 14, 2011, Prehearing Conference to April 7, 2011, with documentation of  
7 service;
- 8 7. Notice of Appearance of attorney Chris Rosfjord dated April 5, 2011.
- 9 8. Notice of Hearing and Order Following Prehearing Conference of April 7, 2011, dated  
10 April 8, 2011, with documentation of service;
- 11 9. Amended Notice of Intent to Withdraw dated June 10, 2011, with documentation of  
12 service;
- 13 10. Notice of Motions Hearing by Telephone dated September 15, 2011, with  
14 documentation of service; and
- 15 11. Order of Default dated October 5, 2011, with documentation of service;
- 16 12. The Petition for Reconsideration of Roie J. Raitses; and
- 17 13. The Division's Reply to Petition for Reconsideration.

18 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the  
19 Director hereby adopts the Amended Statement of Charges, which is attached hereto.

## 20 II. FINAL ORDER

21 Based upon the foregoing, and the Director having considered the record and being  
22 otherwise fully advised, NOW, THEREFORE:

23 A. IT IS HEREBY ORDERED, that:

- 24 1. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup>  
25 FORECLOSURE PREVENTION, BARBARA J. WEIDNER, and ROIE J. RAITSES  
are prohibited from participation in the conduct of the affairs of any mortgage broker

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or consumer lender subject to licensure by the Director, in any manner, for a period of five years;

- 2. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION, BARBARA J. WEIDNER, and ROIE J. RAITSES, jointly and severally pay a fine to Washington State Department of Financial Institutions of \$150,000;
- 3. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION and BARBARA J. WEIDNER, jointly and severally pay restitution to the following consumers in the respective stated amounts, as follows:
 

L.S.	\$2,095	F.M.	\$3,885
I.K.	\$3,885	T.P.	\$2,500
A.G.	\$3,000	S.K.	\$1,895
R.W.	\$3,090		
- 4. Respondent ROIE J. RAITSES shall be jointly and severally liable in the amounts stated above in paragraph 3 for restitution owed to L.S., F.M., and I.K.;
- 5. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION and BARBARA J. WEIDNER jointly and severally pay to Washington State Department of Financial Institutions an investigation fee of \$1,680;
- 6. Respondent ROIE J. RAITSES, shall be jointly and severally liable for \$912 of the amount set forth above in Paragraph 5 as an for the investigation fee; and
- 7. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION, BARBARA J. WEIDNER and ROIE J. RAITSES 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.

B. No Reconsideration. Respondents ELM and WEIDNER never filed a Petition for Reconsideration pursuant to RCW 34.05.470. Respondent RAITSES' Petition for Reconsideration has been denied by separate order of same date.

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

4 D. Judicial Review. Pursuant to RCW 34.05.542(2), Respondents ELM and  
5 WEIDNER had thirty (30) days after service upon them of the Final Order dated December 22, 2011, to  
6 file a Petition for Judicial Review to the Superior Court for the State of Washington. Respondents ELM  
7 and WEIDNER did not file a Petition for Judicial Review. This Final Order does not materially affect, as  
8 to Respondents ELM and WEIDNER, the default Final Order entered against Respondents ELM and  
9 WEIDNER dated December 22, 2011. Therefore, Respondents ELM and WEIDNER have no right of  
10 judicial review from either this Final Order or the Final Order dated December 22, 2011, even though it  
11 will be hereafter amended and corrected to include Roie J. Raitses. **However, Respondent ROIE J.**  
12 **RAITSES has the right to petition the Superior Court of the State of Washington for judicial**  
13 **review of this agency action under the provisions of the Washington Administrative Procedures**  
14 **Act, chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW**  
15 **34.05.510 and sections following.**

17 E. Service. For purposes of filing a Petition for Judicial Review, service is effective  
18 upon deposit of this order in the U.S. mail, declaration of service attached thereto.

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20 DATED this 27<sup>th</sup> day of July, 2012.



21  
22 STATE OF WASHINGTON  
23 DEPARTMENT OF FINANCIAL INSTITUTIONS  
24 [Redacted Signature]  
25 SCOTT JARVIS  
DIRECTOR





STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF DETERMINING whether there has been a violation of the Mortgage Broker Practices Act of Washington by:

NO. C-10-392-11-FO02

ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
BARBARA J. WEIDNER, President, and  
ROIE J. RAITSES, Vice President,

FINAL ORDER

ELM NATIONWIDE ENTERPRISES,  
LLC, d/b/a 1<sup>ST</sup> FORECLOSURE  
PREVENTION and  
BARBARA J. WEIDNER

Respondents.

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) pursuant to RCW 34.05.464. On December 22, 2010, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) against ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (ELM), Barbara J. Weidner, and Roie J. Raitses (Respondents). The Statement of Charges was accompanied by a cover letter dated December 22, 2010, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On December 22, 2010, the Department served Respondents with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On

1 December 23, 2010, the documents sent via Federal Express overnight delivery were delivered. The  
2 documents sent via First-Class mail were not returned to the Department by the United States Postal  
3 Service as undeliverable.

4 On or about January 10, 2011, the Department received an email from Respondent Weidner  
5 on behalf of herself and Respondent ELM disputing the allegations in the Statement of Charges and  
6 requesting a hearing. Respondent Raitses, however, did not submit his request for an adjudicative  
7 hearing until June 8, 2011; more than 20 calendar days after the Department served the Notice of  
8 Opportunity to Defend and Opportunity for Hearing as provided for in WAC 208-08-050(2), and a  
9 default Final Order was subsequently entered against him under C-10-392-11-FO01.  
10

11 On February 3, 2011, the Director, through the Director's designee, issued an Amended  
12 Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose  
13 Fine, Order Restitution, and Collect Investigation Fee (Amended Statement of Charges) against  
14 ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (ELM), Barbara J. Weidner,  
15 and Roie J. Raitses (Respondents). A copy of the Amended Statement of Charges is attached and  
16 incorporated into this order by this reference. The Amended Statement of Charges was  
17 accompanied by a cover letter dated February 4, 2010, and a Notice of Opportunity to Defend and  
18 Opportunity for Hearing,  
19

20 On February 7, 2011, the Department made a request to the Office of Administrative Hearings  
21 (OAH) to assign an Administrative Law Judge (ALJ) to schedule and conduct a hearing on the  
22 Statement of Charges. On February 17, 2011, OAH issued a Notice of Prehearing Conference  
23 scheduling a prehearing conference by telephone on February 24, 2011, at 11:00 a.m. On February 23,  
24 2011, Respondent Weidner contacted OAH and requested a continuance of the hearing set for  
25 February 24, 2011. Respondent Weidner's request was granted, and on February 24, 2011, OAH

1 issued a Notice of Prehearing Conference rescheduling a prehearing conference by telephone for  
2 March 14, 2011, at 9:00 a.m.

3 On March 14, 2011, Respondent Weidner contacted OAH by facsimile prior to the hearing and  
4 requested a continuance of the telephonic prehearing conference due to a medical emergency. OAH  
5 replied to Respondent Weidner by email granting the continuance, and later the same day ALJ Thomas  
6 P. Rack issued a letter continuing the Prehearing Conference to April 7, 2011.

7 On April 5, 2011, attorney Chris Rosfjord entered a Notice of Appearance for Respondents.  
8 On April 7, 2011, the parties, through their legal representatives, attended a telephonic prehearing  
9 conference. On April 8, 2011, ALJ Rack issued a Notice of Hearing and Order Following Prehearing  
10 Conference of April 7, 2011, scheduling a hearing on October 24-27, 2011, at 9:00 a.m.

11 On June 10, 2011, attorney Rosfjord withdrew as the legal representative for Respondents and  
12 served Respondents with a copy of the withdrawal by US Mail and email.

13 On September 15, 2011, ALJ Rack issued a Notice of Motions Hearing by Telephone  
14 scheduling a hearing for October 5, 2011, at 10:00 a.m. Pacific Time. The notice contained the  
15 following warning:  
16

17 *Default:* If you fail to appear or participate in the telephone conference,  
18 hearing, or any other scheduled stage of these proceedings, you may lose  
19 your right to a hearing as described in RCW 34.05.440.

20 The notice was served on Respondents by First Class US Mail, postage prepaid, to the address  
21 previously provided to OAH by Respondents and Respondents' legal representative.

22 On October 5, 2011, the telephonic motions hearing was convened by ALJ Rack at 10:00 a.m.  
23 Pacific Time. The Department appeared through its legal representative. Respondents did not appear.  
24 The Department moved for an Order of Default based on Respondents' failure to appear, and on  
25 October 5, 2011, ALJ Rack issued an Order of Default dismissing Respondents' request for hearing

1 and affirming the Amended Statement of Charges.<sup>1</sup> A copy of the Order of Default was sent by OAH  
2 to Respondents ELM and Weidner by First Class US Mail, postage prepaid, to their last known  
3 address.

4 Pursuant to RCW 34.05.440(3), Respondents ELM and Weidner had seven (7) days from the  
5 date of service of the Order of Default to file a written motion with OAH requesting that the Order of  
6 Default be vacated, and stating the grounds relied upon. Respondents ELM and Weidner did not make  
7 a request to vacate during the statutory period. Pursuant to RCW 34.05.464 and WAC 10-08-211,  
8 Respondents ELM and Weidner had twenty (20) days from the date of service of the Order of Default  
9 to file a Petition for Review of the Order of Default and with the Director. Respondents ELM and  
10 Weidner did not file a Petition for Review during the statutory period.

11  
12 B. Record Presented. The record presented to the Director for his review and for entry of  
13 a final decision included the following:

- 14 1. Statement of Charges, cover letter dated December 22, 2010, and Notice of  
15 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 16 2. Amended Statement of Charges, cover letter dated February 4, 2011, and Notice of  
17 Opportunity to Defend and Opportunity for Hearing, with documentation of service;
- 18 3. Request to OAH for Assignment of Administrative Law Judge;
- 19 4. Notice of Prehearing Conference dated February 17, 2011, with documentation of  
20 service;
- 21 5. Notice of Prehearing Conference dated February 24, 2011, with documentation of  
22 service;
- 23 6. OAH letter to Respondents ELM and Weidner dated March 14, 2011, continuing the  
24 March 14, 2011, Prehearing Conference to April 7, 2011, with documentation of  
25 service;

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<sup>1</sup> The Order of Default erroneously affirms the "Statement of Charges." The Director has determined this to be a scrivener's as only the Amended Statement of Charges was before the ALJ for consideration.

7. Notice of Appearance of attorney Chris Rosfjord dated April 5, 2011.
8. Notice of Hearing and Order Following Prehearing Conference of April 7, 2011, dated April 8, 2011, with documentation of service;
9. Amended Notice of Intent to Withdraw dated June 10, 2011, with documentation of service;
10. Notice of Motions Hearing by Telephone dated September 15, 2011, with documentation of service; and
11. Order of Default dated October 5, 2011, with documentation of service.

C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the Director hereby adopts the Amended Statement of Charges, which is attached hereto.

## II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, that:

1. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION and BARBARA J. WEIDNER are prohibited from participation in the conduct of the affairs of any mortgage broker or consumer lender subject to licensure by the Director, in any manner, for a period of five years;
2. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION and BARBARA J. WEIDNER jointly and severally pay a fine to Washington State Department of Financial Institutions of \$150,000. The fine shall also be joint and several with Respondent ROIE J. RAITSES pursuant to C-10-392-11-FO01;
3. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup> FORECLOSURE PREVENTION and BARBARA J. WEIDNER jointly and severally pay restitution to the following consumers in the respective stated amounts, as follows:

L.S.	\$2,095	F.M.	\$3,885
I.K.	\$3,885	T.P.	\$2,500
A.G.	\$3,000	S.K.	\$1,895
R.W.	\$3,090		

1 The above-referenced restitution owed to L.S., F.M., and I.K. shall also be joint and  
2 several with Respondent ROIE J. RAITSES pursuant to C-10-392-11-FO01;

- 3 4. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup>  
4 FORECLOSURE PREVENTION and BARBARA J. WEIDNER jointly and  
5 severally pay to Washington State Department of Financial Institutions an  
6 investigation fee of \$1,680. Of this amount, \$912 shall also be joint and several with  
7 Respondent ROIE J. RAITSES pursuant to C-10-392-11-FO01; and
- 8 5. Respondents ELM NATIONWIDE ENTERPRISES, LLC, D/B/A 1<sup>ST</sup>  
9 FORECLOSURE PREVENTION and BARBARA J. WEIDNER maintain records in  
10 compliance with the Act and provide the Department with the location of the books,  
11 records and other information relating to Respondents' mortgage broker business, and  
12 the name, address and telephone number of the individual responsible for  
13 maintenance of such records in compliance with the Act.

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

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

24 C. Stay of Order. The Director has determined not to consider a Petition to Stay the  
25 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.

1 D. Judicial Review. Respondents ELM and Weidner have the right to petition the  
2 superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW. For  
3 the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

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

7  
8 DATED this 22<sup>nd</sup> day of December, 2011.



10 STATE OF WASHINGTON  
11 DEPARTMENT OF FINANCIAL INSTITUTIONS



12  
13 SCOTT JARVIS  
14 DIRECTOR

A handwritten signature in black ink, appearing to be 'Scott Jarvis', written over a horizontal line.

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS

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

No.: C-10-392-12-FO05

6 ELM NATIONWIDE ENTERPRISES, LLC,  
7 d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
8 BARBARA J. WEIDNER, President, and  
9 ROIE J. RAITSES, Vice President,

ORDER VACATING FINAL DEFAULT  
ORDER RE: ROIE J. RAITSES DATED  
SEPTEMBER 6, 2011

Respondents.

10 For the reasons set forth in Order Denying Petition for Reconsideration (No.: C-10-392-12-  
11 FO03), dated July 27, 2012, NOW, THEREFORE,

12 IT IS HEREBY ORDER, that the Final Default Order regarding Respondent Roie J. Raitses is  
13 hereby vacated.

14 DATED this 30 day of July, 2012.



15 WASHINGTON STATE DEPARTMENT  
16 OF FINANCIAL INSTITUTIONS

17 [REDACTED]  
18 SCOTT JARVIS, Director





State of Washington

DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF DETERMINING  
whether there has been a violation of the  
Mortgage Broker Practices Act of Washington  
by:

ELM NATIONWIDE ENTERPRISES LLC  
d/b/a 1<sup>st</sup> FORELCOSURE PREVENTION;  
BARBARA J. WEIDNER, President; and  
ROIE J. RAITSES, Vice President,

Respondents.

NO. C-10-392-12-FO03

ORDER DENYING PETITION FOR  
RECONSIDERATION OF ROIE J.  
RAITSES

THIS MATTER comes before SCOTT JARVIS, the Director (“Director”) of the Washington State Department of Financial Institutions (“Department”), pursuant to a Petition for Reconsideration dated December 20, 2011, and received by the Department on January 10, 2012 (“Petition for Reconsideration”), which was made by Respondent, ROIE J. RAITSES (“Raitses”) in regard to the default Final Order dated September 6, 2011, which was issued by DEBORAH BORTNER, in her capacity as Director of the Department’s Division of Consumer Services (“Division”) and acting under delegated authority from the Department’s Director (“Final Default Order No. 1”).

1.0 Preliminary Considerations

1.1 Petition for Reconsideration Treated as If Timely. The Petition for Reconsideration was not received by the Department until January 10, 2012, even though Final Default Order No. 1 was issued and served by mail on September 6, 2011. Pursuant to the

Washington Administrative Procedures Act, at RCW 34.05.470(1), Raitses had ten (10) days from service of Final Default Order No. 1 to file with the Department his Petition for Reconsideration. Notwithstanding the apparent latency of Raitses' filing of his Petition for Reconsideration, the Director, in the exercise of his plenary authority and discretion over the Department's enforcement policies, elects to treat the Petition for Reconsideration as if it had been timely filed according to RCW 34.05.470(1).

1.2 Scope of Reconsideration. The Director's deliberation of this Petition for Reconsideration is not for the purpose of deciding whether the allegations against Raitses, as contained in the Statement of Charges, have been proven or disproven. Indeed, when a final order is entered on account of default (the failure of the respondent to request a hearing), the allegations contained in the statement of charges are conclusively presumed to be true. Rather, the question before the Director is whether the Final Default Order No. 1 against Raitses should be set aside and the matter should be referred to the Office of Administrative Hearings ("OAH") for a hearing before an administrative law judge so that Raitses may defend against the allegations as contained in the Statement of Charges. The gravamen of the Director's deliberation concerns whether Raitses (1) was served with the Statement of Charges, (2) whether he failed to request a hearing within the time allotted for doing so, and (3) whether he was served with Final Default Order No. 1. In the interest of *fair play and substantial justice*, the Director is also concerned with whether there is any merit to adjudicating Raitses' claim that he was not a Vice President of Respondent ELM NATIONWIDE ENTERPRISES LLC d/b/a 1<sup>st</sup> FORELCOSURE PREVENTION ("ELM"). However, insofar as Raitses' Petition for Reconsideration contains *unsworn* statements, there can be no adjudication of the veracity of these statements. Rather, they merely have secondary probative value in the Director's decision

whether to set aside Final Default Order No. 1 and refer the matter to the OAH for hearing. The Director's instructions to the parties in the deliberation of this Petition for Reconsideration have involved an informal approach, not atypical of petitions for reconsideration to set aside defaults. In this regard, they often rely on unsworn submissions by pro se respondents. In the exercise of his discretion, the Director will often consider information outside the record which does not necessarily meet the standards of formal rules of evidence – as the Director has done in evaluating Raitses' unsworn statements in his Petition for Reconsideration. However, even assuming that the Director accepted Raitses' unsworn statements as true, they would not have resulted in an adjudication reversing the Statement of Charges and ordering dismissal as to Raitses. The best that Raitses could have hoped for (as explained to him in email communication by Joseph M. Vincent, acting on behalf of the Director as General Counsel for the Department) was a setting aside of Final Default Order No. 1 and a referral to the OAH for hearing.

## 2.0 Director's Consideration of Petition for Reconsideration

The Petition for Reconsideration voices two claims: (1) That Raitses was not a Vice President of ELM (as alleged by the Division), but rather a mere non-managerial lead generator; and (2) that Raitses was not served with the Statement of Charges and lacked requisite knowledge of the entry of Final Default Order No. 1.

2.1 Raitses' Claim – Not a Vice President of Elm. Raitses claims (in an unsworn statement) he was only an independent lead generator, and not Vice-President or any officer of ELM. However, this is inconsistent with clear, cogent, and convincing evidence to the contrary, in pre-existing documents received with consumer complaints to the Division regarding ELM,

including the following documents supplied as attachments to the Division's Response to Petition for Reconsideration ("DRPR"):

2.1.1 The Loss Mitigation Service Proposal dated February 23, 2009, received with the Division's Consumer Complaint #34554, states on page 3 thereof, that it was "[p]repared and qualified by Roie Raitses-Vice President, Loss Mitigation Division."<sup>1</sup>

2.1.2 The Loss Mitigation Service Proposal dated February 29, 2009, received with a second consumer complaint (complaint #37532), states on page 3 that it was "[p]repared and qualified by Roie Raitses-Vice President, Loss Mitigation Division."<sup>2</sup>

2.1.3 The fax cover sheet from a third consumer complaint (#36604) indicates that the complainant was faxing documents to the attention of "Roie Raitses" on February 10, 2010.<sup>3</sup>

2.1.4 The Division's initial contact with ELM and Mr. Raitses came in complaint 31525, which was prior to the three complaints mentioned above (*subparagraphs 2.1.1 through 2.1.3*). Around August 2009, the Division sent documents to ELM (then known only as 1st Foreclosure Prevention) at its address in Huntingdon Valley, PA. The Division documents sent included a proposed Assurance of Compliance (agreeing to obtain a license before operating as a mortgage broker in Washington) and a Directive and Requirement for Production of Records and Explanation. On October 22, 2009, the Division received the Assurance of Compliance from ELM signed by Mr.

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<sup>1</sup> See Exhibit 1, DRPR.

<sup>2</sup> See Exhibit 2, DRPR.

<sup>3</sup> See Exhibit 3, DRPR.

Raitses as "Representative of Respondent."<sup>4</sup> On October 28, 2009, the Division received the Directive and Requirement from ELM signed under penalty of perjury by "Roie Raitses, Manager."<sup>5</sup> This declaration also included an email address for contact: [roieraitses@gmail.com](mailto:roieraitses@gmail.com) (which is the same address from which Raitses sent his recent memorandum to the Director). That Declaration states that Raitses signed it in Huntingdon Valley, Pennsylvania – not Lake Success, New York.

A collective review of this evidence brought forth in the Division's Response to the Petition for Reconsideration strongly inclines the Director to *disregard* the unsworn statements of Raitses claiming that he was not a Vice President and lacked a managerial role. Indeed, the evidence presented clearly indicates otherwise. In any event, this issue is not of foremost consideration in a case in which the issue is service of process and failure to apply for a hearing.

The Director now turns his attention to the service of process issue.

2.2 Original Statement of Charges. Respondent Raitses was served with the original Statement of Charges ("SC No. 1") by U.S. mail at the ELM corporate office (3422 Old Capitol Trail #1371, Wilmington, DE 19808) on December 22, 2010. It was *not* returned to the Division as undeliverable. Service was proper under the Washington Administrative Procedures Act and the Washington Administrative Rules.<sup>6</sup> Raitses indicates he first became aware of SC No. 1 "around February 2010." This is impossible, because SC No. 1 was not issued until ten months later, in December 2010. Raitses' Application for Administrative Hearing ("AAH") was due to the Division no later than January 11, 2011 (or at the latest January 14, 2011, considering the

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<sup>4</sup> See Exhibit 4, DRPR.

<sup>5</sup> See Exhibit 5, DRPR.

<sup>6</sup> RCW 34.05.437; WAC 10-08-110(2).

"mailbox rule"). When the AAH did not arrive by that date, Mr. Raitses was in default, and the Division was entitled to enter a default Final Order.<sup>7</sup>

2.3 Amended Statement of Charges. The Amended Statement of Charges ("SC No. 2") was served on Mr. Raitses on or about February 3, 2011, by U.S. mail at the ELM corporate office.<sup>8</sup> On April 6, 2011, the Division received the Notice of Appearance for Mr. Rosfjord on behalf of *all* Respondents; including Mr. Raitses.<sup>9</sup> On June 8, 2011, the Division received an Application for Administrative Hearing from Mr. Raitses.<sup>10</sup> On page 2 of the Application, Mr. Raitses stated his title as "Marketing" and provided as his address the corporate address for ELM where he was originally served. On June 10, 2011, the Division received an Amended Notice of Intent to Withdraw from Mr. Rosfjord (the original had been filed on May 16, 2011, but was objected to by the Division and was never put into effect).<sup>11</sup> The Certificate of Service attached to the Amended Notice of Intent to Withdraw certifies that it was sent by U.S. mail to Mr. Raitses at the corporate address he provided on his Application for Administrative Hearing, and was emailed to "roieraitses@gmail.com." To reiterate, this was the same email address from which Mr. Raitses sent his Reconsideration Memorandum to the Director.

True, it appears that in February 2011 the Division erroneously served Mr. Raitses with SC No. 2, which stated that the hearing dates would remain in effect. From this, it was not unreasonable for Mr. Raitses to believe he was still involved in the case. Mr. Raitses has

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<sup>7</sup> RCW 34.05.440(1) (failure of a party to file an application for an adjudicative proceeding within the time limit or limits established by statute or agency rule); WAC 208-08-020(1). Indeed, Raitses' failure to appear at the October 5, 2011, hearing was sufficient for the Director to find him in default. RCW 34.05.440(2).

<sup>8</sup> See Exhibit 6, DRPR.

<sup>9</sup> See Exhibit 7, DRPR.

<sup>10</sup> See Exhibit 8, DRPR.

<sup>11</sup> See Exhibit 9, DRPR.

indicated his belief that he was an active Respondent in the case at least through the time he was represented by Mr. Rosfjord.

But all along, Mr. Raitses provided the Division, and thereby the Office of Administrative Hearings, with the *corporate address of ELM* as his service address. Mr. Raitses was notified of the withdrawal of Mr. Rosfjord.<sup>12</sup> Mr. Rosfjord provided OAH with the ELM corporate address as Mr. Raitses' last known address for service.<sup>13</sup> Finally, a Notice of Motions Hearing by Telephone was issued on October 5, 2011. The Certificate of Service for that Notice certifies that the Notice was mailed by First Class U.S. mail to Mr. Raitses on September 15, 2011, at the ELM corporate address which Mr. Raitses provided as his service address.<sup>14</sup> The Director concludes that this service was sufficient under the Washington Administrative Procedures Act, Chapter 34.05 RCW, and applicable Administrative Procedure Rules.

Mr. Raitses had notice of and failed to appear for the hearing on October 5, 2011, which is the same hearing at which the other Respondents defaulted.

2.4 Division's Proposed Relief. The Division proposes that Final Order No. 1 was improperly issued and should be vacated, and that Final Order No. 2 be amended to include Mr. Raitses. The Division proposes that thereafter, by separate order, Final Order No. 1 be vacated. The Director concurs.

2.5 Director's Findings and Conclusions. The Director elected to review this matter on Petition for Reconsideration even after the time for filing a petition for reconsideration had expired. The Director elected to do so because of a reluctance to issue default orders where there

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<sup>12</sup> See Exhibit 9, DRPR.

<sup>13</sup> See Exhibit 9, DRPR.

<sup>14</sup> See Exhibit 10, DRPR.

is substantial, credible evidence that a respondent has not received proper service of process. At first blush it seemed, based upon Mr. Raitses assertions and prior to reply from the Division, that Mr. Raitses' plea may have been one of those rare instances where proper service of process had not taken place. This was supported by Mr. Raitses not-yet-refuted contention that he was not an officer or manager of ELM. However, the Division has by clear, cogent and convincing evidence refuted Mr. Raitses' claims. In the case of both SC No. 1 and SC No. 2, Mr. Raitses was properly served according to the Washington Administrative Procedures Act, Chapter 34.05 RCW, and the Washington Administrative Rules, Chapter 10-08 WAC.<sup>15</sup> Moreover, Division has demonstrated that that Mr. Raitses held himself out to be an officer and manager of ELM. In the end, Mr. Raitses Petition for Reconsideration is without merit.

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

IT IS HEREBY ORDERED:

3.1 The Petition for Reconsideration of Respondent, ROIE J. RAITSES, is denied.

3.2 The Director will by separate order amend and correct Final Order No. 2 (to be numbered NO. C-10-392-12-FO04) to add Respondent, ROIE J. RAITSES.

3.3 Thereafter, the Director will issue an order vacating Final Order No. 1 (to be number NO. C-10-392-12-FO05).

4.0 No Further Petitions for Reconsideration. Pursuant to RCW 34.05.470, Respondents ELM and WEIDNER had the right to file a Petition for Reconsideration within ten (10) days of service of the Final Order dated December 22, 2011, which they did not do. This Final Order is not an amendment of the findings or relief granted in the Final Order dated December 22,

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<sup>15</sup> RCW 34.056.437; WAC 10-08-110(2).



2011, with respect to Respondents ELM and WEIDNER. Therefore, Respondents ELM and WEIDNER have no right to file a Petition for Reconsideration of this Final Order. In addition, since this Final Order is in part and of itself an order denying Respondent ROIE J. RAITSES' Petition for Reconsideration, Respondent ROIE J. RAITSES has no right to file a Petition for Reconsideration of this Final Order.

5.0 No Stay of Order. The Director 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.

6.0 Judicial Review: Respondent Raitses Only. Pursuant to RCW 34.05.542(2), Respondents ELM and WEIDNER had thirty (30) days after service upon them of the Final Order dated December 22, 2011, to file a Petition for Judicial Review to the Superior Court for the State of Washington. Respondents ELM and WEIDNER did not file a Petition for Judicial Review. This Final Order does not materially affect, as to Respondents ELM and WEIDNER, the default Final Order entered against Respondents ELM and WEIDNER dated December 22, 2011. Therefore, Respondents ELM and WEIDNER have no right of judicial review from either this Final Order or the Final Order dated December 22, 2011, even though it will be hereafter amended and corrected to include Roie J. Raitses. **However, Respondent ROIE J. RAITSES has the right to petition the Superior Court of the State of Washington for judicial review of this agency action under the provisions of the Washington Administrative Procedures Act, chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.**

E. Service of This Final Order. For purposes of ROIE J. RAITSES filing a Petition for Judicial Review, service of this Final Order is effective upon deposit of it in the U.S. mail, declaration of service attached thereto.

DATED this 27<sup>th</sup> day of July, 2012.



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS



SCOTT JARVIS  
DIRECTOR

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

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

No.: C-10-392-11-FO01

ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
BARBARA J. WEIDNER, President, and  
ROIE J. RAITSES, Vice President,

FINAL ORDER  
ROIE J. RAITSES

Respondents.

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 his designee, Consumer Services Division Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On December 22, 2010, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) against ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (ELM), Barbara J. Weidner, and Roie J. Raitses (Respondents). 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 December 22, 2010, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On December 22, 2010, the Department served Respondents with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. On December 23, 2010, the documents sent via Federal Express overnight delivery were delivered. The

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

3 On or about January 10, 2011, the Department received an email from Respondent Weidner  
4 on behalf of herself and Respondent ELM disputing the allegations in the Statement of Charges and  
5 requesting a hearing. Respondent Raitses, however, did not submit his request for an adjudicative  
6 hearing until June 8, 2011; more than 20 calendar days after the Department served the Notice of  
7 Opportunity to Defend and Opportunity for Hearing as provided for in WAC 208-08-050(2).

8 B. Record Presented. The record presented to the Director's designee for her review and  
9 for entry of a final decision included the following:

- 10 1. Statement of Charges, cover letter dated December 22, 2010, Notice of  
11 Opportunity to Defend and Opportunity for Hearing, and blank Application for  
Adjudicative Hearing for Respondent Raitses, with documentation for service.
- 12 2. Signed Application for Adjudicative Hearing for Respondent Raitses filed June 8,  
13 2011.

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

## 16 II. FINAL ORDER

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

19 A. IT IS HEREBY ORDERED, that:

- 20 1. Respondent Roie J. Raitses is prohibited from participation in the conduct of the  
21 affairs of any mortgage broker or consumer lender subject to licensure by the  
22 Director, in any manner, for a period of five years.
- 23 2. Respondent Roie J. Raitses pay a fine of \$150,000. This fine shall be joint and  
several with any other Respondents determined to have violated the Act.
- 24 3. Respondent Roie J. Raitses pay restitution to the following consumers in the stated  
amount:

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2 L.S. \$2,095  
3 F.M. \$3,885  
4 I.K. \$3,885

5 This restitution shall be joint and several with any other Respondents determined  
6 to have violated the Act.

7 4. Respondent Roie J. Raitses pay an investigation fee of \$912. This investigation  
8 fee shall be joint and several with any other Respondents determined to have  
9 violated the Act.

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

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

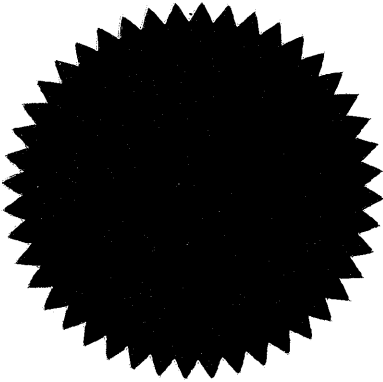
20 C. Stay of Order. The Director's designee has determined not to consider a Petition to  
21 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition  
22 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

23 D. Judicial Review. Respondent has the right to petition the superior court for judicial  
24 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.

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

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

8 DATED this 6<sup>th</sup> day of September, 2011  
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10 STATE OF WASHINGTON  
11 DEPARTMENT OF FINANCIAL INSTITUTIONS

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13 DEBORAH BORTNER  
14 Director  
15 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:

ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
BARBARA J. WEIDNER, President,  
ROIE J. RAITSES, Vice President,

Respondents.

NO. C-10-392-11-SC02

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

**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)<sup>1</sup>. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of this Amended 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. ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (Respondent 1<sup>st</sup> Foreclosure)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker. Respondent 1<sup>st</sup> Foreclosure is known to do business from 67 Buck Road #B25, Huntingdon Valley, Pennsylvania.

<sup>1</sup> All referenced to the MBPA are to that version in effect at the time.

1           **B. Barbara J. Weidner (Respondent Weidner)** is known to be President of Respondent  
2 1<sup>st</sup> Foreclosure. Respondent Weidner has never been licensed by the Department as a mortgage broker  
3 or loan originator.

4           **C. Roie J. Raitses (Respondent Raitses)** is known to be a Vice President and Manager  
5 for Respondent 1<sup>st</sup> Foreclosure. Respondent Raitses has never been licensed by the Department as a  
6 mortgage broker or loan originator.

7 **1.2 Unlicensed Activity.**

8           **A. Complaint 31525.** On or about July 20, 2009, the Department received information  
9 that Respondents were assisting or attempting to assist Washington borrowers with  
10 residential mortgage loan modifications. The Department notified Respondent 1<sup>st</sup>  
11 Foreclosure that it was required to be licensed in Washington as a mortgage broker  
12 before assisting Washington borrowers with residential mortgage loan modifications,  
13 and on or about October 16, 2009, Respondents submitted an Assurance of  
14 Compliance acknowledging the licensing requirement and assuring the Department  
15 that they would obtain a license before operating as a mortgage broker in Washington.  
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17           **B. Complaint 34554.** On or about March 1, 2009, Washington consumer L.S. entered  
18 into an agreement with Respondents for assistance with applying for a residential loan  
19 modification. Respondents were paid an advance fee of at least \$2,095 for this  
20 service.  
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22           **C. Complaint 36479.** On or about February 11, 2010, Washington consumer F.M.  
23 entered into an agreement with Respondents for assistance with applying for a  
24 residential loan modification. Respondents were paid an advance fee of at least  
25 \$3,885 for this service.



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- D. Complaint 36604.** On or about February 10, 2010, Washington consumer I.K. entered into an agreement with Respondents for assistance with applying for a residential loan modification. Respondents were paid an advance fee of at least \$3,885 for this service.
- E. Complaint 37171.** On or about January 15, 2010, Washington consumer T.P. entered into an agreement with Respondents for assistance with applying for a residential loan modification. Respondents were paid an advance fee of at least \$2,500 for this service.
- F. Complaint 37532.** On or about February 26, 2009, Washington consumers A.G. and J.G. entered into an agreement with Respondents for assistance with applying for a residential loan modification. Respondents were paid an advance fee of at least \$3,000 for this service.
- G. Complaint 37537.** In or about March 2009, Washington consumer S.K. entered into an agreement with Respondents for assistance with applying for a residential loan modification. Respondents were paid an advance fee of at least \$1,895 for this service.
- H. Complaint 37206.** On or about April 15, 2009, Washington consumers R.W. and D.W. entered into an agreement with Respondents for assistance with applying for a residential loan modification. Respondents paid an advance fee of \$3,090 for this service.
- I.** On or about December 15, 2010, the Department reviewed Respondents' web site, [www.1stforeclosureprevention.com](http://www.1stforeclosureprevention.com), and determined that Respondents were

1 advertising that they were able to assist Washington consumers through Respondents'  
2 loan modification services.

3 **1.3 Prohibited Acts.** As stated above, on or about October 16, 2009, Respondents submitted an  
4 Assurance of Compliance to the Department, signed under penalty of perjury, acknowledging that  
5 Respondents were required to obtain a license from the Department to assist Washington consumers  
6 with residential mortgage loan modifications and assuring the Department that they would obtain a  
7 license before doing so. On at least three separate occasions in January and February 2010, however,  
8 Respondents violated this agreement and acted contrary to their sworn-to representations by initiating  
9 and assisting at least three Washington consumers with residential mortgage loan modifications.  
10 Additionally, Respondents continued to assist at least three Washington consumers with loan  
11 modifications Respondent had initiated prior to submitting the Assurance of Compliance. It also  
12 appears that Respondents have continuously advertised on their web site that they were able to assist  
13 Washington consumers with residential mortgage loan modifications.  
14

15 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the  
16 Act by Respondents continues to date.

## 17 II. GROUNDS FOR ENTRY OF ORDER

18 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,  
19 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of  
20 compensation or gain (a) makes a residential mortgage loan or assists a person in obtaining or  
21 applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist  
22 a person in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-  
23 006, a person "assists a person in obtaining or applying to obtain a residential mortgage loan" by,  
24  
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1 among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan  
2 packages...” which are necessary actions in a residential mortgage loan modification.

3 **2.2 Definition of a Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006,

4 “Loan Originator” includes a natural person who offers or negotiates terms of a mortgage loan, for  
5 direct or indirect compensation or gain, or in expectation of direct or indirect compensation or gain.

6 “Loan Originator” also includes a person who holds themselves out to the public as able to perform  
7 any of these activities.

8 **2.3 Requirement to Obtain a Mortgage Broker License.** Based on the Factual Allegations set

9 forth in Section I above, Respondents are in apparent violation of RCW 19.146.200 and WAC 208-  
10 660-155(3) for engaging in the business of a mortgage broker and loan originator for Washington  
11 residents or property without first obtaining a license to do so.

12 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
13 are in apparent violation of RCW 19.146.0201(1), (2), (3), and (7) for directly or indirectly employing  
14 a scheme, device or artifice to defraud or mislead borrowers or lenders or any person, engaging in an  
15 unfair or deceptive practice toward any person, obtaining property by fraud or misrepresentation, and  
16 negligently making a false statement or knowingly and willfully making an omission of material fact  
17 in connection with an investigation conducted by the Department.

### 18 **III. AUTHORITY TO IMPOSE SANCTIONS**

19 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director  
20 may issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage  
21 broker, or both, any officer, principal, employee, or loan originator of any person subject to licensing  
22 under the Act for any violation of RCW 19.146.200.  
23  
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25

1 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), the Director may impose a fine  
2 for any violation of the Act.

3 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(e), the Director may order  
4 restitution for any violation of the Act.

5 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-  
6 550, the Department may collect the costs of investigation. The investigation charge will be calculated at  
7 the rate of \$48 per hour that each examiner devoted to the investigation.

#### 8 **IV. NOTICE OF INTENTION TO ENTER ORDER**

9  
10 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as  
11 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
12 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and  
13 RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:

14  
15 **4.1** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
16 Weidner, and Roie J. Raitses be prohibited from participation in the conduct of the affairs of any  
17 mortgage broker or consumer lender subject to licensure by the Director, in any manner, for a  
18 period of five years;

19  
20 **4.2** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
21 Weidner, and Roie J. Raitses jointly and severally pay a fine which as of the date of these charges  
22 totals \$150,000;

23  
24 **4.3** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
25 Weidner, and Roie J. Raitses jointly and severally pay restitution to at least the following  
consumers in the stated amount:

L.S.	\$2,095	F.M.	\$3,885
I.K.	\$3,885	T.P.	\$2,500
A.G.	\$3,000	S.K.	\$1,895
R.W.	\$3,090		

**4.4** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
Weidner, and Roie J. Raitses jointly and severally pay an investigation fee which as of the date of

1 these charges totals \$1,680, calculated at \$48 per hour for the 35 examiner hours devoted to the  
2 investigation to date; and

3 **4.5** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
4 Weidner, and Roie J. Raitses maintain records in compliance with the Act and provide the  
5 Department with the location of the books, records and other information relating to Respondents'  
6 mortgage broker business, and the name, address and telephone number of the individual  
7 responsible for maintenance of such records in compliance with the Act.

## 8 **V. AUTHORITY AND PROCEDURE**

9 This Amended Statement of Charges and Notice of Intention to Enter an Order to Prohibit  
10 from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Amended Statement of  
11 Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW  
12 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The  
13 Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in  
14 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
15 accompanying this Amended Statement of Charges.

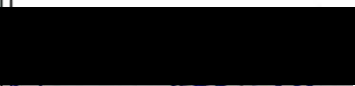
16 Dated this 3<sup>rd</sup> day of February, 2011.

17   
18 DEBORAH BORTNER  
19 Director  
20 Division of Consumer Services  
21 Department of Financial Institutions

22 Presented by:

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24 STEVEN C. SHERMAN  
25 Financial Legal Examiner

Approved by:

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27 JAMES R. BRUSSELBACK  
28 Enforcement Chief

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

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

NO. C-10-392-10-SC01

ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
BARBARA J. WEIDNER, President,  
ROIE J. RAITSES, Vice President,

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)<sup>1</sup>. 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. ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (Respondent 1<sup>st</sup> Foreclosure)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker. Respondent 1<sup>st</sup> Foreclosure is known to do business from 67 Buck Road #B25, Huntingdon Valley, Pennsylvania.

<sup>1</sup> All referenced to the MBPA are to that version in effect at the time.

1           **B. Barbara J. Weidner (Respondent Weidner)** is known to be President of Respondent  
2 1<sup>st</sup> Foreclosure. Respondent Weidner has never been licensed by the Department as a mortgage broker  
3 or loan originator.

4           **C. Roie J. Raitses (Respondent Raitses)** is known to be a Vice President and Manager  
5 for Respondent 1<sup>st</sup> Foreclosure. Respondent Raitses has never been licensed by the Department as a  
6 mortgage broker or loan originator.

7 **1.2 Unlicensed Activity.**

8           **A. Complaint 31525.** On or about July 20, 2009, the Department received information  
9 that Respondents were assisting or attempting to assist Washington borrowers with  
10 residential mortgage loan modifications. The Department notified Respondent 1<sup>st</sup>  
11 Foreclosure that it was required to be licensed in Washington as a mortgage broker  
12 before assisting Washington borrowers with residential mortgage loan modifications,  
13 and on or about October 16, 2009, Respondents submitted an Assurance of  
14 Compliance acknowledging the licensing requirement and assuring the Department  
15 that they would obtain a license before operating as a mortgage broker in Washington.  
16

17           **B. Complaint 34554.** On or about March 1, 2009, Washington consumer L.S. entered  
18 into an agreement with Respondents for assistance with applying for a residential loan  
19 modification. Respondents were paid an advance fee of \$2,095 for this service.  
20

21           **C. Complaint 36479.** On or about February 11, 2010, Washington consumer F.M.  
22 entered into an agreement with Respondents for assistance with applying for a  
23 residential loan modification. Respondents were paid an advance fee of \$3,885 for  
24 this service.  
25

1 **D. Complaint 36604.** On or about February 10, 2010, Washington consumer I.K.  
2 entered into an agreement with Respondents for assistance with applying for a  
3 residential loan modification. Respondents were paid an advance fee of \$3,885 for  
4 this service.

5 **E.** On or about December 15, 2010, the Department reviewed Respondents' web site,  
6 www.1stforeclosureprevention.com, and determined that Respondents were  
7 advertising that they were able to assist Washington consumers through Respondents'  
8 loan modification services.

9  
10 **1.3 Prohibited Acts.** As stated above, on or about October 16, 2009, Respondents submitted an  
11 Assurance of Compliance to the Department, signed under penalty of perjury, acknowledging that  
12 Respondents were required to obtain a license from the Department to assist Washington consumers  
13 with residential mortgage loan modifications and assuring the Department that they would obtain a  
14 license before doing so. On at least two separate occasions in February 2010, however, Respondents  
15 violated this agreement and acted contrary to their sworn-to representations by assisting at least two  
16 Washington consumers with residential mortgage loan modifications. Additionally, it appears that  
17 Respondents have continuously advertised on their web site that they were able to assist Washington  
18 consumers with residential mortgage loan modifications.

19  
20 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the  
21 Act by Respondents continues to date.

## 22 **II. GROUNDS FOR ENTRY OF ORDER**

23 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,  
24 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of  
25 compensation or gain (a) makes a residential mortgage loan or assists a person in obtaining or



1 applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist  
2 a person in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-  
3 006, a person “‘assists a person in obtaining or applying to obtain a residential mortgage loan’ by,  
4 among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan  
5 packages...” which are necessary actions in a residential mortgage loan modification.

6 **2.2 Definition of a Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006,  
7 “Loan Originator” includes a natural person who offers or negotiates terms of a mortgage loan, for  
8 direct or indirect compensation or gain, or in expectation of direct or indirect compensation or gain.  
9 “Loan Originator” also includes a person who holds themselves out to the public as able to perform  
10 any of these activities.

11 **2.3 Requirement to Obtain a Mortgage Broker License.** Based on the Factual Allegations set  
12 forth in Section I above, Respondents are in apparent violation of RCW 19.146.200 and WAC 208-  
13 660-155(3) for engaging in the business of a mortgage broker and loan originator for Washington  
14 residents or property without first obtaining a license to do so.

15 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
16 are in apparent violation of RCW 19.146.0201(1), (2), (3), and (7) for directly or indirectly employing  
17 a scheme, device or artifice to defraud or mislead borrowers or lenders or any person, engaging in an  
18 unfair or deceptive practice toward any person, obtaining property by fraud or misrepresentation, and  
19 negligently making a false statement or knowingly and willfully making an omission of material fact  
20 in connection with an investigation conducted by the Department.

### 21 III. AUTHORITY TO IMPOSE SANCTIONS

22 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director  
23 may issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage  
24  
25

1 broker, or both, any officer, principal, employee, or loan originator of any person subject to licensing  
2 under the Act for any violation of RCW 19.146.200.

3 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), the Director may impose a fine  
4 for any violation of the Act.

5 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(e), the Director may order  
6 restitution for any violation of the Act.

7 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-  
8 550, the Department may collect the costs of investigation. The investigation charge will be calculated at  
9 the rate of \$48 per hour that each examiner devoted to the investigation.  
10

#### 11 IV. NOTICE OF INTENTION TO ENTER ORDER

12 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as  
13 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
14 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and  
15 RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:  
16

17 **4.1** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
18 Weidner, and Roie J. Raitses be prohibited from participation in the conduct of the affairs of any  
19 mortgage broker or consumer lender subject to licensure by the Director, in any manner, for a  
20 period of five years;

21 **4.2** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
22 Weidner, and Roie J. Raitses jointly and severally pay a fine which as of the date of these charges  
23 totals \$150,000;

24 **4.3** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J.  
25 Weidner, and Roie J. Raitses jointly and severally pay restitution to at least the following  
consumers in the stated amount:

L.S.	\$2,095
F.M.	\$3,885
I.K.	\$3,885

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**4.4** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J. Weidner, and Roie J. Raitzes jointly and severally pay an investigation fee which as of the date of these charges totals \$912, calculated at \$48 per hour for the 19 examiner hours devoted to the investigation; and

**4.5** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention, Barbara J. Weidner, and Roie J. Raitzes 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,  
3 Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) is entered  
4 pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and  
5 RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative  
6 Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF  
7 OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this  
8 Statement of Charges.  
9

10 Dated this 22nd day of December, 2010.



11 [Redacted signature]

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13  
14 DEBORAH BORTNER  
15 Director  
16 Division of Consumer Services  
17 Department of Financial Institutions

18 Presented by:

19 [Redacted signature]

20 STEVEN C. SHERMAN  
21 Financial Legal Examiner

22 Approved by:

23 [Redacted signature]

24 JAMES R. BRUSSELBACK  
25 Enforcement Chief

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

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

C-10-392-10-TD01

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ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION,  
BARBARA J. WEIDNER, President,  
ROIE J. RAITSES, Vice President,

TEMPORARY ORDER TO  
CEASE AND DESIST

Respondents.

THE STATE OF WASHINGTON TO: ELM NATIONWIDE ENTERPRISES, LLC,  
d/b/a 1<sup>ST</sup> FORECLOSURE PREVENTION  
BARBARA J. WEIDNER  
ROIE J. RAITSES

COMES NOW the Director of the Washington State Department of Financial Institutions  
(Director), by and through his designee Deborah Bortner, Division Director, Division of Consumer  
Services (designee), and finding that the public is likely to be substantially injured by delay in issuing a  
cease and desist order, the Director, through his designee, enters this Temporary Order to Cease and  
Desist pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), based on the  
following findings:

**I. FACTUAL FINDINGS**

**1.1 Respondents.**

**A. ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention (Respondent 1<sup>st</sup> Foreclosure)** has never been licensed by the Department of Financial Institutions of the State of  
Washington (Department) to conduct business as a mortgage broker. Respondent 1<sup>st</sup> Foreclosure is  
incorporated in Pennsylvania and known to do business from 67 Buck Road #B25, Huntingdon Valley,

1 Pennsylvania. Respondent 1<sup>st</sup> Foreclosure advertises its corporate office location as 3422 Old Capitol  
2 Trail #1371, Wilmington, Delaware.

3 **B. Barbara J. Weidner (Respondent Weidner)** is known to be President of Respondent 1<sup>st</sup>  
4 Foreclosure. Respondent Weidner has never been licensed by the Department as a mortgage broker or  
5 loan originator.

6 **C. Roie J. Raitses (Respondent Raitses)** is known to be a Vice President and Manager for  
7 Respondent 1<sup>st</sup> Foreclosure. Respondent Raitses has never been licensed by the Department as a  
8 mortgage broker or loan originator.

9  
10 **1.2 Unlicensed Activity.** On or about July 20, 2009, the Department received information that  
11 Respondent 1<sup>st</sup> Foreclosure may be assisting or attempting to assist Washington borrowers with  
12 residential mortgage loan modifications. The Department notified Respondent 1<sup>st</sup> Foreclosure that it  
13 was required to be licensed in Washington as a mortgage broker before assisting Washington  
14 borrowers with residential mortgage loan modifications, and on or about October 16, 2009,  
15 Respondent 1<sup>st</sup> Foreclosure submitted an Assurance of Compliance acknowledging the licensing  
16 requirement and assuring the Department that it would obtain a license before operating as a mortgage  
17 broker in Washington. In March 2010 and September 2010, the Department received consumer  
18 complaints that Respondent 1<sup>st</sup> Foreclosure had assisted two Washington borrowers with residential  
19 mortgage loan modifications beginning in February 2010. Respondents appear to have collected  
20 substantial up-front fees but did not perform the agreed services. On or about December 15, 2010, the  
21 Department reviewed Respondent's web site, [www.1stforeclosureprevention.com](http://www.1stforeclosureprevention.com), and determined that  
22 Respondent was advertising that it was able to assist Washington consumers with its loan modification  
23 services.  
24

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,  
3 “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of  
4 compensation or gain (a) makes a residential mortgage loan or assists a person in obtaining or applying  
5 to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist a person  
6 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a  
7 person “assists a person in obtaining or applying to obtain a residential mortgage loan” by, among  
8 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages...”  
9 which are necessary actions in a residential mortgage loan modification.  
10

11 **2.2 Definition of a Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006,  
12 “Loan Originator” includes a natural person who offers or negotiates terms of a mortgage loan, for  
13 direct or indirect compensation or gain, or in expectation of direct or indirect compensation or gain.  
14 “Loan Originator” also includes a person who holds themselves out to the public as able to perform  
15 any of these activities.

16 **2.3 Requirement to Obtain a Mortgage Broker License.** Based on the Factual Allegations set  
17 forth in Section I above, Respondents are in apparent violation of RCW 19.146.200 and WAC 208-  
18 660-155(3) for engaging in the business of a mortgage broker and loan originator for Washington  
19 residents or property without first obtaining a license to do so.  
20

21 **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

22 **3.1 Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 19.146.227,  
23 the Director is authorized to issue a Temporary Order to Cease and Desist whenever the Director  
24 determines that the public is likely to be substantially injured by delay in issuing a cease and desist  
25

1 determines that the public is likely to be substantially injured by delay in issuing a cease and desist  
2 order. Based on the Factual Findings and Grounds for Entry of Order set forth above, it appears that  
3 Respondents have not complied with their agreement to obtain the required licenses before conducting  
4 business as a mortgage broker and continue to advertise their residential mortgage loan modification  
5 services to Washington consumers. As a result, there is a substantial likelihood that Respondents will  
6 continue to obtain up-front fees from Washington consumers for services Respondents are not licensed  
7 to perform and a substantial likelihood that the consumers will not receive the contracted services or  
8 be protected by the bonding, disclosure, and other relevant legal requirements the Mortgage Broker  
9 Practices Act places upon licensees who assist with residential mortgage loan modifications.  
10

#### 11 **IV. ORDER**

12 Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue  
13 Temporary Order to Cease and Desist, and pursuant to RCW 19.146.227, the Director now determines  
14 that the public is likely to be substantially harmed by a delay in entering a cease and desist order.

15 Therefore, the Director ORDERS that:

16 **4.1** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention,  
17 Barbara J, Weidner, and Roie Raitses shall immediately cease and desist from operating as a mortgage  
18 broker or loan originator, in any manner, specifically including, but not limited to, assisting  
19 Washington consumers with loan modification services.  
20

21 **4.2** Respondents ELM Nationwide Enterprises, LLC, d/b/a 1<sup>st</sup> Foreclosure Prevention,  
22 Barbara J, Weidner, and Roie J. Raitses shall immediately cease and desist from advertising or  
23 otherwise holding themselves out as able to assist any Washington consumer applying for or obtaining  
24 any residential mortgage loan modification.  
25



1           **4.3**     This order shall take effect immediately and shall remain in effect unless set aside,  
2 limited, or suspended in writing by an authorized court.

3                                   **NOTICE**

4           PURSUANT TO CHAPTER 19.146 RCW, YOU ARE ENTITLED TO A HEARING WITHIN  
5 14 DAYS OF REQUEST TO DETERMINE WHETHER THIS ORDER SHALL BECOME  
6 PERMANENT. IF YOU DESIRE A HEARING, THEN YOU MUST RETURN THE ATTACHED  
7 APPLICATION FOR ADJUDICATIVE HEARING INCORPORATED HEREIN BY THIS  
8 REFERENCE. FAILURE TO COMPLETE AND RETURN THE APPLICATION FOR  
9 ADJUDICATIVE HEARING FORM SO THAT IT IS RECEIVED BY THE DEPARTMENT OF  
10 FINANCIAL INSTITUTIONS WITHIN 20 DAYS OF THE DATE THAT THIS ORDER WAS  
11 SERVED ON YOU WILL CONSTITUTE A DEFAULT AND WILL RESULT IN THE LOSS OF  
12 YOUR RIGHT TO A HEARING. SERVICE ON YOU IS DEFINED AS POSTING IN THE U.S.  
13 MAIL, POSTAGE PREPAID, TO YOUR LAST KNOWN ADDRESS. BE ADVISED THAT  
14 DEFAULT WILL RESULT IN THIS ORDER TO CEASE AND DESIST BECOMING PERMANENT  
15 ON THE 21ST DAY FOLLOWING SERVICE OF THIS ORDER UPON YOU.

16           WITHIN 10 DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TEMPORARY  
17 ORDER TO CEASE AND DESIST, YOU MAY APPLY TO THE SUPERIOR COURT IN  
18 THURSTON COUNTY, WASHINGTON FOR AN INJUNCTION SETTING ASIDE, LIMITING,  
19 OR SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE ADMINISTRATIVE  
20 PROCEEDINGS PURSUANT TO THIS NOTICE.

21           DATED this 22<sup>nd</sup> day of December, 2010.



23           

24           DEBORAH BORTNER  
25           Director  
                Division of Consumer Services  
                Department of Financial Institutions