

ORDER SUMMARY – Case Number: C-11-0775

Name(s): Thomas C. Matevia d/b/a Legal Home Loan Solutions

Order Number: C-11-0775-12-CO01

Effective Date: 12/18/12

License Number: N/A – U/L
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: None – U/L

Not Apply Until: Never apply for any license from the Department

Not Eligible Until: N/A

Prohibition/Ban Until: Permanent Prohibition

Investigation Costs	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$3,000	Due NOW	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Judgment	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
	No. of Victims:	1		

Comments: Permanent Prohibition from participation in affairs of any mortgage broker licensed by the Department or subject to licensure or regulation by the Department

**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:

THOMAS C. MATEVIA,
D/B/A LEGAL HOME LOAN SOLUTIONS,

Respondent.

No.: C-11-0775-12-CO01

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Thomas C. Matevia, d/b/a Legal Home Loan Solutions (Respondent), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-11-0775-12-SC01 (Statement of Charges), entered September 27, 2012, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges.

Based upon the foregoing:

CONSENT ORDER
C-11-0775-12-CO01
THOMAS C. MATEVIA

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

1 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter
2 of the activities discussed herein.

3 B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
4 hearing before an administrative law judge, and hereby waives his right to a hearing and any and all
5 administrative and judicial review of the issues raised in this matter, or of the resolution reached
6 herein. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of
7 Administrative Hearings.

8 C. **Admissions.** It is AGREED that Respondent admits to the following facts.

- 9 • Respondent has never been licensed by the Department to conduct the business of a
10 mortgage broker or loan originator.
- 11 • Respondent has never been licensed to practice law in the state of Washington.
- 12 • From at least in or around February 2010 through at least in or around December
13 2010, Respondent offered to provide Consumer [REDACTED], located in the state of
14 Washington, with residential mortgage loan modification services related to a
residential mortgage loan secured by real property located in the state of Washington,
and collected \$3,000 in advance fees from Consumer [REDACTED]

15 D. **Mortgage Broker Activity.** It is AGREED that Respondent shall cease and desist from
16 conducting the business of a mortgage broker without obtaining and maintaining a mortgage broker
17 license or qualifying for an exemption under the Act.

18 E. **Loan Originator Activity.** It is AGREED that Respondent shall cease and desist from
19 conducting the business of a loan originator without obtaining and maintaining a loan originator
20 license or qualifying for an exemption under the Act.

21 F. **Prohibition from Industry.** It is AGREED that Respondent is permanently prohibited
22 from participating, in any manner, in the affairs of any mortgage broker licensed by the Department
23 or subject to licensure or regulation by the Department under the Act.

1 **G. Application for License.** It is AGREED that Respondent shall never apply to the
2 Department for any license under any name or on behalf of any person or entity.

3 **H. Restitution.** It is AGREED that Respondent owes and shall pay restitution totaling
4 \$3,000 to Consumer [REDACTED]. It is further AGREED that, pursuant to a Conditional Guilty Plea for
5 Consent Judgment approved and entered in the Supreme Court of Florida (case number SC12-1118)
6 in or around June 2012, Respondent has agreed with The Florida Bar to pay this same \$3,000
7 restitution to this same consumer (TFB File Number 2011-51,201(19B)). Upon payment of this
8 restitution to this consumer, Respondent shall notify the Department of such payment in writing and
9 provide the Department with written proof of payment consisting of a copy of the cashier's check or a
10 copy of the front and back of the cancelled check.

11 **I. Declaration of Financial Condition.** It is AGREED that Respondent has provided the
12 Department with a Declaration comprehensively describing his current financial condition and
13 representing his current inability to pay the restitution, fine, and investigation fee sought in the
14 Statement of Charges. It is further AGREED that, based on this Declaration, the Department has
15 agreed to enter this Consent Order without imposing a fine or investigation fee on Respondent and
16 without requiring the payment of restitution prior to entry of this Consent Order. Nothing in this
17 paragraph shall be construed as relieving Respondent from the obligation to pay the \$3,000 restitution
18 described in paragraph H of this Consent Order.

19 **J. Records Retention.** It is AGREED that Respondent shall maintain records in compliance
20 with the Act and provide the Director with the location of the books, records and other information
21 relating to Respondent's mortgage broker business, and the name, address and telephone number of
22 the individual responsible for maintenance of such records in compliance with the Act.

1 **K. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
2 abide by the terms and conditions of this Consent Order may result in further legal action by the
3 Director. In the event of such legal action, Respondent may be responsible to reimburse the Director
4 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

5 **L. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily
6 entered into this Consent Order, which is effective when signed by the Director's designee.

7 **M. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read
8 this Consent Order in its entirety and fully understands and agrees to all of the same.

9
10 **RESPONDENT:**

11 /s/ _____
12 Thomas C. Matevia

12/14/12 _____
Date

13 **DO NOT WRITE BELOW THIS LINE**

14 THIS ORDER ENTERED THIS 18th DAY OF December 2012,

15 /s/ _____
16 DEBORAH BORTNER
17 Director
18 Division of Consumer Services
19 Department of Financial Institutions

20 Presented by:

21 /s/ _____
22 MARK T. OLSON
23 Financial Legal Examiner

24 Approved by:

/s/ _____
CHARLES E. CLARK
Enforcement Chief

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

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

5 THOMAS C. MATEVIA,
6 D/B/A LEGAL HOME LOAN SOLUTIONS,

7 Respondent.

No. C-11-0775-12-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO PRODUCE RECORDS,
CEASE AND DESIST BUSINESS,
PROHIBIT FROM INDUSTRY, ORDER
RESTITUTION, IMPOSE FINE, AND
COLLECT INVESTIGATION FEE

8 **INTRODUCTION**

9 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
10 Institutions of the State of Washington (Director) is responsible for the administration of chapter
11 19.146 RCW, the Mortgage Broker Practices (Act). After having conducted an investigation pursuant
12 to RCW 19.146.235, and based upon the facts available as of the date of this Statement of Charges, the
13 Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes
14 this proceeding and finds as follows:

15 **I. FACTUAL ALLEGATIONS**

16 **1.1 Respondent Thomas C. Matevia, D/B/A Legal Home Loan Solutions (Respondent)** has
17 never been licensed by the Department of Financial Institutions of the State of Washington
18 (Department) to engage in the business of a mortgage broker or loan originator. Respondent has
19 never been licensed to practice law in the state of Washington.

20 **1.2 Unlicensed Activity.** From at least in or around February 2010 through at least in or around
21 December 2010, Respondent offered to provide at least one consumer (Consumer [REDACTED]) located in the
22 state of Washington with residential mortgage loan modification services related to a residential
23 mortgage loan secured by real property located in the state of Washington, and collected at least
24 \$3,150 in advance fees from at least Consumer [REDACTED]

1 **1.3 Prohibited Acts.** The Department has received a complaint from Consumer [REDACTED] alleging
2 Respondent did not provide residential mortgage loan modification services to Consumer [REDACTED]’s
3 satisfaction and did not refund the advance fee Consumer [REDACTED] had paid to Respondent.

4 **1.4 Misrepresentations and Omissions.** Respondent omitted disclosing to consumers in the
5 state of Washington that Respondent was neither licensed to provide residential mortgage loan
6 modification services in the state of Washington nor exempt from licensing.

7 **1.5 On-Going Investigation.** The Department’s investigation into the alleged violations of the
8 Act by Respondent continues to date.

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

10 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
11 “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of
12 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage
13 loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to
14 obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a person ““assists a person in
15 obtaining or applying to obtain a residential mortgage loan’ by, among other things, counseling on
16 loan terms (rates, fees, other costs), [and] preparing loan packages....”

17 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a
18 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
19 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
20 offers or negotiates terms of a mortgage loan; performs residential mortgage loan modification
21 services; or holds themselves out to the public as able to perform any of these activities.

22 **2.3 Residential Mortgage Loan Modification Defined.** Pursuant to RCW 19.146.010(20),
23 “residential mortgage loan modification” means a change in one or more of a residential mortgage
24 loan’s terms or conditions. Changes to a residential mortgage loan’s terms or conditions include but

1 are not limited to forbearances; repayment plans; changes in interest rates, loan terms, or loan types;
2 capitalization of arrearages; or principal reductions.

3 **2.4 Residential Mortgage Loan Modification Services Defined.** Pursuant to RCW

4 19.146.010(21), “residential mortgage loan modification services” includes negotiating, attempting to
5 negotiate, arranging, attempting to arrange, or otherwise offering to perform a residential mortgage
6 loan modification. “Residential mortgage loan modification services” also includes the collection of
7 data for submission to any entity performing mortgage loan modification services.

8 **2.5 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is
9 in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
10 toward any person and obtaining property by fraud or misrepresentation.

11 **2.6 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
12 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1)
13 for engaging in the business of a mortgage broker without first obtaining and maintaining a license
14 under the Act.

15 **2.7 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
16 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1)
17 for engaging in the business of a loan originator without first obtaining and maintaining a license
18 under the Act.

19 **2.8 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
20 19.146.060 and WAC 208-660-450, Respondent is required to keep all books and records in a location
21 that is on file with and readily available to the Department until at least twenty-five months have
22 elapsed following the effective period to which the books and records relate.

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1 **III. AUTHORITY TO ORDER PRODUCTION OF RECORDS**

2 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
3 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,
4 accounts, records, files, and any other documents the director or designated person deems relevant to
5 an investigation.

6 **IV. AUTHORITY TO IMPOSE SANCTIONS**

7 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
8 Director may issue orders directing any person subject to the Act to cease and desist from conducting
9 business.

10 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
11 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
12 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
13 (13), or RCW 19.146.200.

14 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
15 restitution against any person subject to the Act for any violation of the Act.

16 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
17 against any person subject to the Act for any violation of the Act. Pursuant to RCW 19.146.220(3),
18 the Director may impose fines on any person subject to the Act for any violations of RCW
19 19.146.0201(1) through (9) or (13), or RCW 19.146.200.

20 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
21 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
22 to an investigation of any person subject to the Act.

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24 //

1 **V. NOTICE OF INTENT TO ENTER ORDER**

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

5 **5.1** Respondent Thomas C. Matevia cease and desist engaging in the business of a mortgage broker
6 without obtaining and maintaining a mortgage broker license from the Department or
qualifying for an exemption from licensure under the Act.

7 **5.2** Respondent Thomas C. Matevia cease and desist engaging in the business of a loan originator
8 without obtaining and maintaining a loan originator license from the Department or qualifying
for an exemption from licensure under the Act.

9 **5.3** Respondent Thomas C. Matevia provide the Department with a complete list of all transactions
10 in which Respondent provided or offered to provide residential mortgage loan modification
services related to real property or consumers located in the state of Washington. This list
11 must include each consumer's name, address, and telephone number, the date of the
transaction, and the total fees collected by Respondent from each consumer for the provision of
12 those services.

13 **5.4** Respondent Thomas C. Matevia be prohibited from participation in the conduct of the affairs
of any licensed mortgage broker, in any manner, for a period of five years.

14 **5.5** Respondent Thomas C. Matevia pay restitution totaling the amount collected from all
15 consumers for residential mortgage loan modification services related to real property or
consumers located in the state of Washington, including at least \$3,150 to Consumer [REDACTED]

16 **5.6** Respondent Thomas C. Matevia pay a fine of \$3,000 for each transaction in which Respondent
17 provided or offered to provide residential mortgage loan modification services related to real
property or consumers located in the state of Washington. As of the date of this Statement of
18 Charges, the fine totals \$3,000.

19 **5.7** Respondent Thomas C. Matevia pay an investigation fee. As of the date of this Statement of
Charges, the investigation fee totals \$1,248.

20 **5.8** Respondent Thomas C. Matevia maintain records in compliance with the Act and provide the
21 Department with the location of the books, records and other information relating to
Respondent's provision of residential mortgage loan modification services in Washington, and
22 the name, address and telephone number of the individual responsible for maintenance of such
records in compliance with the Act.

23 //

24 //

1 **VI. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
4 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

7 Dated this 27th day of September, 2012.

8 /s/
9 DEBORAH BORTNER
10 Director, Division of Consumer Services
11 Department of Financial Institutions

12 Presented by:

13 /s/
14 MARK T. OLSON
15 Financial Legal Examiner

16 Approved by:

17 /s/
18 CHARLES E. CLARK
19 Enforcement Chief