ORDER SUMMARY – Case Number: C-12-1054-13-CO01

Name(s):	Homeowners Defense Group, LLC d/b/a U.S. Loan Educators and d/b/a			
	Family 1 st Home Preservation Services Tobias West a/k/a Tobey West			
	1001as West a	That 1000y West		
Order Number:	C-12-1054-13-	-CO01		
Effective Date :	August 26, 202	13		
License Number: Or NMLS Identifier [U/L] License Effect:	U/L (Revoked, suspended, stayed, application denied or withdrawn) If applicable, you must specifically note the ending dates of terms. Permanent Cease and Desist			
Not Apply Until:				
Not Eligible Until:				
Prohibition/Ban Until:	Permanent			
Investigation Costs	\$	Due	Paid N N	Date
Fine	\$	Due	Paid Y N	Date
Assessment(s)	\$	Due	Paid Y N	Date
Restitution	\$	Due	Paid N	Date
Financial Literacy Fund	\$	Due	Paid N	Date
Satisfaction of Judgment F	Filed?	□ Y □ N		
	Victims:			
Comments:				

STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISION OF CONSUMER SERVICES

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

HOMEOWNERS DEFENSE GROUP, LLC, d/b/a U.S. LOAN EDUCATORS and d/b/a FAMILY 1ST HOME PRESERVATION SERVICES, and TOBIAS WEST, a/k/a TOBEY WEST, Owner,

Administrative Procedure Act, based on the following:

Respondents.

No.: C-12-1054-13-CO01

AGREED ORDER TO CEASE AND DESIST

COMES NOW the Director of the Department of Financial Institutions ("Director"), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Respondent Homeowners Defense Group, LLC d/b/a U.S. Loan Educators and d/b/a Family 1st Home Preservation Services, and Respondent Tobias West a/k/a Tobey West, owner (collectively, "Respondents"), and finding that the issues raised in Temporary Order to Cease and Desist ("TCD") No. C-12-1054-13-TD01 may be economically and efficiently settled, agree to the entry of this Agreed Order to Cease and Desist. This Agreed Order to Cease and Desist is entered pursuant to chapter 19.146 of the Revised Code of Washington ("RCW"), and RCW 34.05.060 of the

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services ("Department") and Respondents have agreed upon a basis for resolution of the matters alleged in the TCD, entered April 18, 2013, (copy attached hereto). Pursuant to chapter 19.146 RCW, the ("Act") and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Agreed Order to Cease and Desist and further agree that the issues raised in the TCD may be

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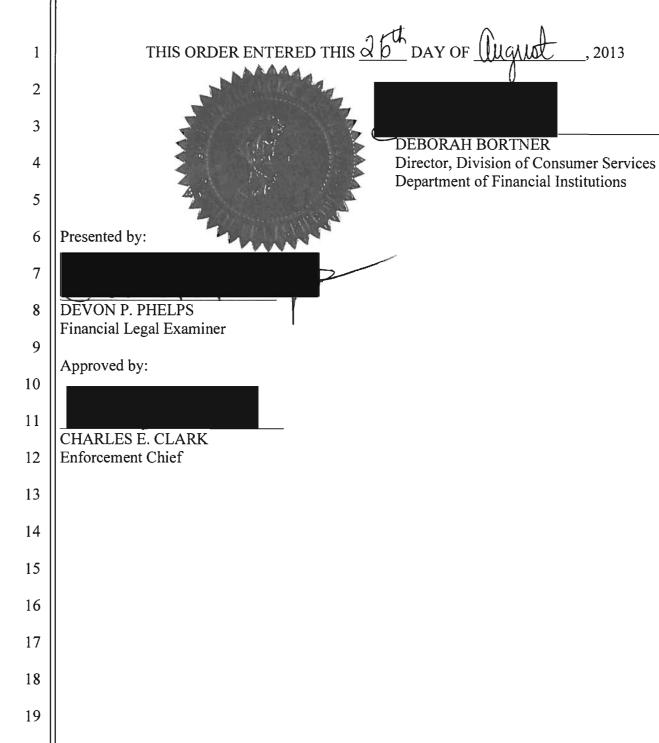
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economically and efficiently settled by entry of this Agreed Order to Cease and Desist. The parties intend this Agreed Order to Cease and Desist to fully resolve the TCD.

Based upon the foregoing:

- A. **Jurisdiction**. It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.
- B. Waiver of Hearing. It is AGREED that Respondents have been informed of the right to a hearing before an administrative law judge, and hereby waive their right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondents, by their signatures below, withdraw their appeal to the Office of Administrative Hearings.
- C. **Permanent Cease and Desist**. It is AGREED that Respondents will immediately and permanently cease and desist from participating in the conduct of the affairs of any mortgage broker or loan originator subject to licensure by the Director, in any manner, specifically including, but not limited to, negotiating any terms of a residential mortgage loan, performing any loan modification services, or holding out as able to assist or perform any of the above listed services.
- D. Authority to Execute Order. It is AGREED that the undersigned have represented and warranted that they have the full power and right to execute this Agreed Order to Cease and Desist on behalf of the parties represented.
- E. Non-Compliance with Order. It is AGREED that Respondents understand that failure to abide by the terms and conditions of this Agreed Order to Cease and Desist may result in further legal action by the Director. In the event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.



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STATE OF WASHINGTON **DEPARTMENT OF FINANCIAL INSTITUTIONS** CONSUMER SERVICES DIVISION IN THE MATTER OF DETERMINING C-12-1054-13-TD01 Whether there has been a violation of the

Mortgage Broker Practices Act of Washington by:

HOMEOWNERS DEFENSE GROUP, LLC, D/B/A U.S. LOAN EDUCATORS and D/B/A FAMILY 1ST HOME PRESERVATION SERVICES, and TOBIAS WEST, A/K/A TOBEY WEST, Owner,

Respondents.

TEMPORARY ORDER TO **CEASE AND DESIST**

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THE STATE OF WASHINGTON TO:

Homeowners Defense Group, LLC d/b/a U.S. Loan

Educators and d/b/a Family 1st Home Preservation Services

Tobias West a/k/a Tobey West

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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, and finding that the public is likely to be substantially injured by delay in issuing a cease and desist order, enters this Temporary Order to Cease and Desist pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), based on the following:

I. FACTUAL FINDINGS

1.1 Respondents.

- Respondent Homeowners Defense Group, LLC d/b/a U.S. Loan Educators and d/b/a Family 1st Home Preservation Services (Respondent HDG) has never been licensed by the Washington State Department of Financial Institutions (Department) to conduct business as a mortgage broker in Washington.
- В. Respondent Tobias West a/k/a Tobey West (Respondent West) is the Owner of Respondent HDG. Respondent West has never been licensed by the Department to conduct business as a loan originator or mortgage broker in Washington.

1.2 Unlicensed Conduct.

- A. On or about January 27, 2012, Respondent HDG d/b/a U.S. Loan Educators entered into an agreement with Washington resident to perform loan modification services. paid \$1,595 to Respondent HDG via check on January 27, 2012.
- **B.** On or about June 15, 2012, Respondent HDG d/b/a U.S. Loan Educators entered into an agreement with Washington resident to perform loan modification services. paid \$1,970 to Respondent HDG via two checks, the first on June 20, 2012, for \$1,000, and the second on July 20, 2012, for \$970.
- C. On or about November 19, 2012, Respondent HDG sent a letter to the Department whereby it indicated it has ceased to conduct business as a loan modification company in Washington.
 Additionally, on January 7, 2013, a representative of Respondent HDG contacted the Department and stated Respondent HDG had discontinued its business in Washington State sometime in early 2012.
- D. On or about February 5, 2103, Respondent HDG d/b/a Family 1st Home Preservation entered into an agreement with Washington resident to perform loan modification services. paid \$1,500 to Respondent HDG via check on February 5, 2013.
- E. On or about March 21, 2013, Respondent HDG d/b/a Family 1st Home Preservation Services entered into an agreement with Washington resident to perform loan modification services.

 sent two checks for \$1,097.50 each, but has since closed the accounts before Respondent HDG was able to cash the checks.
- F. The Department has determined that the US Bank account where the check written by was deposited is registered to Respondents HDG d/b/a U.S. Loan Educators and West. The account was opened January 31, 2012, and was still an active account as of November 26, 2012.

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1	G. The Department has also determined that the US Bank account where the check written by
2	was deposited is registered to Respondents HDG d/b/a Family 1 st Home Preservation and West.
3	The account was opened on November 14, 2012, and was open as of March 22, 2013.
4	II. GROUNDS FOR ENTRY OF ORDER
5	2.1 Failure to Obtain License. Based on the Factual Allegations set forth in Section I above,
6	Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a mortgage
7	broker or loan originator without first obtaining a license under the Act.
8	2.2 False Statements. Based on the Factual Allegations set forth in Section I above, Respondents
9	are in apparent violation of RCW 19.146.0201(8) for making a false statement in connection with an
10	investigation conducted by the Department.
11	III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST
12	3.1 Authority to Issue Temporary Order to Cease and Desist. Pursuant to RCW 19.146.227, the
13	Director is authorized to issue a temporary order to cease and desist whenever the Director determines
14	that the public is likely to be substantially injured by delay in issuing a cease and desist order. Based
15	on the Factual Findings and Grounds for Entry of Order set forth above, Respondents engaged in the
16	business of a Mortgage Broker or Loan Originator without proper licensure and failed to comply with
17	its statements to the Department that it would cease accepting new clients and the public is likely to be
18	substantially injured due to Respondents' disregard for the applicable laws.
19	IV. ORDER
20	Based on the above Factual Findings, Grounds for Entry of Order, and Authority to Issue
21	Temporary Order to Cease and Desist, and pursuant to RCW 19.146.227, the Director determines that
22	the public is likely to be substantially harmed by a delay in entering a cease and desist order.

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Therefore, the Director ORDERS that:

1	4.1 Respondents shall immediately cease and desist from participating in the conduct of the affairs of
2	any mortgage broker or loan originator subject to licensure by the Director, in any manner, specifically
3	including but not limited to negotiating any terms of a residential mortgage loan, performing any loan
4	modification services, or holding out as able to assist or perform any of the above listed services.
5	4.2 This order shall take effect immediately and shall remain in effect unless set aside, limited, or
6	suspended in writing by an authorized court.
7	NOTICE
8	PURSUANT TO CHAPTER 19.146 RCW, YOU ARE ENTITLED TO A HEARING TO
9	DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU DESIRE A
10	HEARING, YOU MUST COMPLETE AND RETURN THE ATTACHED APPLICATION FOR
11	ADJUDICATIVE HEARING.
12	FAILURE TO COMPLETE AND RETURN THE APPLICATION FOR ADJUDICATIVE
13	HEARING SO THAT IT IS RECEIVED BY THE DEPARTMENT WITHIN 20 DAYS OF
14	THE DATE THAT THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A
15	DEFAULT, AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO A HEARING.
16	SERVICE ON YOU IS DEFINED AS POSTING IN THE U.S. MAIL, POSTAGE PREPAID,
17	TO YOUR LAST KNOWN ADDRESS, A COPY OF THIS TEMPORARY CEASE AND DESIST
18	ORDER, NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING,
19	AND APPLICATION FOR ADJUDICATIVE HEARING. BE ADVISED THAT DEFAULT WILL
20	RESULT IN THIS TEMPORARY ORDER TO CEASE AND DESIST BECOMING PERMANENT
21	ON THE 21 ST DAY FOLLOWING SERVICE OF THIS ORDER UPON YOU.
22	WITHIN TEN DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TEMPORARY
23	ORDER TO CEASE AND DESIST, YOU MAY APPLY TO THE SUPERIOR COURT IN THE
24	COUNTY OF YOUR PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING

ASIDE, LIMITING, OR SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE 1 ADMINISTRATIVE PROCEEDINGS PURSUANT TO THIS NOTICE. 2 3 day of April, 2013. DATED this 4 5 DEBORAH BORTNER 6 Director, Division of Consumer Services Department of Financial Institutions 7 8 Presented by: 9 10 DEVON P. PHELPS Financial Legal Examiner 11 Approved by: 12 13 CHARLES E. CLARK 14 Enforcement Chief 15 16 17 18 19

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1 STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS 2 **DIVISION OF CONSUMER SERVICES** IN THE MATTER OF DETERMINING 3 No. C-12-1054-13-SC01 Whether there has been a violation of the 4 Mortgage Broker Practices Act of Washington by: STATEMENT OF CHARGES and NOTICE OF INTENT TO ENTER AN 5 HOMEOWNER DEFENSE GROUP, LLC d/b/a ORDER TO PROHIBIT FROM INDUSTRY. U.S. LEGAL EDUCATORS, LEGAL ORDER RESTITUTION, IMPOSE FINE. AFFILIATES GROUP¹, and FAMILY FIRST 6 COLLECT INVESTIGATION FEE AND HOME PRESERVATION SERVICES²; MAINTAIN RECORDS FAMILY 1ST HOME PRESERVATION, LLC d/b/a 7 NATIONWIDE PRESERVATION COMPANY³: TOBIAS WEST a/k/a TOBEY WEST, Principal; and 9 NATHAN C. BISHOP, Principal, 10 Respondents. 11 INTRODUCTION 12 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial 13 Institutions of the State of Washington (Director) is responsible for the administration of chapter 14 19.146 RCW, the Mortgage Broker Practices (Act). After having conducted an investigation 15 pursuant to RCW 19.146.235, and based upon the facts available as of the date of this Statement of 16 Charges, the Director, through his designee, Division of Consumer Services Director Deborah 17 Bortner, institutes this proceeding and finds as follows: 18 I. FACTUAL ALLEGATIONS 19 1.1 Respondents. 20 A. Respondent Homeowner Defense Group, LLC (Respondent HDG) was a limited 21 liability company registered with the California Secretary of State. Respondent HDG has done 22 23 ¹ The company documents also use the names Legal Affiliates Group Co. and Legal Affiliates Group & Co. ² The company documents also use the names Family First Home Preservation Corp., Family 1st Home Preservation 24 Services, and Family 1st Home Preservation. The company documents also use the names Nationwide Preservation Company Inc. and Nationwide PCO. STATEMENT OF CHARGES DEPARTMENT OF FINANCIAL INSTITUTIONS C-12-1054-13-SC01

HOMEOWNER DEFENSE GROUP, LLC et. al.

Division of Consumer Services

Olympia, WA 98504-1200

PO Box 41200

(360) 902-8703

business under the following names: U.S. Loan Educators, Legal Affiliates Group, and Family First Home Preservation Services. Respondent HDG has never been licensed by the Washington State Department of Financial Institutions (Department) to conduct business as a mortgage broker or loan originator in Washington.

- Respondent Family 1st Home Preservation, LLC (Respondent Family 1st) is a limited В. liability company registered with the California Secretary of State. Respondent Family 1st has done business under the name Nationwide Preservation Company. Respondent Family 1st has never been licensed by the Washington State Department of Financial Institutions (Department) to conduct business as a mortgage broker or loan originator in Washington.
- Respondent Tobias West a/k/a Tobey West (Respondent West) is a principal of Respondent HDG. Respondent West has never been licensed by the Department in any capacity.
- D. Respondent Nathan C. Bishop (Respondent Bishop) is a principal of Respondent Family 1st. Respondent Bishop has never been licensed by the Department in any capacity.
- Unlicensed Conduct.⁴ Between at least January 27, 2012, and May 1, 2013, Respondents were offering residential loan modification services to Washington consumers on property located in Washington State. Respondents entered into a contractual relationship with at least sixteen consumers to provide those services and collected an advance fee for the provision of those services. The Department has received at least sixteen complaints from Washington consumers alleging Respondents provided or offered to provide residential mortgage loan modification services while not licensed by the Department to provide those services. A list of Washington consumers with whom Respondents conducted business as a mortgage broker or loan originator, and the amount paid by each is appended hereto and incorporated herein by reference.

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- 1.3 Misrepresentations and Omissions. Respondents represented that they were licensed to provide the residential mortgage loan modification services or omitted disclosing that they were not licensed to provide those services.
- 1.4 False Statements to the Department. On or about November 19, 2012, Respondent HDG sent a letter to the Department whereby it indicated it had ceased to conduct business as a loan modification company in Washington. Additionally, on January 7, 2013, a representative of Respondent HDG contacted the Department and stated Respondent HDG had discontinued its business in Washington State sometime in early 2012. However, Respondent HDG entered into contractual relationships to provide loan modification services with at least eight consumers after January 7, 2013.
- 1.5 On-Going Investigation. The Department's investigation into the alleged violations of the Act by Respondents continues to date.

II. GROUNDS FOR ENTRY OF ORDER

- 2.1 Mortgage Broker Defined. Pursuant to RCW 19.146.010(14) and WAC 208-660-006, "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a person "assists a person in obtaining or applying to obtain a residential mortgage loan' by, among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages...."
- **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a natural person who for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;

1	offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to
2	perform any of these activities.
3	2.3 Prohibited Acts. Based on the Factual Allegations set forth in Section I above, Respondents
4	are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive
5	practice toward any person and obtaining property by fraud or misrepresentation.
6	2.4 Requirement to Obtain and Maintain Mortgage Broker License. Based on the Factual
7	Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
8	for engaging in the business of a mortgage broker for Washington residents or property without first
9	obtaining a license to do so.
10	2.5 Requirement to Obtain and Maintain Loan Originator License. Based on the Factual
11	Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
12	for engaging in the business of a loan originator without first obtaining and maintaining a license.
13	2.6 False Statements. Based on the Factual Allegations set forth in Section I above, Respondents
14	are in apparent violation of RCW 19.146.0201(8) for making a false statement in connection with an
15	investigation conducted by the Department.
16	2.7 Requirement to Maintain Accurate and Current Books and Records. Pursuant to RCW
17	19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
18	location that is on file with and readily available to the Department until at least twenty-five months
19	have elapsed following the effective period to which the books and records relate.
20	III. AUTHORITY TO IMPOSE SANCTIONS
21	3.1 Authority to Prohibit from Industry. Pursuant to RCW 19.146.220(5), the Director may
22	issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
23	any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9)
24	or (13), or RCW 19.146.200.

V. AUTHORITY AND PROCEDURE

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

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DEVON P. PHELPS Financial Legal Examiner

Approved by:

CHARLES E. CLARK Enforcement Chief

STATEMENT OF CHARGES C-12-1054-13-SC01 HOMEOWNER DEFENSE GROUP, LLC et. al. DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

Restitution

2	Consumer	Company Name	Amount
3		HDG d/b/a Family First	\$1,995
4		HDG d/b/a Legal Affiliates Group	\$2,695
5		HDG d/b/a Family First	\$665
6		HDG d/b/a Family First	\$1,500* ⁵
7		HDG d/b/a U.S. Loan Educators	\$1,970*
8		Family 1st d/b/a Nationwide	\$500
9		HDG d/b/a Legal Affiliates Group	\$1,995
10		HDG d/b/a Family First	\$2,195
11		HDG d/b/a Family First	\$2,295
12		Family 1st d/b/a Nationwide	\$830
13		HDG d/b/a Family First	\$2,195 ⁶
14		HDG d/b/a U.S. Loan Educators	\$1,595*
15		HDG d/b/a Family First	\$2,175
16		HDG d/b/a Family First	\$2,950
17		HDG d/b/a Legal Affiliates Group	\$1,995
18		HDG d/b/a Legal Affiliates Group	\$2,595
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⁵ The consumers indicated by the "*" previously received refunds from Respondents.
⁶ The consumer closed the account before Respondents cashed the checks. Appendix A- Restitution A-I