

ORDER SUMMARY – Case Number: C-13-1375

Name(s): LOCN, Inc d/b/a United Relief Services;
Robin Collins; Harvey Eugene Fouchia

Order Number: C-13-1375-14-FO01

Effective Date: January 29, 2014

License Number: 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Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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:

Not Apply Until: 1/29/2019

Not Eligible Until: 1/29/2019

Prohibition/Ban Until: 1/29/2019

Investigation Costs	\$408	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$6,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$3,500	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Judgment	\$	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: Respondents must also maintain records in compliance with the Act

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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-13-1375-14-FO01

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LOCN, INC. d/b/a UNITED RELIEF SERVICES;
ROBIN COLLINS, President and Director; and
HARVEY EUGENE FOUCHIA, Manager;

FINAL ORDER

Respondents.

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I. DIRECTOR'S CONSIDERATION

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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 30, 2013, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, Collect Investigation Fee, and Maintain Records (Statement of Charges) against LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey Eugene Fouchia (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 31, 2013, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondents (collectively, accompanying documents).

On December 31, 2013, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On January 2, 2014, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the United States Postal

Service.

FINAL ORDER
C-13-1375-14-FO01
LOCN, INC. d/b/a UNITED RELIEF SERVICES, ROBIN
COLLINS, and HARVEY EUGENE FOUCHIA

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

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

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated
6 December 31, 2013, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
7 Application for Adjudicative Hearing for Respondents, with documentation for service.

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

10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

- 14 1. Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey
15 Eugene Fouchia are prohibited from participation, in any manner, in the conduct of
16 the affairs of any mortgage broker subject to licensure by the Director for a period
17 of five (5) years.
- 18 2. Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey
19 Eugene Fouchia jointly and severally pay a fine of \$6,000.
- 20 3. Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey
21 Eugene Fouchia jointly and severally pay \$3,500 in restitution to consumer G.E.
22 identified in paragraph 1.2 of the Statement of Charges.
- 23 4. Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey
24 Eugene Fouchia jointly and severally pay an investigation fee of \$408.
- 25 5. Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey
Eugene Fouchia shall maintain records in compliance with the Act and provide the
Department with the location of the books, records and other information relating
to Respondents' provision of residential mortgage loan modification services in
Washington, and the name, address and telephone number of the individual
responsible for maintenance of such records in compliance with the Act.

1 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
2 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
3 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
4 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
5 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
6 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
7 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

17 E. Non-compliance with Order. If Respondents do not comply with the terms of this
18 order, **including payment of any amounts owed within 30 days of receipt of this order**, the
19 Department may seek its enforcement by the Office of the Attorney General to include the collection
20 of the fines, fees, and restitution imposed herein. The Department also may assign the amounts owed
21 to a collection agency for collection.

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

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DATED this 29th day of January, 2014.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



DEBORAH BORTNER
Director, Division of Consumer Services

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

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

7 LOCN, INC. d/b/a UNITED RELIEF SERVICES;
8 ROBIN COLLINS, President and Director; and
9 HARVEY EUGENE FOUCHIA, Manager;

10 Respondents.

No. C-13-1375-13-SC01

11 STATEMENT OF CHARGES and
12 NOTICE OF INTENT TO ENTER AN
13 ORDER TO CEASE AND DESIST
14 BUSINESS, PROHIBIT FROM INDUSTRY,
15 ORDER RESTITUTION, IMPOSE FINE,
16 COLLECT INVESTIGATION FEE, AND
17 MAINTAIN RECORDS

18 INTRODUCTION

19 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
20 Institutions of the State of Washington (Director) is responsible for the administration of chapter
21 19.146 RCW, the Mortgage Broker Practices (Act). After having conducted an investigation pursuant
22 to RCW 19.146.235, and based upon the facts available as of the date of this Statement of Charges, the
23 Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes
24 this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **LOCN, Inc. d/b/a United Relief Services (Respondent United Relief Services)** has
never been licensed by the Department of Financial Institutions of the State of Washington
(Department) to conduct business as a mortgage broker.

B. **Robin Collins (Respondent Collins)** is President and Director of Respondent United
Relief Services. During the relevant time period, Respondent Collins was not licensed by the
Department to conduct business as a mortgage broker or loan originator.

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1 among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan
2 packages....”

3 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a
4 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
5 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
6 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform
7 any of these activities.

8 **2.3 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
9 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
10 for engaging in the business of a mortgage broker for Washington residents or property without first
11 obtaining a license to do so.

12 **2.4 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
13 Allegations set forth in Section I above, Respondents Collins and Fouchia are in apparent violation of
14 RCW 19.146.200(1) for engaging in the business of a loan originator without first obtaining and
15 maintaining a license.

16 **2.5 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
17 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
18 toward any person and obtaining property by fraud or misrepresentation.

19 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
20 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
21 location that is on file with and readily available to the Department until at least twenty-five months
22 have elapsed following the effective period to which the books and records relate.

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1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
3 Director may issue orders directing any person subject to the Act to cease and desist from conducting
4 business.

5 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
6 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
7 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
8 (13), or RCW 19.146.200.

9 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
10 restitution against any person subject to the Act for any violation of the Act.

11 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
12 against any person subject to the Act for any violation of the Act.

13 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
14 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
15 to an investigation of any person subject to the Act.

16 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

20 **4.1** Respondent LOCN, Inc. d/b/a United Relief Services cease and desist from engaging in the
21 business of a mortgage broker.

22 **4.2** Respondents Robin Collins and Harvey Eugene Fouchia cease and desist from engaging in the
23 business of a mortgage broker or loan originator.

24 **4.3** Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey Eugene
Fouchia be prohibited from participation, in any manner, in the conduct of the affairs of any
mortgage broker subject to licensure by the Director for a period of five (5) years.

- 1 4.4 Respondents LOCN, Inc. d/b/a United Relief Services, Robin Collins, and Harvey Eugene
2 Fouchia jointly and severally pay restitution to consumer G.E. identified by the Department in
3 paragraph 1.2 in the amount of \$3,500, and that Respondents jointly and severally pay
4 restitution to each Washington consumer with whom they entered into a contract for residential
5 mortgage loan modification services related to real property or consumers located in the state
6 of Washington equal to the amount collected from that Washington consumer for those
7 services in an amount to be determined at hearing.
- 8 4.5 Respondents jointly and severally pay a fine, which as of the date of this Statement of Charges
9 totals \$6,000.
- 10 4.6 Respondents jointly and severally pay an investigation fee, which as of the date of this
11 Statement of Charges totals \$408.
- 12 4.7 Respondents maintain records in compliance with the Act and provide the Department with the
13 location of the books, records and other information relating to Respondents' provision of
14 residential mortgage loan modification services in Washington, and the name, address and
15 telephone number of the individual responsible for maintenance of such records in compliance
16 with the Act.
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V. AUTHORITY AND PROCEDURE

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

Dated this 30th day of December, 2013.



[Redacted signature]

DEBORAH BORTNER
Director, Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted signature]

DEVON P. PHELPS
Financial Legal Examiner

Approved by:

[Redacted signature]

CHARLES E. CLARK
Enforcement Chief