

ORDER SUMMARY – Case Number: C-14-1517

Name(s): NATIONAL HOME RETENTION SERVICES EXPERTS, LLC
D/B/A FEDERAL HOME RETENTION SERVICES
and DANA TODD FABIAN, Principal,

Order Number: C-14-1517-16-FO01

Effective Date:

License Number: Unlicensed - n/a
Or NMLS Identifier: NMLS: Fabian #1467921, National Home Retention Services, LLC #1467922

License Effect: n/a

Not Apply Until: 2/12/2021

Not Eligible Until: 2/12/2021

Prohibition/Ban Until: 2/12/2021

Investigation Costs	\$1,152	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$3,000	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	\$1,990	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			

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

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

No.: C-14-1517-16-FO01

NATIONAL HOME RETENTION SERVICES
EXPERTS, LLC D/B/A FEDERAL HOME
RETENTION SERVICES
and DANA TODD FABIAN, Principal,

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 Charles E. Clark (Director's Designee), pursuant to RCW 34.05.440(1). On December 29, 2015, the Director, through the Director's Designee, issued a Statement of Charges and Notice of Intent to Enter an Order to Cease and Desist, Prohibit from Industry, Order Restitution, Impose Fine, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges) against National Home Retention Services Experts, LLC d/b/a Federal Home Retention Services and Dana Todd Fabian, Principal (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 30, 2015, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents (collectively, accompanying documents).

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On December 30, 2015, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. The

1 documents sent by Federal Express overnight delivery were delivered on December 31, 2015. The
2 documents served by First-Class mail were not returned to the Department as undeliverable.

3 Neither of the Respondents requested an adjudicative hearing within twenty calendar days
4 after the Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as
5 provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's Designee for his review and
7 for entry of a final decision included the following:

- 8 1. Statement of Charges, cover letter dated December 30, 2015, Notice of
9 Opportunity to Defend and Opportunity for Hearing, and blank Applications for
10 Adjudicative Hearing for Respondents, with documentation for service.
- 11 2. Federal Express Overnight Mail verification of delivery received by the
12 Department on December 31, 2015.

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

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1 II. FINAL ORDER

2 Based upon the foregoing, and the Director's Designee having considered the record and
3 being otherwise fully advised, NOW, THEREFORE:

4 A. IT IS HEREBY ORDERED, That:

- 5 1. Respondent National Home Retention Services Experts, LLC d/b/a Federal Home Retention
6 Services cease and desist engaging in the business of a mortgage broker.
- 7 2. Respondent Dana Todd Fabian cease and desist engaging in the business of a loan originator.
- 8 3. Respondents Respondent National Home Retention Services Experts, LLC d/b/a Federal
9 Home Retention Services and Dana Todd Fabian are prohibited from participation, in any
10 manner, in the conduct of the affairs of any mortgage broker subject to licensure by the
11 Director for a period of five years.
- 12 4. Respondents Respondent National Home Retention Services Experts, LLC d/b/a Federal
13 Home Retention Services and Dana Todd Fabian jointly and severally pay restitution to the
14 consumer referenced by the Department in the Statement of Charges as follows: B.M.¹ in the
15 amount of \$1,990.
- 16 5. Respondent National Home Retention Services Experts, LLC d/b/a Federal Home Retention
17 Services and Dana Todd Fabian jointly and severally pay a fine of \$3,000.
- 18 6. Respondents Respondent National Home Retention Services Experts, LLC d/b/a Federal
19 Home Retention Services and Dana Todd Fabian jointly and severally pay an investigation
20 fee in the amount of \$1,152.00.
- 21 7. Respondents Respondent National Home Retention Services Experts, LLC d/b/a Federal
22 Home Retention Services and Dana Todd Fabian maintain records in compliance with the
23 Act and provide the Department with the location of the books, records and other
24 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 RCW 19.146 (the Mortgage
Broker Practices Act).

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23 ¹ Due to a scrivener's error, the consumer was misidentified in the Statement of Charges as B.W.

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

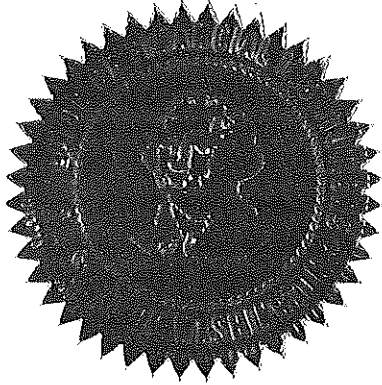
11 C. Stay of Order. The Director's Designee has determined not to consider a Petition to
12 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
13 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

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.

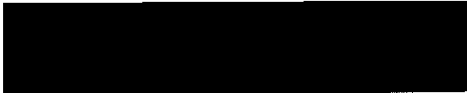
17 E. Non-compliance with Order. If you do not comply with the terms of this order,
18 **including payment of any amounts owed within 30 days of receipt of this order**, the Department
19 may seek its enforcement by the Office of the Attorney General to include the collection of the fines,
20 fees, and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

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

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5 DATED this 12th day of February, 2016.



6 STATE OF WASHINGTON
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

8 
9 CHARLES E. CLARK
10 Director
11 Division of Consumer Services

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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:

NATIONAL HOME RETENTION SERVICES
EXPERTS, LLC D/B/A FEDERAL HOME
RETENTION SERVICES
and DANA TODD FABIAN, Principal,

Respondents.

No. C-14-1517-15-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO CEASE AND DESIST,
PROHIBIT FROM INDUSTRY, ORDER
RESTITUTION, IMPOSE FINE, COLLECT
INVESTIGATION FEE, and RECOVER
COSTS AND EXPENSES

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). 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 Charles E. Clark, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. National Home Retention Services Experts, LLC d/b/a Federal Home Retention Services (Respondent National Home Retention Services) is a Limited Liability Company organized under the State of California, California Secretary of State Entity No. 201304010631. Respondent National Home Retention Services has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

1 indirect compensation or gain performs residential mortgage loan modification services or holds
2 himself or herself out as being able to perform residential mortgage loan modification services.

3 **2.3 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
4 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
5 for engaging in the business of a mortgage broker for Washington residents or property without first
6 obtaining a license to do so.

7 **2.4 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
8 Allegations set forth in Section I above, Respondent Dana Todd Fabian in apparent violation of RCW
9 19.146.200(1) for engaging in the business of a loan originator without first obtaining and maintaining
10 a license.

11 **2.5 Prohibition against Taking Advance Fees.** Based on the Factual Allegations set forth in
12 Section I above, Respondents are in apparent violation of RCW 19.146.0201(11) and 12 CFR 1015(5)
13 (Regulation O) for taking advance fees for loan modification services.

14 **2.6 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
15 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
16 toward any person and obtaining property by fraud or misrepresentation.

17 III. AUTHORITY TO IMPOSE SANCTIONS

18 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
19 Director may issue orders directing any person subject to the Act to cease and desist from conducting
20 business.

21 **3.2 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 the Act.

1 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
2 restitution against any person subject to the Act for any violation of the Act.

3 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
4 against any person subject to the Act for any violation of the Act.

5 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
6 550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted to
7 an investigation of any person subject to the Act.

8 **3.6 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
9 may recover the state's costs and expenses for prosecuting violations of the Act.

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

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

- 14 **4.1** Respondents National Home Retention Services Experts, LLC d/b/a Federal Home Retention
15 Services and Dana Todd Fabian cease and desist engaging in the business of a mortgage broker
or loan originator.
- 16 **4.2** Respondents National Home Retention Services Experts, LLC d/b/a Federal Home Retention
17 Services and Dana Todd Fabian 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
18 years.
- 19 **4.3** Respondents National Home Retention Services Experts, LLC d/b/a Federal Home Retention
20 Services and Dana Todd Fabian jointly and severally pay restitution to the consumer identified
by the Department in paragraph 1.4 in the amount set forth therein, and that Respondents
21 jointly and severally pay restitution to each Washington consumer with whom they entered into
a contract for residential mortgage loan modification services related to real property or
consumers located in the state of Washington equal to the amount collected from that
22 Washington consumer for those services in an amount to be determined at hearing.
- 23 **4.4** Respondents National Home Retention Services Experts, LLC d/b/a Federal Home Retention
24 Services and Dana Todd Fabian jointly and severally pay a fine, which as of the date of this
Statement of Charges totals \$3,000.00.

1 **4.5** Respondents National Home Retention Services Experts, LLC d/b/a Federal Home Retention
2 Services and Dana Todd Fabian jointly and severally pay an investigation fee, which as of the
date of this Statement of Charges totals \$1,152.00.

3 **4.6** Respondents National Home Retention Services Experts LLC d/b/a Federal Home Retention
4 Services Experts, LLC and Dana Todd Fabian maintain records in compliance with the Act and
5 provide the Department with the location of the books, records and other information relating
6 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.

7 **4.7** Respondents National Home Retention Services Experts, LLC d/b/a Federal Home Retention
8 Services and Dana Todd Fabian, jointly and severally pay the Department's costs and expenses
for prosecuting violations of the Act in an amount to be determined at hearing or by
9 Declaration with supporting documentation in event of default by either Respondent.

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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). Respondent(s) 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 29th day of December, 2015.




CHARLES E. CLARK
Director, Division of Consumer Services
Department of Financial Institutions

Presented by:



WILMA M. COLWELL
Financial Examiner

Approved by:



STEVEN C. SHERMAN
Enforcement Chief