

ORDER SUMMARY – Case Number: C-15-1722

Names: Raymund O. Dacanay d/b/a Payment Processing Services d/b/a Trial
Payment Services d/b/a Home Start Housing Center

Order Number: C-15-1722-19-FO01

Effective Date: 5/3/19

License Number: U/L NMLS ID: Dacanay 1860891
U/L NMLS ID: Payment Processing Services 1860898

Or NMLS Identifier [U/L] U/L NMLS ID: Home Start Housing Center 1860900

License Effect:

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: Five years from date of entry

Investigation Costs	\$1,790.40		Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$6,000.00	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	\$5,050.98	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Financial Literacy and Education	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

Comments: Cease and Desist engaging in the business of a mortgage loan originator or mortgage broker.

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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-15-1722-19-FO01

RAYMUND O. DACANAY,
d/b/a PAYMENT PROCESSING SERVICES,
d/b/a TRIAL PAYMENT SERVICES,
d/b/a HOME START HOUSING CENTER

FINAL ORDER

Respondent.

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 Acting Director Richard St. Onge (Director's designee), pursuant to RCW 34.05.440(1). On January 31st, 2017, 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 Recover Costs and Expenses (Statement of Charges) against Raymund O. Dacanay d/b/a Payment Processing Services, d/b/a Trial Payment Services, d/b/a Home Start Housing Center (Respondent). 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 August 15, 2018, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Respondent (collectively, accompanying documents).

On August 15, 2018, the Department served Respondent with the Statement of Charges and accompanying documents by First-Class mail. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service.

1 Respondent 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 his review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated August
6 15, 2018, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Respondent, 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
- 15 1. Respondent Raymund O. Dacanay cease and desist engaging in the business of a
mortgage broker or loan originator.
 - 16 2. Respondent Raymund O. Dacanay be prohibited from participation, in any
17 manner, in the conduct of the affairs of any mortgage broker subject to licensure
by the Director for a period of five years.
 - 18 3. Respondent Raymund O. Dacanay pay \$5,050.98 in restitution to the two
19 consumers identified in Appendix A to the attached Statement of Charges.
 - 20 4. Respondent Raymund O. Dacanay pay a fine of \$6,000.00
 - 21 5. Respondent Raymund O. Dacanay pay an investigation fee of \$1,790.40.

22 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
23 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
24 must be filed in the Office of the Director of the Department of Financial Institutions by courier at

1 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
2 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
3 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
4 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

11 D. Judicial Review. Respondent has the right to petition the superior court for judicial
12 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
13 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

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

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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.

4 DATED this 3rd day of May, 2019.

5 STATE OF WASHINGTON
6 DEPARTMENT OF FINANCIAL INSTITUTIONS

7 /s/
8 RICHARD ST. ONGE
9 Acting Director
10 Division of Consumer Services

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 RAYMUND O. DACANAY,
d/b/a PAYMENT PROCESSING SERVICES,
6 d/b/a TRIAL PAYMENT SERVICES,
d/b/a HOME START HOUSING CENTER

7 Respondent.

No. C-15-1722-16-SC01

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

8 **INTRODUCTION**

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

15 **I. FACTUAL ALLEGATIONS**

16 **1.1 Respondent Raymund Dacanay (Respondent)** has never been licensed by the Department of
17 Financial Institutions of the State of Washington (Department) to conduct business as a mortgage
18 broker or loan originator.

19 **1.2 Unlicensed Activity.** Between at least November 6, 2013, and October 27, 2014, Respondent
20 was offering residential mortgage loan modification services to Washington consumers on property
21 located in Washington State. Respondent entered into a contractual relationship with at least two
22 Washington consumers to provide those services and collected an advance fee for the provision of
23 those services. The Department has received at least two complaints from Washington consumers
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1 alleging Respondent provided or offered to provide residential mortgage loan modification services
2 while not licensed by the Department to provide those services. A list of Washington consumers with
3 whom Respondent conducted business as a mortgage broker or loan originator, and the amount paid
4 by each is appended hereto and incorporated herein by reference.

5 **1.3 Misrepresentations and Omissions.** Respondent omitted disclosing that he was not licensed
6 to provide residential mortgage loan modification services. Respondent represented to consumers that
7 Respondent had obtained residential mortgage loan modifications on favorable terms and instructed
8 consumers to send payments directly to Respondent using names such as "Payment Processing
9 Services" and "Trial Payment Services." Respondent represented that these payments were charged
10 by their servicers to accept the modifications.

11 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
12 Act by Respondent continues to date.

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

14 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14), "Mortgage broker" means any
15 person who for direct or indirect compensation or gain, or in the expectation of direct or indirect
16 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
17 or performs residential mortgage loan modification services or (b) holds himself or herself out as being
18 able to assist a person in obtaining or applying to obtain a residential mortgage loan or provide
19 residential mortgage loan modification services.

20 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11)(b), "Loan originator" means a
21 natural person who for direct or indirect compensation or gain or in the expectation of direct or
22 indirect compensation or gain performs residential mortgage loan modification services or holds
23 himself or herself out as being able to perform residential mortgage loan modification services.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is
2 in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
3 toward any person and obtaining property by fraud or misrepresentation.

4 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
5 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for
6 engaging in the business of a mortgage broker for Washington residents or property without first
7 obtaining a license to do so.

8 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
9 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for
10 engaging in the business of a loan originator without first obtaining and maintaining a license.

11 **2.6 Prohibition against Taking Advance Fees.** Based on the Factual Allegations set forth in
12 Section I above, Respondent is in apparent violation of RCW 19.146.0201(11) and 12 CFR 1015
13 (Regulation O) for taking advance fees for loan modification services.

14 III. AUTHORITY TO IMPOSE SANCTIONS

15 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(3), the
16 Director may issue orders directing any person subject to the Act to cease and desist from conducting
17 business.

18 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4), the Director may
19 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
20 any person subject to licensing under the Act for any violation of the Act.

21 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
22 restitution against any person subject to the Act for any violation of the Act.

23 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
24 against any person subject to the Act for any violation of the Act.

1 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
2 550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted to
3 an investigation of any person subject to the Act.

4 **3.6 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
5 may recover the state's costs and expenses for prosecuting violations of the Act.

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

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

- 10 **4.1** Respondent Raymund O. Dacanay cease and desist engaging in the business of a mortgage
11 broker or loan originator.
- 12 **4.2** Respondent Raymund O. Dacanay be prohibited from participation, in any manner, in the
13 conduct of the affairs of any mortgage broker subject to licensure by the Director for a period
14 of five years.
- 15 **4.3** Respondent Raymund O. Dacanay pay restitution to the two consumers identified in Appendix
16 A to this Statement of Charges in the amount set forth therein, and that Respondent pay
17 restitution to each Washington consumer with whom he entered into a contract for residential
18 mortgage loan modification services related to real property or consumers located in the state
19 of Washington equal to the amount collected from that Washington consumer for those
20 services in an amount to be determined at hearing.
- 21 **4.4** Respondent Raymund O. Dacanay pay a fine, which as of the date of this Statement of Charges
22 totals \$6,000.00.
- 23 **4.5** Respondent Raymund O. Dacanay pay an investigation fee, which as of the date of this
24 Statement of Charges totals \$1,790.40.
- 4.6** Respondent Raymund O. Dacanay pay the Department's costs and expenses for prosecuting
violations of the Act in an amount to be determined at hearing or by Declaration with
supporting documentation in event of default by Respondent.

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RESTITUTION

Borrower	Amount		
S.M.	\$2,868.44		
R.E.	\$2,182.54		
		TOTAL	\$5,050.98