

ORDER SUMMARY – Case Number: C-20-2883

Name(s): David Visser Houtsma Law Group, LLC d/b/a DVH Law Group,
LLC d/b/a DVH Law Group
David Visser Houtsma

Order Number: C-20-2883-21-CO01

Effective Date: 3/30/21

License Number: UL NMLS ID: Houtsma 2143271, Entity 2143281
Or NMLS Identifier [U/L]

License Effect:

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: 5 years from entry

Investigation Costs	\$ 1,881.60		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3/18/2021
Fine	\$ 5,000.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3/18/2021
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$10,800.00	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date 4/15/2021
Financial Literacy and Education	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Cost of Prosecution	\$60.80	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 3/18/2021
	No. of Victims:			

Comments:

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 Washington by:

5 DAVID VISSER HOUTSMA LAW GROUP,
6 LLC D/B/A DVH LAW GROUP, DAVID
VISSER HOUTSMA, Owner and President, and
THOMAS MCAVITY,

7 Respondents.

No.: C-20-2883-21-CO01

CONSENT ORDER RE:

DAVID VISSER HOUTSMA LAW GROUP,
LLC D/B/A DVH LAW GROUP, and
DAVID VISSER HOUTSMA

8 COMES NOW the Director of the Department of Financial Institutions (Director), through his
9 designee Lucinda Fazio, Division of Consumer Services Director, and David Visser Houtsma Law
10 Group, LLC d/b/a DVH Law Group (Respondent DVH), and David Visser Houtsma (Respondent
11 Houtsma), and finding that the issues raised in the above-captioned matter may be economically and
12 efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to
13 chapter 19.146 of the Revised Code of Washington (RCW), and RCW 34.05.060 of the
14 Administrative Procedure Act, based upon the following:

15 **AGREEMENT AND ORDER**

16 The Department of Financial Institutions' Division of Consumer Services (Department) and
17 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges
18 No. C-20-2883-20-SC01 (Statement of Charges), entered December 18, 2020, (copy attached hereto).
19 Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of
20 the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this
21 Consent Order and further agree that the issues raised in the above-captioned matter may be
22 economically and efficiently settled by entry of this Consent Order. Respondents are agreeing not to
23 contest the Statement of Charges in consideration of the terms of this Consent Order.

1 Based upon the foregoing:

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

4 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a
5 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached
7 herein. Accordingly, Respondents, by their signatures or the signatures of their representatives
8 below, withdraw their appeal to the Office of Administrative Hearings.

9 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the
10 Statement of Charges and agree that Respondents do not admit to any wrongdoing by its entry.

11 **D. Cease and Desist.** It is AGREED that Respondents shall cease and desist engaging in the
12 business of a mortgage broker or loan originator.

13 **E. Prohibition from Industry.** It is AGREED that, for a period of five (5) years from the
14 date of entry of this Consent Order, Respondents are prohibited from participating, in any capacity, in
15 the conduct of the affairs of any mortgage broker licensed by the Department or subject to licensure
16 or regulation by the Department.

17 **F. Fine.** It is AGREED and ORDERED that Respondents shall jointly and severally pay a
18 fine to the Department in the amount of \$5,000.00, in the form of a cashier's check made payable to
19 the "Washington State Treasurer," upon delivery of this Consent Order to the Department, properly
20 dated and signed.

21 **G. Investigation Fee.** It is AGREED and ORDERED that Respondents shall jointly and
22 severally pay to the Department an investigation fee of \$1,881.60, in the form of a cashier's check
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1 made payable to the “Washington State Treasurer,” upon delivery of this Consent Order to the
2 Department, properly dated and signed.

3 **H. Costs.** It is AGREED and ORDERED that Respondents shall jointly and severally pay
4 the Department’s costs and expenses of \$60.80, in the form of a cashier’s check made payable to the
5 “Washington State Treasurer,” upon delivery of this Consent Order to the Department, properly dated
6 and signed. The Fine, Investigation Fee, and Costs may be paid together in one \$6,942.40 cashier’s
7 check made payable to the “Washington State Treasurer.”

8 **I. Restitution.** It is AGREED and ORDERED that Respondents shall jointly and severally
9 pay restitution of \$10,800.00 to the consumers identified in Appendix A to the Statement of Charges.
10 Restitution payments shall be in the form of Respondents’ attorney’s IOLTA Trust Account checks.
11 Respondents shall provide the Department with a copy of each check and proof of mailing to each
12 consumer identified in Appendix A. Any refund check which has not been successfully cashed
13 within sixty (60) days shall be forfeited to the Department of Revenue as unclaimed funds. All costs
14 associated with distribution of restitution and remittance of unclaimed funds to the Department of
15 Revenue shall be borne by Respondents.

16 **J. Change of Address.** It is AGREED that for the duration of the period this Consent Order
17 is in effect, unless otherwise agreed to in writing by the Department, Respondents shall provide the
18 Department with a mailing address and telephone number at which Respondents can be contacted and
19 Respondents shall notify the Department in writing of any changes to their mailing address or
20 telephone number within fifteen days of any such change.

21 **K. Records Retention.** It is AGREED that Respondents, its officers, employees, and agents
22 shall maintain records in compliance with the Act and provide the Director with the location of the
23 books, records, and other information relating to Respondents’ provision of residential mortgage loan

1 modification services in Washington, and the name, address, and telephone number of the individual
2 responsible for maintenance of such records in compliance with the Act.

3 **L. Final Order Vacated.** It is AGREED that upon entry of this Consent Order the
4 Department's Final Order No. C-20-2883-21-FO01 against Respondents is vacated.

5 **M. Authority to Execute Order.** It is AGREED that the undersigned have represented and
6 warranted that they have the full power and right to execute this Consent Order on behalf of the
7 parties represented.

8 **N. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to
9 abide by the terms and conditions of this Consent Order may result in further legal action by the
10 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director
11 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

12 **O. Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this
13 Consent Order, which is effective when signed by the Director's designee.

14 **P. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read
15 this Consent Order in its entirety and fully understand and agree to all of the same.

16 **Q. Counterparts.** This Consent Order may be executed by the Respondents in any number
17 of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall be
18 deemed to be an original, but all of which, taken together, shall constitute one and the same Consent
19 Order.

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1 **RESPONDENTS:**

2 **David Visser Houtsma Law Group, LLC d/b/a DVH Law Group**

3 By:

4 /s/_____

5 David Visser Houtsma
6 Owner and President

2-27-2021_____

Date

7 /s/_____

8 David Visser Houtsma
9 Individually

2-27-2021_____

Date

10 Approved for Entry:

11 /s/_____

12 Aaron M. Clark, GA Bar No. 295700
13 Attorney at Law
14 Kan Clark, LLP
15 Attorney for Respondents

02/27/2021_____

Date

16 **DO NOT WRITE BELOW THIS LINE**

17 **THIS ORDER ENTERED THIS 30th DAY OF March, 2021.**

18 /s/_____

19 LUCINDA FAZIO, Director
20 Division of Consumer Services
21 Department of Financial Institutions

22 Presented by:

23 Approved by:

24 /s/_____

AMANDA B. STARNES
Financial Legal Examiner

/s/_____

STEVEN C. SHERMAN
Enforcement Chief

**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:

DAVID VISSER HOUTSMA LAW GROUP, LLC
D/B/A DVH LAW GROUP,
DAVID VISSER HOUTSMA, Owner and
President, and
THOMAS MCAVITY,

Respondents.

No. C-20-2883-20-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

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 Lucinda Fazio, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Respondent David Visser Houtsma Law Group, LLC d/b/a DVH Law Group (DVH) has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or loan originator.

B. Respondent David Visser Houtsma (Respondent Houtsma) was the Owner and President of DVH. During the relevant time period, Respondent Houtsma was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1 **C. Respondent Thomas McAvity (Respondent McAvity)** was an employee or contractor
2 for DVH in Washington State. During the relevant time period, Respondent McAvity was not licensed
3 by the Department to conduct business as a mortgage broker or loan originator.

4 **1.2 Unlicensed Activity.** Between at least November 29, 2017, and August 8, 2018, Respondents
5 were offering residential mortgage loan modification services to Washington consumers on real
6 property located in Washington State. Respondents entered into a contractual relationship with at least
7 four Washington consumers to provide those services and collected an advance fee for the provision of
8 those services from at least one Washington consumer. The Department received documentation
9 showing Respondents provided or offered to provide residential mortgage loan modification services
10 while not licensed by the Department to provide those services. A list of Washington consumers with
11 whom Respondents conducted business as a mortgage broker or loan originator, and the amount paid
12 by each is appended hereto and incorporated herein by reference.

13 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to
14 provide the residential mortgage loan modification services or omitted disclosing that they were not
15 licensed to provide those services.

16 **1.4 False Statements to the Department.** On or about November 8, 2019, Respondents provided
17 a partial subpoena response to the Department whereby they indicated they had provided loan
18 modification services to three Washington consumers. However, Respondents entered into a
19 contractual relationship to provide loan modification services with at least one additional consumer on
20 or about December 12, 2017.

21 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
22 Act by Respondents continues to date.

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

2 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14), "Mortgage broker" means any
3 person who for direct or indirect compensation or gain, or in the expectation of direct or indirect
4 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
5 or performs residential mortgage loan modification services or (b) holds himself or herself out as being
6 able to assist a person in obtaining or applying to obtain a residential mortgage loan or provide
7 residential mortgage loan modification services.

8 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11)(b), "Loan originator" means an
9 individual who for direct or indirect compensation or gain or in the expectation of direct or indirect
10 compensation or gain performs residential mortgage loan modification services or holds himself or
11 herself out as being able to perform residential mortgage loan modification services.

12 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
13 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
14 toward any person and obtaining property by fraud or misrepresentation.

15 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
16 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
17 for engaging in the business of a mortgage broker for Washington residents or property without first
18 obtaining a license to do so.

19 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
20 Allegations set forth in Section I above, Respondents Houtsma and McAvity are in apparent violation
21 of RCW 19.146.200(1) for engaging in the business of a loan originator without first obtaining and
22 maintaining a license.

1 **2.6 Prohibition against Taking Advance Fees.** Based on the Factual Allegations set forth in
2 Section I above, Respondents are in apparent violation of RCW 19.146.0201(11) and 12 CFR 1015
3 (Regulation O) for taking advance fees for loan modification services.

4 **2.7 False Statements.** Based upon the Factual Allegations set forth in Section I above,
5 Respondents are in apparent violation of RCW 19.146.0201(8) for making a false statement in
6 connection with an investigation conducted by the Department.

7 **2.8 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
8 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
9 location that is on file with and readily available to the Department until at least three years have
10 elapsed following the effective period to which the books and records relate.

11 III. AUTHORITY TO IMPOSE SANCTIONS

12 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(3), the
13 Director may issue orders directing any person subject to the Act to cease and desist from conducting
14 business.

15 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4), the Director may
16 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
17 any person subject to licensing under the Act for any violation of the Act.

18 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
19 restitution against any person subject to the Act for any violation of the Act.

20 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
21 against any person subject to the Act for any violation of the Act.

22 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
23 550(4)(a), the Department will charge \$48 per hour for an examiner's time devoted to an investigation
24 of any person subject to the Act.

1 **3.6 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
2 may recover the state's costs and expenses for prosecuting violations of the Act.

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

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

7 **4.1** Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
8 Visser Houtsma, and Thomas McAvity cease and desist engaging in the business of a
mortgage broker or loan originator.

9 **4.2** Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
10 Visser Houtsma, and Thomas McAvity be prohibited from participation, in any manner,
11 in the conduct of the affairs of any mortgage broker or subject to licensure by the
Director for a period of five (5) years.

12 **4.3** Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
13 Visser Houtsma, and Thomas McAvity provide a complete list of all Washington
14 consumers with whom Respondents entered into a contract for residential mortgage
loan modification services related to real property or consumers located in the state of
Washington, and the amount Respondents collected from each Washington consumer
for those services.

15 **4.4** Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
16 Visser Houtsma, and Thomas McAvity jointly and severally pay restitution to the
17 consumers identified in Appendix A to this Statement of Charges in the amount set
18 forth therein, and that Respondents jointly and severally pay restitution to each
Washington consumer with whom they entered into a contract for residential mortgage
19 loan modification services related to real property or consumers located in the state of
Washington equal to the amount collected from that Washington consumer for those
services in an amount to be determined at hearing.

20 **4.5** Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
21 Visser Houtsma, and Thomas McAvity jointly and severally pay a fine, which as of the
22 date of this Statement of Charges totals \$16,500.00.

23 **4.6** Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
24 Visser Houtsma, and Thomas McAvity jointly and severally pay an investigation fee,
which as of the date of this Statement of Charges totals \$1,377.60.

4.7 Respondents David Visser Houtsma Law Group, LLC d/b/a DVH Law Group, David
Visser Houtsma, and Thomas McAvity maintain records in compliance with the Act

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
5 Mortgage Broker Practices Act of Washington by:

No. C-20-2883-20-SC01

APPENDIX A

6 DAVID VISSER HOUTSMA LAW GROUP, LLC
D/B/A DVH LAW GROUP,
7 DAVID VISSER HOUTSMA, Owner and
President, and
THOMAS MCAVITY,

8 Respondents.

9 **APPENDIX A**

10

11 Consumer	12 Amount
13 J.D.	\$4,500.00
14 D.L.	\$4,500.00
15 D.H.	\$1,800.00
16 C.B.	TBD

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