

ORDER SUMMARY – Case Number: C-15-1810

Name(s): Maria Burks; Mortgage Relief Services, Inc. d/b/a Expert Home Relief

Order Number: C-15-1810-17-FO01

Effective Date: 05/05/17

License Number: U/L

Or NMLS Identifier [U/L] _____

License Effect: n/a

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: 05/05/2022

Investigation Costs	\$2,352	Due: 06/04/17	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$6,000	Due: 06/04 /17	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: 06/04/17	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: _____

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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-15-1810-17-FO01

FINAL ORDER

MORTGAGE RELIEF SERVICES, INC. d/b/a
EXPERT HOME RELIEF, and MARIA F.
BURKS, President,

Respondents.

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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 her designee, Consumer Services Division Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On January 31, 2017, the Director, through the Director's designee, issued a 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 (Statement of Charges) against Mortgage Relief Services, Inc. d/b/a Expert Home Relief (Respondent Mortgage Relief Services) and Maria F. Burks (Respondent Burks). 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 February 1, 2017, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On February 1, 2017, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On February

1 2, 2017, the documents sent by Federal Express overnight delivery were delivered. The documents
2 sent by First-Class mail were not returned to the Department by the United States Postal Service as
3 undeliverable. On March 27, 2017, the Statement of Charges and accompanying documents were
4 sent by First-Class mail to Incorp Services, Inc.; the registered agent for Respondent Mortgage Relief
5 Services.

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

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

- 11 1. Statement of Charges, cover letter dated February 1, 2017, Notice of Opportunity
12 to Defend and Opportunity for Hearing, and blank Application for Adjudicative
Hearing for each Respondent, with documentation for service.
- 13 2. Post Office Address Verification Request form completed by Topock, Arizona,
14 Branch Office of the United States Post Office received by the Department on
February 3, 2017.

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

17 II. FINAL ORDER

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

20 A. IT IS HEREBY ORDERED, That:

- 21 1. Respondents Mortgage Relief Services, Inc. and Maria F. Burks shall cease and
22 desist engaging in the business of a mortgage broker or loan originator.
- 23 2. Respondents Mortgage Relief Services, Inc. and Maria F. Burks are prohibited
24 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 years.

3. Respondents Mortgage Relief Services, Inc. and Maria F. Burks shall jointly and severally pay restitution to Washington consumer A.T. in the amount of \$3,500.
4. Respondents Mortgage Relief Services, Inc. and Maria F. Burks shall jointly and severally pay a fine in the amount of \$6,000.
5. Respondents Mortgage Relief Services, Inc. and Maria F. Burks shall jointly and severally pay an investigation fee in the amount of \$2,352.
6. Respondents Mortgage Relief Services, Inc. and Maria F. Burks 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.

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

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

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

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

4 E. Non-compliance with Order. If you do not comply with the terms of this order,
5 **including payment of any amounts owed within 30 days of receipt of this order**, the Department
6 may seek its enforcement by the Office of the Attorney General to include the collection of the fine,
7 investigation fee, and restitution imposed herein. The Department also may assign the amounts owed
8 to a collection agency for collection.

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

12 DATED this 5th day of May, 2017.

13 STATE OF WASHINGTON
14 DEPARTMENT OF FINANCIAL INSTITUTIONS

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16 /s/ _____
17 CHARLES E. CLARK
18 Director
19 Division of Consumer Services
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1 **1.2 Unlicensed Activity.** Between at least May 15, 2012, and June 14, 2012, Respondents offered
2 residential mortgage loan modification services to at least one Washington consumer, A.T., on
3 property located in Washington State. Respondents entered into a contractual relationship with at least
4 one Washington consumer, A.T., to provide those services and collected an advance fee for the
5 provision of those services in the amount \$3,500.

6 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to
7 provide the residential mortgage loan modification services or omitted disclosing that they were not
8 licensed to provide those services.

9 **1.4 Failure to Comply with Director's Authority.** On or about June 15, 2016, the Department
10 issued a subpoena to Respondents. As of the date of the Statement of Charges, Respondents have
11 never provided a response to the Department's subpoena.

12 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
13 Act by Respondents continues to date.

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

15 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14)(2012) and WAC 208-660-006,
16 "Mortgage broker" means any person who for compensation or gain, or in the expectation of
17 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
18 or (b) holds himself or herself out as being able to assist a person in obtaining or applying to obtain a
19 residential mortgage loan. Pursuant to WAC 208-660-006, a person "assists a person in obtaining or
20 applying to obtain a residential mortgage loan' by, among other things, counseling on loan terms
21 (rates, fees, other costs), [and] preparing loan packages...."

22 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11)(b) and WAC 208-660-006,
23 "Loan originator" means a natural person who for direct or indirect compensation or gain, or in the
24 expectation of direct or indirect compensation or gain performs residential mortgage loan modification

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

3 **2.3 Definition of Residential Mortgage Loan Modification.** Pursuant to RCW 19.146.010(20)
4 and WAC 208-660-006, “Residential mortgage loan modification” means a change in one or more of a
5 residential mortgage loan’s terms or conditions. Changes to a residential mortgage loan’s terms or
6 conditions include but are not limited to forbearances, repayment plans, changes in interest rates, loan
7 terms, or loan types, capitalization of arrearages, or principal reductions.

8 **2.4 Definition of Residential Mortgage Loan Modification Services.** Pursuant to RCW
9 19.146.010(21) and WAC 208-660-006, “Residential mortgage loan modification services” includes
10 negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform
11 a residential mortgage loan modification. “Residential mortgage loan modification services” also
12 includes the collection of data for submission to any entity performing mortgage loan modification
13 services.

14 **2.5 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
15 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
16 for engaging in the business of a mortgage broker for Washington residents or property without first
17 obtaining a license to do so.

18 **2.6 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
19 Allegations set forth in Section I above, Respondent Burks is in apparent violation of RCW
20 19.146.200(1) for engaging in the business of a loan originator without first obtaining and maintaining
21 a license.

22 **2.7 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
23 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
24 toward any person and obtaining property by fraud or misrepresentation.

1 **2.8 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 **2.9 Requirement to Comply with Director's Authority.** Based on the Factual Allegations set
5 forth in Section I above, Respondents are in apparent violation of RCW 19.146.235 for failing to
6 comply with the Director's investigation authority.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4)¹, the
9 Director may issue orders directing any person subject to the Act to cease and desist from conducting
10 business.

11 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)², the Director may
12 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
13 any person subject to licensing under the Act for any violation of the Act.

14 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
15 restitution against any person subject to the Act for any violation of the Act.

16 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
17 against any person subject to the Act for any violation of the Act.

18 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
19 550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted to
20 an investigation of any person subject to the Act.

21 **3.6 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
22 may recover the state's costs and expenses for prosecuting violations of the Act.

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24 ¹ Amended to RCW 19.146.220(3) effective July 24, 2015.

² Amended to RCW 19.146.220(4) effective July 24, 2015.

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

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

5 **4.1** Respondents Mortgage Relief Services, Inc. and Maria F. Burks cease and desist engaging in
6 the business of a mortgage broker or loan originator.

7 **4.2** Respondents Mortgage Relief Services, Inc. and Maria F. Burks be prohibited from
8 participation, in any manner, in the conduct of the affairs of any mortgage broker subject to
9 licensure by the Director for a period of five years.

10 **4.3** Respondents Mortgage Relief Services, Inc. and Maria F. Burks jointly and severally pay
11 restitution to the consumer identified by the Department in paragraph 1.2 in the amount set
12 forth therein, and that Respondents jointly and severally pay restitution to each Washington
13 consumer with whom they entered into a contractual relationship for residential mortgage loan
14 modification services related to real property or consumers located in the state of Washington
15 equal to the amount collected from that Washington consumer for those services in an amount
16 to be determined at hearing.

17 **4.4** Respondents Mortgage Relief Services, Inc. and Maria F. Burks jointly and severally pay a
18 fine, which as of the date of this Statement of Charges totals \$6,000.

19 **4.5** Respondents Mortgage Relief Services, Inc. and Maria F. Burks jointly and severally pay an
20 investigation fee, which as of the date of this Statement of Charges totals \$2,352.

21 **4.6** Respondents Mortgage Relief Services, Inc. and Maria F. Burks jointly and severally pay the
22 Department's costs and expenses for prosecuting violations of the Act in an amount to be
23 determined at hearing or by Declaration with supporting documentation in event of default by
24 Respondents.

4.7 Respondents Mortgage Relief Services, Inc. and Maria F. Burks 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.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
4 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

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8 Dated this 31st day of January, 2017.

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11 /s/
12 **CHARLES E. CLARK**
13 Director, Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 /s/
17 **RACHELLE VILLALOBOS**
18 Financial Legal Examiner

19 Approved by:

20 /s/
21 **STEVEN C. SHERMAN**
22 Enforcement Chief