

## ORDER SUMMARY – Case Number: C-15-1710

**Respondents' Names:** Victor C. Villasenor, Jaime Aburto, and Eduardo Bello Vasquez d/b/a National Servicing Center

**Order Number:** C-15-1710-17-FO01

**Effective Date:** June 20, 2017

**License Number:  
Or NMLS Identifier** Not licensed by the Department

**License Effect:** \_\_\_\_\_

**Not Apply Until:** \_\_\_\_\_

**Not Eligible Until:** \_\_\_\_\_

**Prohibition/Ban Until:** Prohibition for Five Years Until June 20, 2022

<b>Investigation Costs:</b>	\$4,512	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine:</b>	\$15,000	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s):</b>	\$NA	Due: NA	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution:</b>	\$ Restitution Per SOC Appendix "A"	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment:</b>	\$NA	Due: NA	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
<b>Number of Victims:</b>	Three Victims			

**Comments:** In addition to the terms and conditions set forth above, Respondents shall cease and desist engaging in the business of a mortgage broker or loan originator and shall 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  
Mortgage Broker Practices Act of Washington by:

No.: C-15-1710-17-FO01

5 VICTOR C. VILLASENOR, JAIME ABURTO,  
and EDUARDO BELLO VASQUEZ d/b/a  
6 NATIONAL SERVICING CENTER,

FINAL ORDER

7 Respondents.

8 **I. DIRECTOR'S CONSIDERATION**

9 A. Default. This matter has come before the Director of the Department of Financial  
10 Institutions of the State of Washington (Director), through her designee, Consumer Services Division  
11 Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On January 31,  
12 2017, the Director, through the Director's designee, issued a Statement of Charges and Notice of  
13 Intent to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution,  
14 Impose Fine, Collect Investigation Fee, and Recover Costs and Expenses (Statement of Charges)  
15 against Victor Villasenor (Respondent Villasenor), Jaime Aburto (Respondent Aburto), and Eduardo  
16 Bello Vasquez (Respondent Vasquez) d/b/a National Servicing Center (collectively Respondents). A  
17 copy of the Statement of Charges is attached and incorporated into this order by this reference. The  
18 Statement of Charges was accompanied by a cover letter dated February 1, 2017, a Notice of  
19 Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative  
20 Hearing for each Respondent (collectively, accompanying documents).

21 On February 1, 2017, the Department served Respondent Villasenor and Respondent Vasquez  
22 with the Statement of Charges and accompanying documents by First-Class mail and Federal Express  
23 overnight delivery. On February 2, 2017, the documents sent by Federal Express overnight delivery

1 were delivered. The documents sent by First-Class mail were not returned to the Department by the  
2 United States Postal Service as undeliverable.

3 On February 10, 2017, after prior failed service attempts on Respondent Aburto, the  
4 Department received confirmation from FedEx that the Statement of Charges and accompanying  
5 documents had been delivered to Respondent Aburto at an address in Anaheim, California. On  
6 March 24, 2017, the Department received confirmation from the Anaheim, California, Branch Office  
7 of the United States Post Office that mail addressed to Respondent Aburto was being delivered to the  
8 same address at which FedEx delivered the Statement of Charges and accompanying documents. On  
9 May 4, 2017, the Statement of Charges and accompanying documents were sent to Respondent  
10 Aburto via First-Class mail and were not returned to the Department by the United States Postal  
11 Service as undeliverable.

12 None of the Respondents requested an adjudicative hearing within twenty calendar days after  
13 the Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided  
14 for in WAC 208-08-050(2).

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

- 17 1. Statement of Charges, cover letter dated February 1, 2017, Notice of Opportunity  
18 to Defend and Opportunity for Hearing, and blank Application for Adjudicative  
Hearing for each Respondent, with documentation for service; and
- 19 2. Post Office Address Verification Request Form completed by the Anaheim,  
20 California, Branch Office of the United States Post Office received by the  
Department on March 24, 2017.

21 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the  
22 Director's designee hereby adopts the Statement of Charges, which is attached hereto.  
23

1 II. FINAL ORDER

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

4 IT IS HEREBY ORDERED, That:

- 5 1. Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and  
6 National Servicing Center shall cease and desist engaging in the business of a  
7 mortgage broker or loan originator.
- 8 2. Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and  
9 National Servicing Center are prohibited from participation, in any manner, in the  
10 conduct of the affairs of any mortgage broker subject to licensure by the Director for  
11 a period of five years.
- 12 3. Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and  
13 National Servicing Center shall jointly and severally pay restitution to the three  
14 consumers identified in Appendix A to the Statement of Charges in the amount set  
15 forth therein.
- 16 4. Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and  
17 National Servicing Center shall jointly and severally pay a fine in the amount of  
18 \$15,000.
- 19 5. Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and  
20 National Servicing Center shall jointly and severally pay an investigation fee in the  
21 amount of \$4,512.
- 22 6. Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and  
23 National Servicing Center shall maintain records in compliance with the Act and  
24 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.

19 //  
20 //  
21 //  
22 //

1           A.     Reconsideration. Pursuant to RCW 34.05.470, each Respondent has 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 the Respondent  
6 filing the petition. The Petition for Reconsideration shall not stay the effectiveness of this order nor  
7 is a 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           B.     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           C.     Judicial Review. Each Respondent has the right to petition the superior court for  
15 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the  
16 requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

17           D.     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 fine,  
20 investigation fee, and restitution imposed herein. The Department also may assign the amounts owed  
21 to the Department to a collection agency for collection.

1 E. 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 thereto.

4 DATED this 20<sup>th</sup> day of June, 2017.

5 STATE OF WASHINGTON  
6 DEPARTMENT OF FINANCIAL INSTITUTIONS

7 /s/  
8 CHARLES E. CLARK  
9 Director  
10 Division of Consumer Services  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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 VICTOR C. VILLASENOR, JAIME ABURTO,  
and EDUARDO BELLO VASQUEZ d/b/a  
6 NATIONAL SERVICING CENTER,

7 Respondents.

No. C-15-1710-17-SC01

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

12 INTRODUCTION

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

19 I. FACTUAL ALLEGATIONS

20 1.1 Respondents.

21 A. Victor C. Villasenor (Respondent Villasenor) is a Partner of National Servicing  
22 Center. During the relevant time period, Respondent Villasenor was not licensed by the Department  
23 of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage  
24 broker or loan originator.

B. Jaime Aburto (Respondent Aburto) is a Partner of National Servicing Center.  
During the relevant time period, Respondent Aburto was not licensed by the Department to conduct  
business as a mortgage broker or loan originator.

1           **C. Eduardo Bello Vasquez (Respondent Vasquez)** is a Partner of National Servicing  
2 Center. During the relevant time period, Respondent Vasquez was not licensed by the Department to  
3 conduct business as a mortgage broker or loan originator.

4           **D. National Servicing Center (Respondent NSC)** is a partnership. Respondent NSC  
5 has never been licensed by the Department to conduct business as a mortgage broker.

6 **1.2 Unlicensed Activity.** Between at least May 1, 2014, and June 15, 2015, Respondents  
7 Villasenor, Aburto, Vasquez, and NSC (hereafter Respondents) offered residential mortgage loan  
8 modification services to at least five Washington consumers on property located in Washington State.  
9 Respondents entered into a contractual relationship with at least three consumers to provide those  
10 services and collected an advance fee for the provision of those services. A list of Washington  
11 consumers with whom Respondents conducted business as a mortgage broker or loan originator, and  
12 the amount paid by each is appended hereto and incorporated herein by reference as Appendix A.

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 Failure to Comply with Director's Authority.** On or about February 2, 2015, the  
17 Department issued a subpoena to Respondents. As of the date of the Statement of Charges,  
18 Respondents have never provided a complete response to the Department's subpoena.

19 **1.5 False Statements to the Department.** On or about March 17, 2015, Respondents provided a  
20 partial subpoena response to the Department asserting that Respondents were not currently offering  
21 any services in the State of Washington, the mailing advertisement that Respondents sent to a  
22 Washington consumer was a marketing error, and that Respondents would cease any such activity  
23 requiring licensure. However, Respondents continued to provide residential mortgage loan  
24 modification services to at least two Washington consumers after March 17, 2015.



1 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the  
2 Act by Respondents continues to date.

## 3 **II. GROUNDS FOR ENTRY OF ORDER**

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

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

14 **2.3 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 **2.4 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
19 Allegations set forth in Section I above, Respondents Villasenor, Aburto, and Vasquez are in apparent  
20 violation of RCW 19.146.200(1) for engaging in the business of a loan originator without first  
21 obtaining and maintaining a license.

22 **2.5 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  
24 practice toward any person and obtaining property by fraud or misrepresentation.

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

### 10 III. AUTHORITY TO IMPOSE SANCTIONS

11 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4)<sup>1</sup>, the  
12 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
13 business.

14 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5)<sup>2</sup>, the Director may  
15 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
16 any person subject to licensing under the Act for any violation of the Act.

17 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
18 restitution against any person subject to the Act for any violation of the Act.

19 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
20 against any person subject to the Act for any violation of the Act.

21 //

22 //

23 \_\_\_\_\_  
24 <sup>1</sup> Amended to RCW 19.146.220(3) effective July 24, 2015.

<sup>2</sup> Amended to RCW 19.146.220(4) effective July 24, 2015.  
STATEMENT OF CHARGES 4  
C-15-1710-17-SC01  
VICTOR C. VILLASENOR, JAIME ABURTO, and  
EDUARDO BELLO VASQUEZ d/b/a NATIONAL  
SERVICING CENTER

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 Respondents' 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** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
11 Servicing Center cease and desist engaging in the business of a mortgage broker or loan  
originator.

12 **4.2** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
13 Servicing Center 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 years.

14 **4.3** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
15 Servicing Center jointly and severally pay restitution to the three consumers identified in  
16 Appendix A to this Statement of Charges in the amount set forth therein, and that Respondents  
17 jointly and severally pay restitution to each Washington consumer with whom they entered  
into a contractual relationship 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 Washington consumer for those services in an amount to be determined at hearing.

18 **4.4** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
19 Servicing Center jointly and severally pay a fine, which as of the date of this Statement of  
Charges totals \$15,000.

20 **4.5** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
21 Servicing Center jointly and severally pay an investigation fee, which as of the date of this  
Statement of Charges totals \$4,512.

22 **4.6** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
23 Servicing Center 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 Declaration  
with supporting documentation in event of default by Respondents.  
24

1 **4.7** Respondents Victor C. Villasenor, Jamie Aburto, Eduardo Bello Vasquez, and National  
2 Servicing Center maintain records in compliance with the Act and provide the Department  
3 with the location of the books, records and other information relating to Respondents'  
4 provision of residential mortgage loan modification services in Washington, and the name,  
5 address and telephone number of the individual responsible for maintenance of such records  
6 in compliance with the Act.

7 //

8 //

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

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.

7  
8 Dated this 31<sup>st</sup> day of January, 2017.

9  
10  
11 /s/ \_\_\_\_\_  
12 CHARLES E. CLARK  
13 Director, Division of Consumer Services  
14 Department of Financial Institutions

15 Presented by:

16  
17 /s/ \_\_\_\_\_  
18 RACHELLE VILLALOBOS  
19 Financial Legal Examiner

20 Approved by:

21 /s/ \_\_\_\_\_  
22 STEVEN C. SHERMAN  
23 Enforcement Chief

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**APPENDIX A**

**Consumer**

**Amount**

J.M.	\$2,606.25
M.S.	\$3,558.32
S.B.	\$2,274.99