

ORDER SUMMARY – Case Number: C-09-484

Name(s):

Second Opportunity Support Center

Trina D. Brown

Order Number:

C-09-484-15-FO02

Effective Date:

September 1, 2015

License Number:

NMLS ID: 110480

Or NMLS Identifier [U/L]

License Effect:

n/a

Not Apply Until:

September 1, 2020

Not Eligible Until:

September 1, 2020

Prohibition/Ban Until:

September 1, 2020

Investigation Costs	\$974.40	Due:	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$8,250	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	\$1,800	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 checked="" type="checkbox"/> N		
No. of Victims:		2		

Comments:

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:

SECOND OPPORTUNITY SUPPORT CENTER,
INC., and
TRINA D. BROWN,
President, NMLS #110480,

Respondents.

No.: C-09-484-15-FO02

AMENDED FINAL ORDER

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 Director Charles E. Clark (Director's designee), pursuant to RCW 34.05.440(1). On July 12, 2011, the Director, through the Director's former designee, former Consumer Services Division Director Deborah Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (Statement of Charges) against Second Opportunity Support Center, Inc. and Trina D. Brown (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 July 14, 2011, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On October 12, 2011, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery to Respondents' last known address. On October 13, 2011, 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.

3 Respondents did not request an adjudicative hearing within twenty calendar days after the
4 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for in
5 WAC 208-08-050(2). Thereafter, Final Order C-09-484-13-FO01 (FO01) was entered on February 7,
6 2013, and served on Respondents via First Class mail at an address in Charlotte, North Carolina, believed
7 to be Respondent Brown's current address.

8 On April 12, 2013, Respondent Brown contacted the Department by telephone and told the
9 assigned Financial Legal Examiner that she had never received the Statement of Charges or FO01.
10 Between that date and about March 5, 2014, multiple attempts were made by the Department to resolve
11 the allegations in the Statement of Charges with Respondent Brown without success. Consequently, on or
12 about June 24, 2014, the Department served Respondents with the Statement of Charges and
13 accompanying documents at an address in Greensboro North Carolina, which had, on June 17, 2014, been
14 verified by the United States Postal Service as an address at which Respondent Brown currently received
15 mail. On or about February 26, 2015, the United States Postal Service again verified that Respondent
16 Brown continued to receive mail at the Greensboro, North Carolina, address.

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

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

- 22 1. Statement of Charges, cover letter dated July 14, 2011, Notice of Opportunity to
23 Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing
24 for Respondents, with documentation for service.
2. Post Office Address Verification Request form completed by the Greensboro, North
Carolina, branch of the United States Post Office dated June 17, 2014.

1 3. Post Office Address Verification Request form completed by the Greensboro, North
2 Carolina, branch of the United States Post Office dated February 26, 2015.

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

5 II. FINAL ORDER

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

8 A. IT IS HEREBY ORDERED, That:

- 9 1. Final Order C-09-484-13-FO01 is withdrawn.
- 10 2. Respondents Second Opportunity Support Center, Inc. and Trina D. Brown shall cease
and desist engaging in the business of a mortgage broker.
- 11 3. Respondent Second Opportunity Support Center, Inc. is prohibited from participation
12 in the conduct of the affairs of any mortgage broker subject to licensure by the
Director, in any manner, for a period of five years.
- 13 4. Respondent Trina D. Brown is prohibited from participation in the conduct of the
14 affairs of any mortgage broker subject to licensure by the Director, in any manner, for
a period of five years.
- 15 5. Respondents Second Opportunity Support Center, Inc. and Trina D. Brown jointly and
severally pay a fine of \$8,250.
- 16 6. Respondents Second Opportunity Support Center, Inc. and Trina D. Brown jointly and
17 severally pay restitution totaling \$1,800 to the two borrowers identified in paragraphs
1.2 and 1.3 of the Statement of Charges.
- 18 7. Respondents Second Opportunity Support Center, Inc. and Trina D. Brown jointly and
19 severally pay an investigation fee of \$974.40.

20 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
21 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
22 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
23 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 Respondents. 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.

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

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

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

DATED this 1st day of September, 2015.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS



CHARLES E. CLARK
Director
Division of Consumer Services

**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:

SECOND OPPORTUNITY SUPPORT CENTER,
and TRINA D. BROWN, President

Respondents.

No. C-09-484-11-SC01

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

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)¹. 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 Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Second Opportunity Support Center, Inc. (Second Opportunity Support Center)**
is a Washington corporation. Second Opportunity Support Center has never been licensed by the Department of Financial Institutions (Department). Second Opportunity Support Center maintains a website at www.soscenters.org. Second Opportunity Support Center's principal offices were listed as being at:

8809 C 2nd Avenue South
Seattle Washington 98108

¹ RCW 19.146
STATEMENT OF CHARGES
C-09-484-11-SC01
Second Opportunity Support Center, Inc. and Trina D. Brown

1 **B. Trina D. Brown (Brown)** is the President of Second Opportunity Support Center.
2 Respondent Brown has been licensed as a loan originator at various times between about May 30,
3 2007, and December 31, 2010.

4 **1.2 Complaint 33453.** On or about March 5, 2009, Borrower JH entered into an agreement with
5 Respondent Second Opportunity Support Center. Respondent Second Opportunity Support Center
6 agreed to provide loan modification services. Borrower JH paid Respondent Second Opportunity
7 Support Center \$900 as an initial deposit. On or about December 3, 2009, Borrower JH filed a
8 complaint alleging that after she paid Respondent Second Opportunity Support Center and
9 Respondent Brown for loan modification services they stopped accepting her calls and did not work
10 on her modification.

11 **1.3 Complaint 31145.** On or about March 7, 2009, Borrower EJ paid at least \$900 to
12 Respondent Second Opportunity Support Center for work on a modification of her residential
13 mortgage loan. On or about May 9, 2009, Borrower EJ filed a complaint alleging that Respondent
14 Second Opportunity Support Center and Respondent Brown stopped accepting her calls and that she
15 pursued and obtained a modification through her own efforts, while Respondent Brown and
16 Respondent Second Opportunity Support Center's efforts resulted in poor results.

17 **1.4 Unlicensed Activity.** Between at least March and May 2009, Respondent Second
18 Opportunity Support Center assisted at least two borrowers in applying to obtain a loan modification
19 on property located in the State of Washington. The borrowers involved paid fees of at least \$1,800.
20 Additionally, since at least March of 2009 Respondent Second Opportunity Support Center has held
21 out to the public as able to provide loan modification services through the website referenced in
22 paragraph 1.1.

1 **1.5 Failure to Respond Timely and Completely to Directives.** On or about April 26, 2009, the
2 Department sent a Directive and Requirement for Production of Records and Explanation to
3 Respondents Second Opportunity Support Center and Brown by First-Class mail. This Directive was
4 not returned as undeliverable by the United States Postal Service. The Directive required
5 Respondents to respond by May 12, 2009. Respondents did not respond to this Directive. On or
6 about May 20, 2009, the Department issued a Subpoena Compelling Production of Records and
7 Explanation to Respondents. Respondents partially responded to this subpoena on or about May 27,
8 2009. On or about August 11, 2009, the Department sent another Directive and Requirement for
9 Production of Records and Explanation to Respondents Second Opportunity Support Center and
10 Brown by First-Class mail. This Directive was not returned as undeliverable by the United States
11 Postal Service. Respondents did not respond to this Directive. On or about October 20, 2009, the
12 Department issued a Subpoena Compelling Production of Records and Explanation to Respondents
13 Second Opportunity Support Center and Brown by First-Class mail. This subpoena was not returned
14 as undeliverable by the United States Postal Service. Respondents never responded to this subpoena.

15 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the
16 Act by Respondents continues to date.

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

18 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-
19 010(29), "Mortgage Broker" means any person who, for compensation or gain, or in the expectation
20 of compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage
21 loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to
22 obtain a residential mortgage loan.

1 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10), "Loan Originator" means
2 a natural person who (a) takes a residential mortgage loan application for a mortgage broker, or (b)
3 offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in the
4 expectation of direct or indirect compensation or gain. "Loan originator" also includes a person who
5 holds themselves out to the public as able to perform any of these activities. "Loan originator" does
6 not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the
7 purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and
8 distribution of information common to the processing of a loan in the mortgage industry and
9 communication with a borrower to obtain information necessary for the processing of a loan. A
10 person who holds himself or herself out to the public as able to obtain a loan is not performing
11 administrative or clerical tasks.

12 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(3), a "Borrower" is defined as any
13 person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek
14 advice or information on obtaining or applying to obtain a residential mortgage loan for himself,
15 herself, or persons including himself or herself, regardless of whether the person actually obtains
16 such a loan.

17 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on Factual
18 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200
19 for engaging in the business of a mortgage broker without first obtaining and maintaining a license
20 under the Act.

21 **2.5 Requirement to Comply with Investigation Authority.** Based on Factual Allegations set
22 forth in Section I above, Respondents are in apparent violation of RCW 19.146.235 for failing to
23 comply with the Department's investigation authority.

III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Issue an Order to Cease and Desist. Pursuant to RCW 19.146.220(4), the Director may issue orders directing a licensee, its employee, loan originator, independent contractor, agent or other person subject to the Act to cease and desist from conducting business.

3.2 Authority to Prohibit from Industry. Pursuant to RCW 19.146.220(5), the Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.200 or failure to comply with a directive or order of the Director.

3.3 Authority to Impose Fine. Pursuant to RCW 19.146.220(3)(a) and (b) and WAC 208-660-530(6), the Director may impose fines on an employee, loan originator, independent contractor, or agent of the licensee, or other person subject to this chapter for any violations of RCW 19.146.200 or failure to comply with a directive or order of the Director.

3.4 Authority to Order Restitution. Pursuant to RCW 19.146.220(2), the Director may issue orders directing a licensee or other person subject to the Act to pay restitution.

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

IV. NOTICE OF INTENTION TO ENTER ORDER

Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:

1 4.1 Respondents Second Opportunity Support Center and Trina D. Brown cease and desist
2 engaging in the business of a mortgage broker.

3 4.2 Respondent Second Opportunity Support Center be prohibited from participation in the
4 conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for
5 a period of five years.

6 4.3 Respondent Trina D. Brown be prohibited from participation in the conduct of the affairs of
7 any mortgage broker subject to licensure by the Director, in any manner, for a period of five years.

8 4.4 Respondents Second Opportunity Support Center and Trina D. Brown jointly and severally
9 pay a fine. As of the date of this Statement of Charges, the fine totals \$8,250.

10 4.5 Respondents Second Opportunity Support Center and Trina D. Brown jointly and severally
11 pay restitution totaling \$1,800 to at least the two borrowers identified in paragraphs 1.2 and 1.3 of
12 this Statement of Charges.

13 4.6 Respondents Second Opportunity Support Center and Trina D. Brown jointly and severally
14 pay restitution in an amount to be shown at hearing to any similarly situated borrowers.

15 4.7 Respondents Second Opportunity Support Center and Trina D. Brown jointly and severally
16 pay an investigation fee. As of the date of this Statement of Charges, the investigation fee totals
17 \$974.40.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Prohibit From Industry, Impose Fine, Order Restitution and Collect Investigation Fee (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). Respondents 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 12th day of July, 2011



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

ROBERT E. JONES
Financial Legal Examiner

Approved by:

JAMES R. BRUSSELBACK
Enforcement Chief