

# TERMS COMPLETE

## CONSENT ORDER SUMMARY - Case Number: C-10-253

**Name(s)** Trusted Home Solutions and Mayer Dallal

\_\_\_\_\_  
\_\_\_\_\_

**Order Number** C-10-253-11-C001

**Effective Date** February 28, 2011

**License Number** U/L

**License Effect** N/A

**Not Apply until** February 28, 2015

**Prohibition/Ban until** February 28, 2015

<b>Investigation Costs</b>	\$960	Due	Paid Y	Date 2/11/11
<b>Fine</b>	\$	Due	Paid Y N	Date
<b>Assessment(s)</b>	\$	Due	Paid Y N	Date
<b>Restitution</b>	\$750	Due	Paid Y	Date 2/11/11
	No. of Victims:	1		

**Other** \_\_\_\_\_

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**Special Instructions** \_\_\_\_\_

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RECEIVED

FEB 23 2011

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES

ENFORCEMENT UNIT  
DIVISION OF CONSUMER SERVICES  
DEPT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

NO. C-10-253-11-CO01

TRUSTED HOME SOLUTIONS, and MAYER  
DALLAL, President,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Trusted Home Solutions (Respondent Trusted Home), and Mayer Dallal, President (Respondent Dallal) (collectively Respondents), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-253-10-SC01 (Statement of Charges), entered November 17, 2010, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges.

Based upon the foregoing:

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

CONSENT ORDER  
C-10-253-11-CO01  
TRUSTED HOME SOLUTIONS and MAYER  
DALLAL

DEPARTMENT OF FINANCIAL INSTITUTIONS  
Division of Consumer Services  
150 Israel Rd SW  
PO Box 41200  
Olympia, WA 98504-1200  
(360) 902-8703

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

5           **C. Cease and Desist.** It is AGREED that Respondents shall immediately cease and desist offering loan  
6 modification services or otherwise conducting the business of a mortgage broker or loan originator in the state of  
7 Washington or with Washington residents unless and until such time as Respondents obtain a license from the  
8 Department to do so.

9           **D. Prohibition from Industry.** It is AGREED that Respondents are prohibited from participating, in  
10 any manner or capacity, in the conduct of the affairs of any mortgage broker or consumer lender licensed by the  
11 Department or any person subject to licensure or regulation by the Department under chapter 19.146 RCW and  
12 chapter 31.04 RCW for four (4) years from the date of entry of this Consent Order.

13           **E. Restitution.** It is AGREED that Respondents refunded \$750 to the consumer identified in the  
14 attached restitution schedule prior to entry of this Consent Order.

15           **F. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee  
16 of \$960, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
17 Consent Order.

18           **G. Records Retention.** It is AGREED that Respondents shall maintain all records in compliance with  
19 the Act and provide the Department with the location of the books, records and other information relating to  
20 Respondents' mortgage broker business, and the name, address, and telephone number of the individual  
21 responsible for maintenance of such records in compliance with the Act.

22           **H. Authority to Execute Order.** It is AGREED that the undersigned have represented and warranted  
23 that they have the full power and right to execute this Consent Order on behalf of the parties represented.  
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CONSENT ORDER  
C-10-253-11-CO01  
TRUSTED HOME SOLUTIONS and MAYER  
DALLAL

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

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

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

**RESPONDENTS:**

**TRUSTED HOME SOLUTIONS**

By:

 President  
MAYER DALLAL  
President

2/15/2011  
Date

  
MAYER DALLAL  
Individually

2/15/2011  
Date

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THIS ORDER ENTERED THIS 28<sup>th</sup> DAY OF February, 2010. <sup>105</sup>



[Redacted signature]

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

[Redacted signature]

MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

[Redacted signature]

JAMES R. BRUSSELBACK  
Enforcement Chief

CONSENT ORDER  
C-10-253-11-CO01  
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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:

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TRUSTED HOME SOLUTIONS, and MAYER  
DALLAL, President,

Respondents.

NO. C-10-253-10-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 (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 Deborah Bortner, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Trusted Home Solutions (Respondent Trusted Home)** is located at 6380 Wilshire Boulevard, Suite 1200, Los Angeles, California, 90048. Respondent Trusted Home has never been licensed to conduct the business of a Mortgage Broker by the Department of Financial Institutions (Department).

B. **Mayer Dallal (Respondent Dallal)** is President of Respondent Trusted Home. Respondent Dallal has never been licensed to conduct the business of a Mortgage Broker or Loan Originator by the Department.

**1.2 Unlicensed Activity and Prohibited Acts.** Between at least January 2009 and the date of this Statement of Charges, Respondents held themselves out as able to assist at least one consumer in applying to obtain a loan modification on property located in the state of Washington. The consumer involved in the loan

1 modification paid fees to Respondents totaling at least \$1,500. Respondents requested an additional \$1,500 for  
2 loan modification services and threatened to send the consumer's file to collections when the consumer refused  
3 to pay the additional fees. To date, the Department has not issued a license to engage in the business of a  
4 mortgage broker or loan originator to Respondents.

5 **1.3 Failure to Comply with a Department Investigation.** On or about January 14, 2010, the Department  
6 issued a subpoena to Respondents, which required Respondents to provide certain information and documents  
7 on or before January 24, 2010. The subpoena was sent to Respondents' last known address and was not  
8 returned to the Department by the United States Postal Service. To date, the Department has not received a  
9 response from Respondents.

10 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
11 Respondents continues to date.

## 12 II. GROUNDS FOR ENTRY OF ORDER

13 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(14), "Mortgage Broker" means any  
14 person who for compensation or gain, or in the expectation of compensation or gain (a) assists a person in  
15 obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to  
16 assist a person in obtaining or applying to obtain a residential mortgage loan.

17 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11)(a), "Loan originator" means a  
18 natural person who for direct or indirect compensation or gain, or in the expectation of direct or indirect  
19 compensation or gain (i) takes a residential mortgage loan application for a mortgage broker, or (ii) offers or  
20 negotiates terms of a mortgage loan. "Loan originator" also includes a person who holds themselves out to the  
21 public as able to perform any of these activities. "Loan originator" does not mean persons performing purely  
22 administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or  
23 clerical tasks" means the receipt, collection, and distribution of information common for the processing of a  
24 loan in the mortgage industry and communication with a borrower to obtain information necessary for the  
25

1 processing of a loan. A person who holds himself or herself out to the public as able to obtain a loan is not  
2 performing administrative or clerical tasks.

3 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section  
4 I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a mortgage  
5 broker without first obtaining and maintaining a license under the Act. Individuals negotiating residential  
6 mortgage loan terms act as mortgage brokers or loan originators and must be licensed under the Act unless  
7 specifically exempt from the Act.

8 **2.4 Requirement to Comply with a Department Investigation.** Based on the Factual Allegations set  
9 forth in Section I above, Respondents are in apparent violation of RCW 19.146.235 for failure to comply with  
10 the Director's investigatory authority by not timely or fully and completely complying with the Department's  
11 Directive.

12 **2.5 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
13 apparent violation of RCW 19.146.0201(1) and (2), for directly or indirectly employing a scheme, device or  
14 artifice to defraud or mislead borrowers or lenders or any person, or engaging in an unfair or deceptive practice  
15 toward any person.

16 **2.6 Requirement to Maintain Records.** Based on the Factual Allegations set forth in Section I above,  
17 Respondents are in apparent violation of RCW 19.146.060 for failing to maintain sufficient records to enable  
18 the Director to determine whether the licensee is complying with the Mortgage Broker Practices Act.

### 19 III. AUTHORITY TO IMPOSE SANCTIONS

20 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the Director may  
21 issue orders directing a licensee, its employee or loan originator, independent contractor, agent, or other person  
22 subject to the Act to cease and desist from conducting business.

23 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a) and (d), the Director  
24 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a  
25 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage

1 broker or any person subject to licensing under the Act for any violation of RCW 19.146.200 or failure to  
2 comply with a directive or order of the Director.

3 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2) and WAC 208-660-530, the Director may  
4 impose fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for  
5 any violations of RCW 19.146.200 or failure to comply with a directive or order of the Director.

6 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may issue orders directing  
7 a licensee or other person subject to the Act to pay restitution.

8 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-550(4) and  
9 WAC 208-660-520(9), upon completion of any investigation of the books and records of a licensee or other person  
10 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover  
11 the cost of the investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per  
12 hour that each staff person devoted to the investigation.

#### 13 IV. NOTICE OF INTENTION TO ENTER ORDER

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

- 18 **4.1** Respondents Trusted Home Solutions and Mayer Dallal cease and desist offering loan modification  
19 services or otherwise conducting the business of a mortgage broker or loan originator in the state of  
20 Washington or with Washington residents; and
- 21 **4.2** Respondents Trusted Home Solutions and Mayer Dallal be prohibited from participation in the conduct of  
22 the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of five  
23 (5) years; and
- 24 **4.3** Respondents Trusted Home Solutions and Mayer Dallal jointly and severally pay a fine, which as of the  
25 date of these charges totals \$4,000; and
- 4.4** Respondents Trusted Home Solutions and Mayer Dallal jointly and severally pay restitution to the  
consumer referenced in paragraph 1.2 above and notify all consumer reporting agencies and collection  
companies to delete all references to the transactions between Respondents and the borrower from their  
records; and

1 4.5 Respondents Trusted Home Solutions and Mayer Dallal jointly and severally pay an investigation fee  
2 which as of the date of these charges totals \$960 calculated at \$48 per hour for twenty staff hours; and

3 4.6 Respondents Trusted Home Solutions and Mayer Dallal maintain records in compliance with the Act and  
4 provide the Department with the location of the books, records and other information relating to  
5 Respondent Trusted Home Solutions' business, and the name, address and telephone number of the  
6 individual responsible for maintenance of such records in compliance with the Act.

7 **V. AUTHORITY AND PROCEDURE**

8 This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Prohibit From  
9 Industry, Impose Fine, Order Restitution, and Collect Investigation Fee is entered pursuant to the provisions of  
10 RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions  
11 of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a  
12 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR  
13 HEARING accompanying this Statement of Charges.

14 Dated this 17<sup>th</sup> day of November, 2010.

15   
16 DEBORAH BORTNER  
17 Director  
18 Division of Consumer Services  
19 Department of Financial Institutions

20 Presented by:

21   
22 MARNIE SHEERAN  
23 Financial Legal Examiner

24 Approved by:

25   
JAMES R. BRUSSELBACK  
Enforcement Chief

