

**ORDER SUMMARY – Case Number: C-11-0784**

**Name(s):** Home Safe America; Guy Samuel; Scott Schreiber  
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**Order Number:** C-11-0784-13-FO01  
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**Effective Date:** March 7, 2013  
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**License Number:** NMLS ID: 75897 (Samuel)  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
 If applicable, you must specifically note the ending dates of terms.

**License Effect:**  
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**Not Apply Until:**  
 \_\_\_\_\_

**Not Eligible Until:**  
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**Prohibition/Ban Until:** March 7, 2018  
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<b>Investigation Costs</b>	\$727	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$3,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$2,300	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: Also required to cease and desist MB business, provide list of Washington consumers, and maintain records pursuant to MBPA.  
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1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

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

No.: C-11-0784-13-FO01

7 HOME SAFE AMERICA INC. A/K/A  
8 UNITED SOLUTIONS CORP.,  
9 GUY SAMUEL, Co-Owner, and  
10 SCOTT SCHREIBER, Co-Owner,

FINAL ORDER

11 Respondents.

12 I. DIRECTOR'S CONSIDERATION

13 A. Default. This matter has come before the Director of the Department of Financial  
14 Institutions of the State of Washington ("Director"), through his designee, Consumer Services  
15 Division Director Deborah Bortner ("Director's designee"), pursuant to RCW 34.05.440(1). On  
16 September 27, 2012, the Director, through the Director's designee, issued a Statement of Charges and  
17 Notice of Intention to Enter an Order to Produce Records, Cease and Desist Business, Prohibit from  
18 Industry, Order Restitution, impose Fine, and Collect Investigation Fee ("Statement of Charges")  
19 against Home Safe America, a/k/a United Solutions Corp. ("Respondent Home Safe America"), Guy  
20 Samuel ("Respondent Samuel"), and Scott Schreiber ("Respondent Schreiber") (collectively,  
21 "Respondents"). A copy of the Statement of Charges is attached and incorporated into this order by  
22 this reference. The Statement of Charges sent to Respondents Home Safe America and Samuel was  
23 accompanied by a cover letter dated October 24, 2012, Notices of Opportunity to Defend and  
24 Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents  
(collectively, "Samuel's accompanying documents"). The Statement of Charges sent to Respondents  
Home Safe America and Schreiber was accompanied by a cover letter dated January 17, 2013, a

1 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for  
2 Adjudicative Hearing for Respondents Home Safe and Schreiber (collectively, "Schreiber's  
3 accompanying documents").

4 On October 24, 2012, the Department served Respondents Home Safe and Samuel with the  
5 Statement of Charges and Samuel's accompanying documents by First-Class mail and Federal  
6 Express overnight delivery. On October 25, 2012, the documents sent by Federal Express overnight  
7 delivery were delivered. The documents sent by First-Class mail were not returned to the  
8 Department by the United States Postal Service.

9 On January 17, 2013, the Department served Respondents Home Safe and Schreiber with the  
10 Statement of Charges and Schreiber's accompanying documents by First-Class mail and Federal  
11 Express overnight delivery. On January 18, 2013, the documents sent by Federal Express overnight  
12 delivery were delivered. The documents sent by First-Class mail were not returned to the  
13 Department by the United States Postal Service.

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

17 B. Record Presented. The record presented to the Director's designee for her review and  
18 for entry of a final decision included the following: Statement of Charges, cover letters dated October  
19 24, 2012, and January 17, 2013, Notices of Opportunity to Defend and Opportunity for Hearing, and  
20 blank Applications for Adjudicative Hearing for Respondents, with documentation of service.

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.

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 A. IT IS HEREBY ORDERED, That:

- 5 1. Respondents cease and desist engaging in the business of a mortgage broker or  
6 loan originator.
- 7 2. Respondents provide the Department with a list detailing all residential mortgage  
8 loan modification services transactions with Washington consumers, including the  
9 name, address, and phone numbers of the consumers, the transaction date, and fees  
10 collected by Respondents for the provision of those services.
- 11 3. Respondents are prohibited from participation in the conduct of the affairs of any  
12 mortgage broker subject to licensure by the Director, in any manner, for a period  
13 of five years.
- 14 4. Respondents shall pay, jointly and severally, restitution of \$2,300 to the consumer  
15 identified by the Department in paragraph 1.4 of the Statement of Charges.
- 16 5. Respondents shall pay, jointly and severally, a fine of \$3,000.
- 17 6. Respondents shall pay, jointly and severally, an investigation fee of \$727. The  
18 combined fine and investigation fee may be paid together in the form of a cashier's  
19 check in the amount of \$3,727 made payable to the "Washington State Treasurer."
- 20 7. Respondent Home Safe America, its officers, employees, and agents maintain  
21 records in compliance with chapter 19.146 RCW, the Mortgage Broker Practices  
22 Act (Act) and provide the Director with the location of the books, records and  
23 other information relating to Respondent Home Safe America's mortgage broker  
24 business, and the name, address and telephone number of the individual  
responsible for maintenance of such records in compliance with the Act.

19 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a  
20 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
21 must be filed in the Office of the Director of the Department of Financial Institutions by courier at  
22 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
23 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The

1 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
2 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

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

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DATED this 7<sup>th</sup> day of March, 2013



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS



DEBORAH BORTNER  
Director  
Division of Consumer Services



1 **1.4 Unlicensed Activity.** On or about August 2, 2010, Respondents Home Safe, Schreiber, and  
2 Samuel (Respondents) were offering residential mortgage loan modification services to Washington  
3 consumers on property located in Washington State. Respondents entered into a contractual  
4 relationship with at least one Washington consumer to provide those services and collected an advance  
5 fee for the provision of those services. The Department has received at least one complaint from a  
6 Washington consumer alleging Respondents provided or offered to provide residential mortgage loan  
7 modification services while not licensed by the Department to provide those services. Consumer [REDACTED]  
8 paid Respondents a fee of \$2,300.

9 **1.5 Misrepresentations and Omissions.** Respondents represented that they were licensed to  
10 provide the residential mortgage loan modification services or omitted disclosing that they were not  
11 licensed to provide those services.

12 **1.6 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) 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 make a residential mortgage loan or assist a person  
19 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a  
20 person "'assists a person in obtaining or applying to obtain a residential mortgage loan' by, among  
21 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages...."

22 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a  
23 natural person who for direct or indirect compensation or gain, or in the expectation of direct or  
24 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;

1 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to  
2 perform any of these activities.

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

6 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual  
7 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)  
8 for engaging in the business of a mortgage broker for Washington residents or property without first  
9 obtaining a license to do so.

10 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
11 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)  
12 for engaging in the business of a loan originator without first obtaining and maintaining a license.

13 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW  
14 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a  
15 location that is on file with and readily available to the Department until at least twenty-five months  
16 have elapsed following the effective period to which the books and records relate.

### 17 III. AUTHORITY TO ORDER PRODUCTION OF RECORDS

18 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.  
19 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,  
20 accounts, records, files, and any other documents the director or designated person deems relevant to  
21 an investigation.

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1 **IV. AUTHORITY TO IMPOSE SANCTIONS**

2 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
3 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
4 business.

5 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
6 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
7 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or  
8 (13), or RCW 19.146.200.

9 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
10 restitution against any person subject to the Act for any violation of the Act.

11 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
12 against any person subject to the Act for any violation of the Act.

13 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-  
14 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner’s time devoted  
15 to an investigation of any person subject to the Act.

16 **V. NOTICE OF INTENT TO ENTER ORDER**

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

20 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

21 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan  
22 modification services transactions with Washington consumers, including the name, address,  
23 and phone numbers of the consumers, the transaction date, and fees collected by Respondents  
for the provision of those services.

24 **5.3** Respondents be prohibited from participation 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.

1 5.4 Respondents jointly and severally pay restitution to the consumer identified by the Department  
2 in paragraph 1.4 as having paid \$2,300 to Respondents, and that Respondents jointly and  
3 severally pay restitution to each Washington consumer with whom they entered into a contract  
4 for residential mortgage loan modification services related to real property or consumers  
5 located in the state of Washington equal to the amount collected from that Washington  
6 consumer for those services in an amount to be determined at hearing.

7 5.5 Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification  
8 transaction entered into with Washington consumers. As of the date of this Statement of  
9 Charges, the fine totals \$3,000.

10 5.6 Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of  
11 the date of this Statement of Charges, the investigation fee totals \$727.

12 5.7 Respondents maintain records in compliance with the Act and provide the Department with the  
13 location of the books, records and other information relating to Respondents' provision of  
14 residential mortgage loan modification services in Washington, and the name, address and  
15 telephone number of the individual responsible for maintenance of such records in compliance  
16 with the Act.

## 17 VI. AUTHORITY AND PROCEDURE

18 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW  
19 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
20 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as  
21 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
22 accompanying this Statement of Charges.  
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24 Dated this 27<sup>th</sup> day of September, 2012.



[Redacted Signature]  
DEBORAH BORTNER  
Director, Division of Consumer Services  
Department of Financial Institutions

1 Presented by:

2 [Redacted]

3 SHANA L. OLIVER  
4 Financial Legal Examiner

5 Approved by:

6 [Redacted]

7 CHARLES E. CLARK  
8 Enforcement Chief

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