

## ORDER SUMMARY – Case Number: C-13-1157

**Name(s):** YAIR CARRERA D/B/A RETENTION SERVICES, MAKING HOMES AFFORDABLE, MHA GROUP, HOMESTART SERVICES, AND AMERICAN LAW CENTER,

**Order Number:** C-13-1157-13-FO01

**Effective Date:** March 6, 2014

**License Number:** n/a  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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:**

**Not Apply Until:**

**Not Eligible Until:**

**Prohibition/Ban Until:** March 7, 2019

<b>Investigation Costs</b>	\$3669.60	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$12,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b> n/a	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$23,385	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment</b> n/a	\$0	Due	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		
No. of Victims:		4		

- Comments:**
1. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable, MHA Group, Homestart Services, and American Law Center, jointly and severally pay a fine of \$12,000.
  2. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable, MHA Group, Homestart Services, and American Law Center jointly and severally pay \$23,385 in restitution to: R.C. \$9,985; A.M. \$5,720; C.S. \$6,185; N.C. \$1,495
  3. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable, MHA Group, Homestart Services, and American Law Center is 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 5 years.
  4. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable, MHA Group, Homestart Services, and American Law Center jointly and severally pay an investigation fee of \$3,669.60.

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-13-1157-13-FO01

7 YAIR CARRERA D/B/A RETENTION  
8 SERVICES, MAKING HOMES AFFORDABLE,  
9 MHA GROUP, HOMESTART SERVICES, AND  
10 AMERICAN LAW CENTER,

FINAL ORDER

11 Respondent.

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 Division  
15 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On March 25, 2013,  
16 the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention  
17 to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose  
18 Fine, and Collect Investigation Fee (Statement of Charges) against Yair Carrera d/b/a Retention  
19 Services, Making Homes Affordable, MHA Group, Homestart Services, and American Law Center  
20 (Respondent). A copy of the Statement of Charges is attached and incorporated into this order by this  
21 reference. The Statement of Charges was accompanied by a cover letter dated March 28, 2013, a  
22 Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for  
23 Adjudicative Hearing for Respondent (collectively, accompanying documents).

24 On December 7, 2012, prior to serving the Statement of Charges, the Department sent a post  
office verification form to the United State Postal Service to request address verification for  
Respondent. On December 18, 2012, the Department received confirmation from the Hemet,

1 California 92544 Branch Office of the United States Post Office stating that mail addressed to  
2 Respondent was being delivered to: 42887 Masonic Drive, Hemet, California 92544.

3 On March 28, 2013, the Department served Respondent with the Statement of Charges and  
4 accompanying documents by First-Class mail and Federal Express overnight delivery. On March 29,  
5 2013, the documents sent by Federal Express overnight were delivered to Respondent at: 42887  
6 Masonic Drive, Hemet, California 92544 and signed for by T. Carrera. The documents sent by First-  
7 Class mail were returned to the Department by the United States Postal Service with hand-written  
8 notations that Respondent did not reside there. However, on February 18, 2014, the Department  
9 received a second verification from the United States Postal Service indicating that Respondent  
10 continued to received mail at 42887 Masonic Drive, Hemet, California 92544.

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

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

- 16 1. Statement of Charges, cover letter dated March 28, 2013, Notice of Opportunity to  
17 Defend and Opportunity for Hearing, and blank Application for Adjudicative  
Hearing for Respondent, with documentation for service; and,
- 18 2. Post Office Address Verification Request form completed by Hemet, California  
19 Branch Office of the United States Postal Office received by the Department on  
December 18, 2012.
- 20 3. Post Office Address Verification Request form completed by Hemet, California  
21 Branch Office of the United States Postal Office received by the Department on  
February 18, 2014.

22 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the  
23 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. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable,  
6 MHA Group, Homestart Services, and American Law Center pay a fine of  
\$12,000.
- 7 2. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable,  
8 MHA Group, Homestart Services, and American Law Center pay \$23,385 in  
restitution to:
- 9 R.C. \$9,985  
10 A.M. \$5,720  
11 C.S. \$6,185  
12 N.C. \$1,495
- 13 3. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable,  
14 MHA Group, Homestart Services, and American Law Center is prohibited from  
15 participation in the conduct of the affairs of any mortgage broker subject to  
licensure by the Director, in any manner, for a period of 5 years.
- 16 4. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable,  
17 MHA Group, Homestart Services, and American Law Center pay an investigation  
18 fee of \$3,669.60.
- 19 5. Respondent Yair Carrera d/b/a Retention Services, Making Homes Affordable,  
20 MHA Group, Homestart Services, and American Law Center maintain records in  
21 compliance with chapter 19.146 RCW, the Mortgage Broker Practices Act (Act)  
22 and provide the Director with the location of the books, records and other  
23 information relating to Respondent Yair Carrera d/b/a Retention Services, Making  
24 Homes Affordable, MHA Group, Homestart Services, and American Law Center's  
business, 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 B. Reconsideration. Pursuant to RCW 34.05.470, 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 Respondent. The  
6 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
7 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 C. 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 D. Judicial Review. Respondent has the right to petition the superior court for judicial  
15 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for  
16 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

17 E. Non-compliance with Order. If Respondent does not comply with the terms of this  
18 order, the Department may seek its enforcement by the Office of the Attorney General to include the  
19 collection of the fine, investigation fee, and restitution imposed herein. The Department also may  
20 assign the amounts owed to a collection agency for collection.

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1 F. 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 hereto.

4 DATED this 6<sup>th</sup> day of March, 2014.



6 STATE OF WASHINGTON  
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

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9 DEBORAH BÖRTNER  
10 Director  
11 Division of Consumer Services

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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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YAIR CARRERA D/B/A RETENTION  
SERVICES, MAKING HOMES AFFORDABLE,  
MHA GROUP, HOMESTART SERVICES, and  
AMERICAN LAW CENTER,

Respondent.

No. C-13-1157-13-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENT TO ENTER AN  
ORDER TO CEASE AND DESIST  
BUSINESS, PROHIBIT FROM  
INDUSTRY, ORDER RESTITUTION,  
IMPOSE FINE, 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). 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 Respondent.**

**A. Yair Carrera** is known to do business under the following names: **Retention Services; Making Homes Affordable; MHA Group; Homestart Services; and American Law Center (Respondent)**. Neither Yair Carrera nor any of the listed businesses have ever been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or loan originator.

**1.2 Unlicensed Activity.** Between at least April 27, 2010, and the date of this Statement of Charges, Respondent was offering residential mortgage loan modification services to Washington

1 consumers on property located in Washington State. Respondent entered into a contractual  
2 relationship with at least four Washington consumers to provide those services and collected an  
3 advance fee for the provision of those services. The Department has received at least four complaints  
4 from Washington consumers alleging Respondent provided or offered to provide residential mortgage  
5 loan modification services while not licensed by the Department to provide those services. A list of  
6 Washington consumers with whom Respondent conducted business as a mortgage broker or loan  
7 originator, and the amount paid by each is as follows:

8 R.C. \$9,985.00  
9 A.M. \$5,720.00  
10 C.S. \$6,185.00  
11 N.C. \$1,495.00

12 **1.3 Misrepresentations and Omissions.** Respondent represented that they were licensed to  
13 provide the residential mortgage loan modification services or omitted disclosing that they were not  
14 licensed to provide those services.

15 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the  
16 Act by Respondent continues to date.

## 17 II. GROUNDS FOR ENTRY OF ORDER

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

1 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a  
2 natural person who for direct or indirect compensation or gain, or in the expectation of direct or  
3 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;  
4 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform  
5 any of these activities.

6 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is  
7 in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice  
8 toward any person and obtaining property by fraud or misrepresentation.

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

13 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
14 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for  
15 engaging in the business of a loan originator without first obtaining and maintaining a license.

16 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW  
17 19.146.060 and WAC 208-660-450, Respondent is required to keep all books and records in a location  
18 that is on file with and readily available to the Department until at least twenty-five months have  
19 elapsed following the effective period to which the books and records relate.

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1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 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 **3.2 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 **3.3 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 **3.4 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 **3.5 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.

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

2 Respondent's 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 Director's intent to ORDER that:

5 **4.1** Respondent cease and desist engaging in the business of a mortgage broker or loan originator.

6 **4.2** Respondent be prohibited from participation, in any manner, in the conduct of the affairs of  
7 any mortgage broker subject to licensure by the Director for a period of five years.

8 **4.3** Respondent pay restitution to the four consumers identified by the Department in paragraph 1.2  
9 in the amount set forth therein, and that Respondent pay restitution to each Washington  
10 consumer with whom they entered into a contract 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.

11 **4.4** Respondent pay a fine, which as of the date of this Statement of Charges totals \$12,000.

12 **4.5** Respondent pay an investigation fee, which as of the date of this Statement of Charges totals  
13 \$3,669.60.

14 **4.6** Respondent maintain records in compliance with the Act and provide the Department with the  
15 location of the books, records and other information relating to Respondent's provision of  
residential mortgage loan modification services in Washington, and the name, address and  
16 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). Respondent may make a written request for a hearing as set  
5 forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
6 accompanying this Statement of Charges.

7 Dated this 25<sup>th</sup> day of March, 2013.



10 **DEBORAH BORTNER**  
11 Director, Division of Consumer Services  
12 Department of Financial Institutions

13 Presented by:



14 **WILMA M. COLWELL**  
15 Financial Examiner

16  
17 Approved by:



18 **CHARLES E. CLARK**  
19 Enforcement Chief