

ORDER SUMMARY – Case Number: C-15-1754

Names: Jenean Taylor d/b/a Performance 1
Home Tech Group LLC

Order Number: C-15-1754-16-FO01

Effective Date: May 2, 2016

License Number: U/L
Or NMLS Identifier NMLS Taylor: 1493121, Home Tech Group 1500976
License Effect:

Not Apply Until:
05/02/2021

Not Eligible Until:

Prohibition/Ban Until: 5 year ban

Investigation Costs	\$912	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$3000	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	\$2550	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:		1		

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:

No.: C-15-1754-16-FO01

HOME TECH GROUP LLC, and
JENEAN TAYLOR d/b/a PERFORMANCE 1,

FINAL ORDER

Respondents.

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 February 17, 2016, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to enter an order to cease and desist business, prohibit from industry, order restitution, impose fine, and collect investigation fee (Statement of Charges) against Home Tech Group LLC and Jenean Taylor d/b/a Performance 1 (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 cover letters dated February 18, 2016, and March 23, 2016, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents (collectively, accompanying documents).

On February 18, 2016, the Department served Respondents through their attorney, Robert Weinberg, with the Statement of Charges and accompanying documents, including the cover letter dated February 18, 2016, by First-Class mail and Federal Express overnight delivery. On February 19, 2016, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service.

1 On March 23, 2016, the Department served Respondents directly with the Statement of
2 Charges and accompanying documents, including the cover letter dated March 23, 2016, by First-
3 Class mail and Federal Express overnight delivery. On March 28, 2016, the documents sent by
4 Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not
5 returned to the Department by the United States Postal Service.

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

9 B. Record Presented. The record presented to the Director's designee for his review and
10 for entry of a final decision included the following: Statement of Charges, cover letters dated
11 February 18, 2016 and March 23, 2016, Notice of Opportunity to Defend and Opportunity for
12 Hearing, and blank Applications for Adjudicative Hearing for Respondents, with documentation for
13 service.

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

16 II. FINAL ORDER

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

19 A. IT IS HEREBY ORDERED, That:

- 20 1. Respondents Home Tech Group LLC and Jenean Taylor d/b/a Performance 1 are
21 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.
- 22 2. Respondents Home Tech Group LLC and Jenean Taylor d/b/a Performance 1
23 jointly and severally pay \$2,550 in restitution to consumer S.B.
- 24 3. Respondents Home Tech Group LLC and Jenean Taylor d/b/a Performance 1
jointly and severally pay a \$3,000 fine.

1 4. Respondents Home Tech Group LLC and Jenean Taylor d/b/a Performance 1
2 jointly and severally pay an investigation fee of \$912.

3 5. Respondents Home Tech Group LLC and Jenean Taylor d/b/a Performance 1
4 maintain records in compliance with chapter 19.146 RCW, the Mortgage Broker
5 Practices Act (Act) and provide the Director with the location of the books,
6 records and other information relating to Respondents' provision of residential
7 mortgage loan modification services in Washington, and the name, address and
8 telephone number of the individual responsible for maintenance of such records in
9 compliance with the Act.

10 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
11 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
12 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
13 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
14 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
15 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
16 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

23 D. Judicial Review. Respondents have the right to petition the superior court for judicial
24 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 Respondents do not comply with the terms of this
order, **including payment of any amounts owed within 30 days of receipt of this order, the**

1 Department may seek its enforcement by the Office of the Attorney General to include the collection
2 of the fines and fees imposed herein. The Department also may assign the amounts owed to a
3 collection agency for collection.

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

7 DATED this 2nd day of May, 2016.



8 STATE OF WASHINGTON
9 DEPARTMENT OF FINANCIAL INSTITUTIONS

10 [Redacted Signature]
11 CHARLES E. CLARK
12 Director
13 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:

HOME TECH GROUP LLC, and
JENEAN TAYLOR d/b/a PERFORMANCE 1,

Respondents.

No. C-15-1754-15-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 (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 Charles E. Clark, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Home Tech Group, LLC (Respondent Home Tech) has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

B. Jenean Taylor d/b/a Performance 1 (Respondent Taylor) is the owner of, and the only signatory on, the bank account in which the checks written to Respondent Home Tech were deposited. During the relevant time period, Respondent Taylor was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1 **1.2 Unlicensed Activity.** Between at least March 2014 and May 2014, Respondents were offering
2 residential mortgage loan modification services to Washington consumers on property located in
3 Washington State. Respondents entered into a contractual relationship with at least one Washington
4 consumer to provide those services and collected an advance fee for the provision of those services.
5 The Department has received at least one complaint from a Washington consumer alleging
6 Respondents provided or offered to provide residential mortgage loan modification services while not
7 licensed by the Department to provide those services. Consumer SB paid Respondents \$2,550 for loan
8 modification services.

9 **1.3 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 **1.4 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), "Mortgage broker" means any
16 person who for direct or indirect compensation or gain, or in the expectation of direct or indirect
17 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
18 or performs residential mortgage loan modification services or (b) holds himself or herself out as being
19 able to assist a person in obtaining or applying to obtain a residential mortgage loan or provide
20 residential mortgage loan modification services.

21 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11)(b), "Loan originator" means a
22 natural person who for direct or indirect compensation or gain or in the expectation of direct or
23 indirect compensation or gain performs residential mortgage loan modification services or holds
24 himself or herself out as being able to perform residential mortgage loan modification services.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
2 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
3 toward any person and obtaining property by fraud or misrepresentation.

4 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
5 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
6 for engaging in the business of a mortgage broker for Washington residents or property without first
7 obtaining a license to do so.

8 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
9 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
10 for engaging in the business of a loan originator without first obtaining and maintaining a license.

11 **2.6 Prohibition against Taking Advance Fees.** Based on the Factual Allegations set forth in
12 Section I above, Respondents are in apparent violation of RCW 19.146.0201(11) and 12 CFR 1015
13 (Regulation O) for taking advance fees for loan modification services.

14 **III. AUTHORITY TO IMPOSE SANCTIONS**

15 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
16 Director may issue orders directing any person subject to the Act to cease and desist from conducting
17 business.

18 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
19 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
20 any person subject to licensing under the Act for any violation of the Act.

21 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
22 restitution against any person subject to the Act for any violation of the Act.

23 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
24 against any person subject to the Act for any violation of the Act.

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 Director's intent to ORDER that:

10 **4.1** Respondents Home Tech Group, LLC and Jenean Taylor d/b/a Performance 1 cease and desist
11 engaging in the business of a mortgage broker or loan originator.

12 **4.2** Respondents Home Tech Group, LLC and Jenean Taylor d/b/a Performance 1 be prohibited
13 from participation, in any manner, in the conduct of the affairs of any mortgage broker subject
14 to licensure by the Director for a period of five years.

15 **4.3** Respondents Home Tech Group, LLC and Jenean Taylor d/b/a Performance 1 jointly and
16 severally pay restitution to the consumer identified by the Department in paragraph 1.2 in the
17 amount set forth therein, and that Respondents jointly and severally pay restitution to each
18 Washington consumer with whom they entered into a contract for residential mortgage loan
19 modification services related to real property or consumers located in the state of Washington
20 equal to the amount collected from that Washington consumer for those services in an amount
21 to be determined at hearing.

22 **4.4** Respondents Home Tech Group, LLC and Jenean Taylor d/b/a Performance 1 jointly and
23 severally pay a fine, which as of the date of this Statement of Charges totals \$3,000.

24 **4.5** Respondents Home Tech Group, LLC and Jenean Taylor d/b/a Performance 1 jointly and
severally pay an investigation fee, which as of the date of this Statement of Charges totals
\$912.

4.6 Respondents Jenean Taylor d/b/a Performance 1 maintain records in compliance with the Act
and 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.

1 4.7 Respondent Home Tech Group, LLC and Jenean Taylor d/b/a Performance 1 pay the
2 Department's costs and expenses for prosecuting violations of the Act in an amount to be
3 determined at hearing or by Declaration with supporting documentation in event of default by
4 Respondent.

5 V. AUTHORITY AND PROCEDURE

6 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
7 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
8 RCW (The Administrative Procedure Act). Respondent(s) may make a written request for a hearing as
9 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
10 accompanying this Statement of Charges.

11 Dated this 17th day of February, 2016.



12 [Redacted Signature]
13
14 CHARLES E. CLARK
15 Director, Division of Consumer Services
16 Department of Financial Institutions

17 Presented by:

18 [Redacted Signature]
19 DEVON P. PHELPS
20 Financial Legal Examiner

21 Approved by:

22 [Redacted Signature]
23 STEVEN C. SHERMAN
24 Enforcement Chief