ORDER SUMMARY – Case Number: C-15-1809

Name(s): Law Offices of Harvey Scholl; The Real Estate Defense Law Group, P.A.; Harvey Scholl

Order Number: C-15-1809-16-CO01

Effective Date: April 12, 2016

License Number: U/L
Scholl NMLS ID# 1529910;
Law Office of Harvey Scholl NMLS ID# 1491070

Or **NMLS Identifier** [U/L]

License Effect: N/A

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	$1,500	Due 7/31/16	Paid ☐ Y ☒ N	Date
Fine	$1,500	Due 10/31/16	Paid ☐ Y ☒ N	Date
Assessment(s)	$	Due	Paid ☐ Y ☐ N	Date
Restitution	$ 1,200	Due 4/30/16	Paid ☒ Y ☐ N	Date
Judgment	$	Due	Paid ☐ Y ☐ N	Date
Satisfaction of Judgment Filed?		☐ Y ☐ N		
No. of Victims:				

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: HARVEY SCHOLL, P.A. f/k/a THE REAL ESTATE DEFENSE LAW GROUP, and HARVEY SCHOLL, Managing Partner, Respondents.	No.: C-15-1809-16-CO01 CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Charles E. Clark, Division Director, Division of Consumer Services, and Harvey Scholl, P.A. f/k/a The Real Estate Defense Law Group (Respondent Scholl, P.A.), and Harvey Scholl, Managing Partner (Respondent Scholl), 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 Revised Code of Washington (RCW) 19.146, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

FINDINGS OF FACT

1.1 Respondents have never obtained a mortgage broker or mortgage loan originator license from the Department or met an exemption in accordance with the Act.

1.2 From at least May 2014 through June 2014, Respondents provided or offered to provide mortgage loan modification services to at least one Washington resident for a residential mortgage loan secured by real property located in the state of Washington.

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CONCLUSIONS OF LAW

2.1 Based on the above Findings of Fact, Respondents violated RCW 19.146.200 by conducting the business of a mortgage broker or mortgage loan originator without first obtaining and maintaining a license in accordance with the Act or meeting an exemption from the Act under RCW 19.146.020.

AGREEMENT AND ORDER

The Department and Respondents have agreed upon a basis for resolution of the Findings of Fact and Conclusions of Law identified in this Consent Order. Pursuant to RCW 19.146.218 and RCW 34.05.060, Respondents and the Department agree to entry of this Consent Order and further agree that the matters alleged herein may be economically and efficiently settled by the entry of this Consent Order. Respondents hereby admit the Findings of Fact and Conclusions of Law identified in this Consent Order.

Based upon the foregoing:

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

B. Waiver of Hearing. It is AGREED that Respondents hereby waive any right to a hearing and all administrative and judicial review of the issues raised in this matter or the resolution reached herein.

C. License Required. It is AGREED that Respondents understand that in order to engage in residential loan modification services for Washington State residents or property located in Washington State, Respondents must obtain a mortgage broker or mortgage loan originator license in accordance with the Act or qualify for an exemption as delineated in the Act.

D. Cease and Desist. It is AGREED that Respondents have represented to the Department that Respondents have ceased and desisted from engaging in the business of a mortgage broker or mortgage loan originator.

E. Fine. It is AGREED that Respondents shall jointly and severally pay a fine to the Department in the amount of $1,500, in the form of a cashier's check(s) made payable to the "Washington State Treasurer" no later than October 31, 2016.

F. Investigation Fee. It is AGREED that Respondents shall jointly and severally pay an investigation fee to the Department in the amount of $1,500 in the form of a cashier's check(s) made payable to the "Washington State Treasurer" no later than July 31, 2016.

G. Restitution. It is AGREED that Respondents shall jointly and severally pay restitution to Washington consumer C.N. in the amount of $1,200 in the form of a cashier's check payable to the consumer no later than April 30, 2016. Respondents shall send the Department a copy of the cashier's check upon mailing to the consumer.

H. 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. It is further AGREED that in the event that Respondents fail to comply with the terms set forth in Paragraphs E and F of this Consent Order, the Department may immediately refer this Consent Order to its contacted collection agency without further notice to Respondents. Respondents acknowledge that in pursuing amounts owed hereunder, the collection agency may require payment of additional costs related to collection efforts.

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

J. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this Consent Order in its entirety and fully understands and agrees to all of the same.

K. Authority to Execute Order. It is AGREED that the undersigned authorized representative has represented and warranted that he has the full power and right to execute this Consent Order on behalf of Respondent Harvey Scholl, P.A.

RESPONDENTS: Harvey Scholl, P.A. and Harvey Scholl

Harvey Scholl, P.A.
By:
[redacted]
Harvey Scholl
Managing Partner

4/8/16
Date

[redacted]
Harvey Scholl
Individually

4/8/16
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 12th DAY OF April, 2016.

[redacted]
CHARLES E. CLARK
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:
[redacted]
DEBORAH TAELLIOUS
Financial Legal Examiner Supervisor

Approved by:
[redacted]
STEVEN C. SHERMAN
Enforcement Chief