

ORDER

**BEFORE THE ADMINISTRATOR
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF BANKING**

TO: Rightway Solutions Inc.
4450 Milton Ave. #104
Janesville, WI 53546
Respondent

1. This is an order issued by the Administrator, State of Wisconsin, Department of Financial Institutions, Division of Banking and directed to respondent.

JURISDICTION and AUTHORITY

2. The State of Wisconsin, Department of Financial Institutions, Division of Banking ("division") shall enforce and carry out all laws relating to mortgage bankers, mortgage brokers and loan originators in the State of Wisconsin, and shall enforce and cause to be enforced every law relating to the supervision and control thereof. Ch. 224, subch. III, Stats.
3. Respondent does not hold a license under ch. 224, subch. III, Stats., with the division. Upon information and belief, respondent is located at the address indicated above.
4. The division may assess against any person who violates ch. 224, subch. III, Stats., a forfeiture of not more than \$25,000 for each violation and may further order restitution to any person suffering loss as a result of the violation. Sec. 224.77(1m), Stats.
5. If the division finds that a mortgage banker, mortgage loan originator, or mortgage broker has violated any provision of ch. 224, subch. III, Stats., or any rule promulgated under this subchapter, the division may deny any application for initial issuance or renewal of a license; revoke, suspend, limit or condition any license; and issue a reprimand. Sec. 224.77(2m), Stats.
6. The division may issue general and special orders, including temporary orders that become immediately effective, to prevent or correct actions by a mortgage banker, mortgage loan originator or mortgage broker that constitutes a violation of any provision of ch. 224, subch. III, Stats., or any rule promulgated under that subchapter. Sec. 224.77(3), Stats.

FINDINGS

The division finds as follows:

7. Pursuant to s. 224.71(4)(a), Stats., "mortgage broker" means a person who, on behalf of a residential mortgage loan applicant or an investor and for commission, money, or other thing of value, finds a residential mortgage loan or negotiates a residential mortgage loan or commitment for a residential mortgage loan or engages in table funding.

8. Pursuant to s. 224.71(6)(a), Stats., a "mortgage loan originator" means an individual who, for compensation or gain or in the expectation of compensation or gain, takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan.

9. On February 23, 2010, the division reviewed respondent's website at www.rightwaysolutionsinc.com.

10. On respondent's website, it indicates "We gather the information lenders require, prepare the forms and develop the modification package, that is, the entire application and all supporting documents. We submit them to your lender, develop contacts with their staff and follow with weekly phone calls as the documents travel through the various levels of lender document review." **Ex. 1.**

11. Also according to respondent's website, "The Rightway loan modification advocates will negotiate with your lender in order to obtain their agreement to a mortgage note modification that saves your home from foreclosure. There are a range of options depending on your lender and your circumstances." Possible loan modifications include monthly mortgage payments may be reduced, interest rate may be decreased, interest rate may be changed to a fixed rate, and loan principal may be decreased. **Ex. 2.**

12. By taking residential mortgage loan applications or negotiating the terms of residential mortgage loans, respondent is acting as a mortgage broker and the individuals acting on its behalf are acting as mortgage loan originators.

13. Pursuant to s. 224.72(1m), Stats., a person may not conduct business or act as a mortgage broker, use the title "mortgage broker," or advertise or otherwise portray himself, herself, or itself as a mortgage broker, unless the person has been issued a mortgage broker license by the division.

14. Pursuant to s. 224.725(1), Stats., an individual may not engage in the business of a mortgage loan originator with respect to a residential mortgage loan, or use the title "mortgage loan originator," advertise, or otherwise portray himself or herself as a mortgage loan originator in this state, unless the individual has been issued by the division, and thereafter maintains, a license under this section.

15. Respondent is violating s. 224.72(1m), Stats., by acting as a mortgage broker without a mortgage broker license issued by the division.

16. The individuals taking residential mortgage loan applications or negotiating the terms of residential mortgage loans on behalf of respondent are violating s. 224.725(1), Stats., by acting as mortgage loan originators without a mortgage loan originator license issued by the division.

ORDER

Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

17. Respondent shall immediately cease from acting as a Wisconsin mortgage broker.

18. Respondent shall immediately discontinue any and all violations of ch. 224, subch. III, Stats.

19. Any individual who is acting as a mortgage loan originator on respondent's behalf shall immediately cease from acting as a mortgage loan originator.

20. The provisions of this order shall be binding upon respondent and respondent's directors, officers, employees, agents, successors, assigns, and other persons participating in the conduct of its affairs. The provisions of the order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this order shall have been modified, terminated, suspended, or set aside by the division.

21. The effective date of this Order shall be the date it is served, and service is complete upon mailing. Secs. 227.48(1), Stats., and DFI—Bkg 11.09, Admin. Code.

Dated and mailed at Madison, Wisconsin this 24th day of February, 2010.

By: 

Michael J. Mach, Administrator
Wisconsin Department of Financial Institutions
Division of Banking
P.O. Box 7876
345 W. Washington Avenue, 4th Floor
Madison, WI 53707-7876
tel. (608) 266-0451
fax (608) 267-6889

APPEAL

The procedures to appeal this order are set forth in s. 227.42, Stats. Pursuant to s. 227.42(1), Stats., any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

- (a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;
- (b) There is no evidence of legislative intent that the interest is not to be protected;
- (c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and
- (d) There is a dispute of material fact.

All four criteria set for in s. 227.42(1), Stats., must be met for a person to have the right to a hearing. In particular, the attention of an individual or entity requesting a hearing is directed to the requirement to demonstrate that there is a dispute of material fact regarding the basis or bases for the action being taken by the division.

The request shall be sent to:

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