

1 MARY ANN SMITH  
Deputy Commissioner  
2 DANIEL P. O'DONNELL  
Assistant Chief Counsel  
3 CHARLES CARRIERE (State Bar No. 285837)  
Senior Counsel  
4 Department of Business Oversight  
5 One Sansome Street, Suite 600  
San Francisco, California 94104  
6 Telephone: (415) 972-8570  
7 Facsimile: (415) 972-8550  
8 Attorneys for Complainant

9 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
10 OF THE STATE OF CALIFORNIA

12 In the Matter of: ) CRMLA License No.: 41DBO-70279  
13 THE COMMISSIONER OF BUSINESS )  
14 OVERSIGHT, )  
15 Complainant, )  
16 v. ) ORDER TO DISCONTINUE VIOLATION  
17 FIRST HERITAGE MORTGAGE, LLC, ) PURSUANT TO FINANCIAL CODE  
18 Respondent. ) SECTION 50321 AND STATEMENT OF  
19 ) FACTS IN SUPPORT THEREOF  
20 ) ORDER ASSESSING FINE PURSUANT TO  
21 ) FINANCIAL CODE SECTION 50326  
22 )

23 TO: FIRST HERITAGE MORTGAGE, LLC  
3201 Jermantown Road, Suite 800  
24 Fairfax, Virginia 22030

25 \\  
26 \\  
27 \\  
28

1 The Commissioner of Business Oversight (Commissioner) finds that:

2 STATEMENT OF FACTS

3 1. First Heritage Mortgage, LLC, is a licensed mortgage lender under the California  
4 Residential Mortgage Lending Act (Fin. Code § 50000 et seq.) (CRMLA).

5 2. Financial Code section 50401, subdivision (a) provides that each CRMLA licensee  
6 must pay an annual assessment, and that “[i]n order for the commissioner to calculate the  
7 assessment... each licensee shall file an annual report for the calendar year just ended containing the  
8 information required by the commissioner on or before March 1 of the year in which the assessment  
9 is to be calculated.”

10 3. Financial Code section 50307, subdivision (a) further provides that “[e]ach residential  
11 mortgage lender or servicer licensee shall file a report with the commissioner annually, on or before  
12 the first day of March, giving the relevant information that the commissioner reasonably requires to  
13 make the calculation required by subdivision (a) of Section 50401.”

14 4. Financial Code section 50326 provides that a licensee “shall forfeit to the people of  
15 the state a sum of up to one hundred dollars (\$100) for every day up to the 10th day” when a licensee  
16 fails “to make any report required by law or by the commissioner within 10 days from the day  
17 designated for the making of the report.”

18 6. The Commissioner need not provide notice of the due date of the annual report  
19 required under Financial Code sections 50401, subdivision (a) and 50307, subdivision (a).

20 7. Nonetheless, the Commissioner issued at least three notices to First Heritage  
21 Mortgage, LLC, informing First Heritage Mortgage, LLC, of its duty to submit an annual report on or  
22 before March 1, 2019.

23 8. As of the date of this Order, First Heritage Mortgage, LLC, has not submitted its  
24 annual report.

25 ORDER TO DISCONTINUE VIOLATION

26 NOW, BASED ON THE FOREGOING, AND GOOD CAUSE APPEARING, IT IS  
27 HEREBY ORDERED that pursuant to Financial Code section 50321, First Heritage Mortgage, LLC,

28

1 shall immediately discontinue the violation set forth above by filing its annual report. This Order to  
 2 Discontinue shall become effective immediately and shall remain in effect unless set aside by the  
 3 Commissioner or by a court, but this Order shall not become final except in accordance with the  
 4 provisions of Financial Code section 50323. It is the Commissioner’s intention to make this Order to  
 5 Discontinue final. The Commissioner will schedule a hearing to determine whether this Order to  
 6 Discontinue shall become final only upon receipt of a written request for such a hearing, as evidenced  
 7 by the mailing or delivery of the Notice of Defense, within thirty days of the date the Commissioner  
 8 serves this Order. Upon receiving a request for a hearing, the Commissioner shall set a hearing to  
 9 commence within fifteen business days. If the Commissioner has not received a request for a hearing  
 10 within thirty days of the date the Commissioner serves this Order to Discontinue, the Order will  
 11 become final immediately thereafter without a hearing.

12 ORDER FOR FINE

13 Pursuant to Financial Code section 50326, First Heritage Mortgage, LLC, is further ordered to  
 14 forfeit to the people of the state a fine of \$1,000.00, paid in the form of a cashier’s check to the  
 15 “Department of Business Oversight,” and mailed to the attention of: Accounting – Litigation, at the  
 16 Department of Business Oversight located at 1515 K Street, Suite 200, Sacramento, California 95814.  
 17 Notice of payment shall be sent to Charles Carriere, Counsel, Enforcement Division, at the  
 18 Department of Business Oversight, located at One Sansome Street, Suite 600, San Francisco,  
 19 California 94104. If the Commissioner has not received a request for a hearing within thirty days of  
 20 the date the Commissioner serves this Order for Fine, this Order shall become final immediately  
 21 thereafter without a hearing and the fine payment shall be payable no later than thirty days of the date  
 22 the Commissioner serves this Order.

23 Dated: March 28, 2019  
 24 San Francisco, California

JAN LYNN OWEN  
 Commissioner of Business Oversight

26 By \_\_\_\_\_  
 27 Mary Ann Smith  
 28 Deputy Commissioner  
 Enforcement Division