

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Unlicensed Activity of:

No. 12F-BD008-SBD

3 **HUEY HOANG, a/k/a MINH-HIEU, d/b/a**
4 **AZ FINANCIAL SERVICES, AZ LOAN**
5 **MODIFICATION SERVICES, and/or**
6 **LYNDA'S NAILS REFLEXOLOGY &**
7 **COFFEE,**

CONSENT ORDER

6 7410 N. 51st Avenue
Phoenix, Arizona 85301,

7 Respondent.

8
9 On August 15, 2011, the Arizona Department of Financial Institutions ("Department") issued
10 an Order to Cease and Desist; Notice of Opportunity For Hearing; Consent to Entry of Order,
11 alleging that Respondent had violated Arizona law. Following an informal settlement conference
12 with the Department, Respondent wishes to resolve this matter in lieu of an administrative hearing
13 and consents to the following Findings of Fact and Conclusions of Law, and consents to the entry of
14 the following Order.

15 1. Respondent Huey Hoang aka Minh-Hieu (hereinafter "Mr. Hoang" or "Respondent") is an
16 individual and a sole proprietor doing business as AZ Financial Services, AZ Loan Modification
17 Services, and/or Lynda's Nails Reflexology & Coffee, who has engaged in the business of a
18 mortgage broker within the meaning of A.R.S. § 6-901(11) and A.A.C. R20-4-102, and/or in the
19 business of a loan originator within the meaning of A.R.S. § 6-991(12).

20 2. Mr. Hoang is not and was not, at any time material herein, authorized to transact business in
21 Arizona as a mortgage broker, A.R.S. § 6-903(A), or as a loan originator, A.R.S. § 6-991.03(A).

22 3. Mr. Hoang is not exempt from licensure as a mortgage broker pursuant to A.R.S. § 6-902, or
23 from licensure as a loan originator pursuant to A.R.S. § 6-991.01.

24 4. A person is engaging in the business of a "mortgage broker" if that person "for compensation
25 or in the expectation of compensation either directly or indirectly makes, negotiates or offers to
26 make or negotiate a mortgage loan," and is not exempt under section 6-902. See A.R.S. §§ 6-

1 901(11); 6-901(12) (defining the term “mortgage loan”).

2 5. A natural person is engaging in the business of a “loan originator” if that person for
3 compensation or gain or in the expectation of compensation or gain does any of the following: (i)
4 takes a residential mortgage loan application; (ii) offers or negotiates terms of a residential mortgage
5 loan; (iii) on behalf of a borrower, negotiates with a lender or noteholder to obtain a temporary or
6 permanent modification in an existing residential mortgage loan agreement. *See* A.R.S. §§ 6-
7 901(12).

8 6. Mr. Hoang engaged in operations as an unlicensed mortgage broker and an unlicensed loan
9 originator. Specifically:

10 a. Mr. Hoang’s name and signature appear on a payment receipt form of AZ
11 Financial Services, which Mr. Hoang provided to his client(s) and which
12 describes the mortgage loan modification services offered by AZ Financial
13 Service as follows:

14 MORTGAGE LOAN MODIFICATION (PACKAGE # 4)

15 A Mortgage Modification is a permanent change in one or more of the
16 terms of a Mortgagor’s Loan to be re-instated, and results in a reduced
17 payments (sic) the borrower(s) can afford to make and to remain in
their home. Your Lender might not have your best interest in mind.
We can and will negotiate on your behalf.

18 b. Mr. Hoang obtained a signature from at least one client on a form titled
19 “Borrower 3rd-Party Authorization,” pursuant to which the client authorized her
20 lender “to negotiate Terms of a Workout Agreement and/or Pay-Off Settlements,
21 Mortgage Payment Reductions with AZ LOANS & FINANCIAL SERVICES
22 [including Mr. Hoang].”

23 c. The signature block on emails sent by Mr. Hoang to his client refers to Mr. Hoang
24 as a “Loan-Modification Expert,” and “Mortgage Loss-Mitigator,” who handles
25 “Credit Card Debts, Collection Debts, Unsecured Debts.”

26 7. These Findings of Fact shall also serve as Conclusions of Law.

1 CONCLUSIONS OF LAW

2 1. Pursuant to A.R.S. § 6-901 *et seq.*, the Superintendent has the authority and duty to
3 regulate all persons engaged in activities of a mortgage broker or a loan originator and with the
4 enforcement of statutes, rules and regulations relating to mortgage brokers.

5 2. Mr. Hoang has engaged and/or is engaging in unlicensed activity as a mortgage broker
6 and/or as a loan originator.

7 3. By the conduct set forth in the Findings of Fact, Mr. Hoang has violated the following:

- 8 a. A.R.S. § 6-903(A), by acting as a mortgage broker in Arizona without having first
9 applied for and obtained a mortgage broker license.
- 10 b. A.R.S. § 6-909(B), by receiving compensation in connection with arranging for or
11 negotiating a mortgage loan when not licensed pursuant to this article.
- 12 c. A.R.S. § 6-991.03(1), by acting as a loan originator in Arizona without having
13 first applied for and obtained a loan originator license.
- 14 d. A.R.S. § 6-991.02(2), by receiving compensation in connection with arranging for
15 or negotiating a mortgage loan when not licensed pursuant to this article.
- 16 e. A.R.S. § 6-991.02(8), by receiving or disbursing monies in servicing or arranging
17 a mortgage loan.
- 18 f. A.R.S. § 6-991.02(13), by engaging in activities of a loan originator without
19 having obtained employment as a loan originator with a mortgage broker,
20 mortgage banker or consumer lender.

21 4. The violations set forth above constitute grounds for: (1) the issuance of an order
22 pursuant to A.R.S. § 6-137 directing Respondent to cease and desist from the violative conduct and
23 to take the appropriate affirmative actions, within a reasonable period of time prescribed by the
24 Superintendent to correct the conditions resulting from the unlawful acts, practices, and transactions;
25 (2) the imposition of a monetary civil penalty pursuant to A.R.S. § 6-132; (3) an order to pay
26 restitution of any fees earned in violation of A.R.S. § 6-901 *et seq.*, pursuant to A.R.S. §§ 6-

1 131(A)(3) and 6-137; and (4) an order or any other remedy necessary or proper for the enforcement
2 of statutes and rules regulating mortgage brokers pursuant to A.R.S. §§ 6-123 and 6-131.

3
4 **ORDER**

5 1. Respondent shall immediately stop the violations set forth in the Findings of Fact and
6 Conclusions of Law.

7 2. Mr. Hoang shall immediately cease all mortgage broker business in Arizona until
8 such time as he has obtained a mortgage broker license from the Superintendent as prescribed by
9 A.R.S. § 6-903.

10 3. Mr. Hoang shall immediately cease all loan originator business in Arizona until such
11 time as he has obtained a loan originator license from the Superintendent as prescribed by A.R.S. §
12 6-991.02 and is employed by a licensed mortgage broker, mortgage banker or consumer lender.

13 4. In the event, the Department receives any complaint(s) from any individual or entity
14 arising from Mr. Hoang's unlicensed activity, Mr. Hoang shall satisfactorily resolve those
15 complaints, including refunding of unearned fees and other compensation due and owing to the such
16 individuals, so as to bring his activity in full compliance with all Arizona statutes and rules
17 regulating Arizona mortgage brokers and loan originators.

18 5. Mr. Hoang shall pay to the Department a civil money penalty in the amount of **five**
19 **thousand dollars (\$5,000.00)** which shall be paid according to the following schedule:

- 20 a. **Three thousand five hundred dollars (\$3,500.00)** due upon execution of this Order;
21 b. **Seven hundred and fifty dollars (\$750.00)** due on or before October 31, 2011.
22 c. **Seven hundred and fifty dollars (\$750.00)** due on or before November 30, 2011.

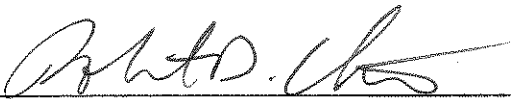
23 6. Should Mr. Hoang fail to comply with this Order, the Superintendent shall institute
24 further disciplinary proceedings.

25 7. The provisions of this Order shall be binding upon Mr. Hoang, his employees, agents
26 and other persons participating in the conduct of the affairs of Mr. Hoang.

1 8. This Order shall become effective upon service, and shall remain effective and
2 enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated
3 or set aside.

4 SO ORDERED this 27 day of October, 2011.

5 Lauren Kingry
6 Superintendent of Financial Institutions

7 By: 
8 Robert D. Charlton
9 Assistant Superintendent of Financial Institutions

10 CONSENT TO ENTRY OF ORDER

11 1. Respondent acknowledges that he has been served with a copy of the foregoing
12 Findings of Fact, Conclusions of Law, and Order in the above-referenced matter, has read the same,
13 is aware of their right to an administrative hearing in this matter, and has waived the same.

14 2. Respondent admits the jurisdiction of the Superintendent and consent to the entry of
15 the foregoing Findings of Fact, Conclusions of Law, and Order.

16 3. Respondent states that no promise of any kind or nature has been made to induce him
17 to consent to the entry of this Order, and that he has done so voluntarily.

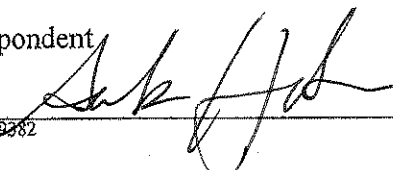
18 4. Respondent agrees to immediately cease from engaging in the violative conduct set
19 forth above in the Findings of Fact and Conclusions of Law.

20 5. Respondent acknowledges that the acceptance of this Agreement by the
21 Superintendent is solely to settle this matter and does not preclude this Department, any other agency
22 or officer of this state or subdivision thereof from instituting other proceedings as may be
23 appropriate now or in the future.

24 6. Failure to correct the violations set forth above in this Cease and Desist Order or any
25 future findings of repeat violations shall result in disciplinary action which may include a greater
26 civil money penalty.

1 Huey Hoang
333 S. Federal Blvd., Suite 203
2 Denver, Colorado 80219

3 Respondent

4 By: 
2300382

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