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7 Attorneys for Complainant

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

11	In the Matter of:	)	NMLS NO.: 150086
12	THE COMMISSIONER OF BUSINESS	)	
13	OVERSIGHT,	)	
14	Complainant,	)	CONSENT ORDER
15	v.	)	
16	MORTGAGE MANAGEMENT	)	
17	CONSULTANTS, INC.,	)	
	Respondent.	)	

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19 This Consent Order is entered into between the Commissioner of Business Oversight  
20 (Commissioner) and Mortgage Management Consultants, Inc. (MMC) (collectively the Parties) and  
21 is made with respect to the following facts:

22 **I.**

23 **Recitals**

24 A. The Department of Business Oversight, through the Commissioner, is authorized to  
25 administer and enforce the provisions of the California Financing Law (Fin. Code, § 22000 et seq.)  
26 (CFL) and the rules issued under title 10 of the California Code of Regulations (CCR) that regulate  
27 the business and activities of finance lenders, brokers, program administrators, and mortgage loan  
28 originators.

1 B. Mortgage Management Consultants, Inc. is a California corporation with a principle  
2 place of business at 1008 West Avenue, M-4 Suite H, Palmdale, California 93551. Kenneth Shaw is  
3 MMC’s sole owner and President.

4 C. MMC applied for a CFL lender license with the Commissioner on January 29, 2019.

5 D. During the application review process, the Commissioner’s examiner discovered that  
6 Kenneth Shaw was also the sole owner of MMC Lending, Inc., an entity that had a principle place  
7 of business at 1008 West Avenue, M-4 Suite G, Palmdale, California 93551, and held a CFL lending  
8 license from December 17, 2007 until the license was revoked on February 24, 2011, for failing to  
9 pay its annual assessment.

10 E. The Commissioner finds that MMC’s affiliate failed to pay its 2011 annual  
11 assessment in violation of Financial Code section 22107, and that MMC failed to disclose MMC  
12 Lending’s license revocation on its January 29, 2019 application filed with the Commissioner.

13 NOW, THEREFORE, in consideration of the foregoing, and the terms and conditions set  
14 forth herein, the Parties agree as follows:

15 **II.**

16 **Terms and Conditions**

17 1. Purpose. This Consent Order resolves the issues before the Commissioner [findings  
18 set forth in paragraphs D and E above] in a manner that avoids the expense of a hearing and other  
19 possible court proceedings, protects consumers, is in the public interest, and is consistent with the  
20 purposes, policies, and provisions of the applicable law.

21 2. Desist and Refrain Order. Pursuant to Financial Code section 22712, MMC is hereby  
22 ordered to desist and refrain from failing to pay its annual assessment, in violation of Financial Code  
23 section 22107.

24 3. Penalties. MMC shall pay a penalty of \$3,000.00 for the violations discussed herein.  
25 The Commissioner acknowledges receipt of payment of the penalty from MMC contemporaneous  
26 with the execution of this Consent Order.

27 4. Payment of Annual Assessment. MMC shall pay its affiliate, MMC Lending Inc.’s  
28 outstanding 2011 annual assessment in the amount of \$250.00. The Commissioner acknowledges

1 receipt of payment of the outstanding annual assessment from MMC contemporaneous with the  
2 execution of this Consent Order.

3 5. Lending Authority. The Commissioner approved MMC’s application discussed in  
4 Paragraph C above upon execution of this Consent Order.

5 6. Waiver of Hearing Rights. MMC acknowledges the Commissioner is ready, willing,  
6 and able to proceed with the filing of an administrative enforcement action on the charges contained  
7 in this Consent Order. MMC hereby waives the right to any hearings, and to any reconsideration,  
8 appeal, or other right to review which may be afforded pursuant to the CFL, the California  
9 Administrative Procedure Act, the California Code of Civil Procedure, or any other provision of law.  
10 MMC further expressly waives any requirement for the filing of an Accusation pursuant to  
11 Government Code section 11415.60, subdivision (b). By waiving such rights, MMC effectively  
12 consents to this Consent Order and Desist and Refrain Order becoming final.

13 7. Full and Final Settlement. The Parties hereby acknowledge and agree that this  
14 Consent Order is intended to constitute a full, final, and complete resolution of the violations  
15 described herein and that no further proceedings or actions will be brought by the Commissioner in  
16 connection with these matters except under CFL or any other provision of law, excepting therefrom  
17 any proceeding to enforce compliance with the terms of this Consent Order.

18 8. Failure to Comply with Consent Order. MMC agrees that if it fails to comply with  
19 the terms of this Consent Order, the Commissioner may, in addition to all other available remedies  
20 it may invoke under the CFL, summarily suspend/revoke the CFL licenses of MMC until MMC is  
21 in compliance. MMC waives any notice and hearing rights to contest such summary suspensions  
22 which may be afforded under the CFL, the California Administrative Procedure Act, the California  
23 Code of Civil Procedure, or any other provision of law in connection therewith.

24 9. Information Willfully Withheld or Misrepresented. This Consent Order may be  
25 revoked, and the Commissioner may pursue any and all remedies available under law against MMC  
26 if the Commissioner discovers that MMC knowingly or willfully withheld information used for and  
27 relied upon in this Consent Order.

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1           10.    Future Actions by Commissioner. If MMC fails to comply with any terms of the  
2 Consent Order, the Commissioner may institute proceedings for any and all violations otherwise  
3 resolved under this Consent Order. The Commissioner reserves the right to bring any future actions  
4 against MMC, or any of its partners, owners, officers, shareholders, directors, employees or  
5 successors for any and all unknown violations of the CFL.

6           11.    Assisting Other Agencies. Nothing in this Consent Order limits the Commissioner’s  
7 ability to assist any other government agency (city, county, state, or federal) with any prosecution,  
8 administrative, civil or criminal brought by that agency against MMC or any other person based  
9 upon any of the activities alleged in this matter or otherwise.

10          12.    Headings. The headings to the paragraphs of this Consent Order are inserted for  
11 convenience only and will not be deemed a part hereof or affect the construction or interpretation of  
12 the provisions hereof.

13          13.    Binding. This Consent Order is binding on all heirs, assigns, and/or successors in  
14 interest.

15          14.    Reliance. Each of the Parties represents, warrants, and agrees that in executing this  
16 Consent Order it has relied solely on the statements set forth herein and the advice of its own  
17 counsel. Each of the Parties further represents, warrants, and agrees that in executing this Consent  
18 Order it has placed no reliance on any statement, representation, or promise of any other party, or  
19 any other person or entity not expressly set forth herein, or upon the failure of any party or any  
20 other person or entity to make any statement, representation or disclosure of anything whatsoever.  
21 The Parties have included this clause: (1) to preclude any claim that any party was in any way  
22 fraudulently induced to execute this Consent Order; and (2) to preclude the introduction of parol  
23 evidence to vary, interpret, supplement, or contradict the terms of this Consent Order.

24          15.    Waiver, Amendments, and Modifications. No waiver, amendment, or modification  
25 of this Consent Order will be valid or binding unless it is in writing and signed by each of the  
26 Parties. The waiver of any provision of this Consent Order will not be deemed a waiver of any  
27 other provision. No waiver by either party of any breach of, or of compliance with, any condition

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1 or provision of this Consent Order by the other party will be considered a waiver of any other  
2 condition or provision or of the same condition or provision at another time.

3 16. Full Integration. This Consent Order is the final written expression and the complete  
4 and exclusive statement of all the agreements, conditions, promises, representations, and covenant  
5 between the Parties with respect to the subject matter hereof, and supersedes all prior or  
6 contemporaneous agreements, negotiations, representations, understandings, and discussions  
7 between and among the Parties, their respective representatives, and any other person or entity with  
8 respect to the subject matter covered hereby.

9 17. Governing Law. This Consent Order will be governed by and construed in  
10 accordance with California law. Each of the Parties hereto consents to the jurisdiction of such court,  
11 and hereby irrevocably waives, to the fullest extent permitted by law, the defense of an inconvenient  
12 forum to the maintenance of such action or proceeding in such court.

13 18. Counterparts. This Consent Order may be executed in one or more separate  
14 counterparts, each of which when so executed, shall be deemed an original. Such counterparts shall  
15 together constitute a single document.

16 19. Effect Upon Future Proceedings. If MMC applies for any license, permit, or  
17 qualification under the Commissioner’s current or future jurisdiction, or is the subject of any future  
18 action by the Commissioner to enforce this Consent Order, then the subject matter hereof shall be  
19 admitted for the purpose of such application(s) or enforcement proceeding(s).

20 20. Notice. Any notice required under this Consent Order shall be provided to each  
21 party at the following addresses:

22 To MMC Mortgage Management Consultants, Inc.  
23 Kenneth Shaw, President  
24 1008 West Avenue M-4 Suite H  
25 Palmdale, California 93551  
kenneth@mmclending.com

26 To the Commissioner: Danielle A. Stoumbos, Senior Counsel  
27 Department of Business Oversight  
320 West 4<sup>th</sup> Street Suite 750  
28 Los Angeles, California 90013  
Danielle.Stoumbos@dbo.ca.gov

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21. Signatures. A fax or electronic mail signature shall be deemed the same as an original signature.

22. Public Record. MMC hereby acknowledges that this Consent Order is and will be a matter of public record.

23. Effective Date. This Consent Order shall become final and effective when signed by all Parties and delivered by the Commissioner’s agent via e-mail to MMC’s president, Kenneth Shaw at ken@mmclending.com.

24. Authority to Sign. Each signatory hereto covenants that he/she possesses all necessary capacity and authority to sign and enter into this Consent Order and undertake the obligations set forth herein.

Dated: 8/30/19 MANUEL P. ALVAREZ  
Commissioner of Business Oversight

By: \_\_\_\_\_  
MARY ANN SMITH  
Deputy Commissioner

Dated: 8/27/19 MORTGAGE MANAGEMENT CONSULTANTS, INC.

By: \_\_\_\_\_  
KENNETH SHAW  
President, Mortgage Management Consultants, Inc.