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**BEFORE THE ARKANSAS SECURITIES COMMISSIONER**  
**CASE NO. C-13-0003**  
**ORDER NO. C-13-0003-13-OR01**

JAN 28 AM 10:19  
ARKANSAS SECURITIES DEPT.

**IN THE MATTER OF:**  
**DEVAL, LLC, NMLS&R NO. 862539**

**RESPONDENT**

**ORDER**

This Consent Order is entered pursuant to the Arkansas Fair Mortgage Lending Act ("FMLA"), codified at Ark. Code Ann. §§ 23-39-501 through 23-39-518, the Rules of the Arkansas Fair Mortgage Lending Act ("Rules") and the Arkansas Administrative Procedures Act, codified at Ark. Code Ann. §§ 25-15-101 through 25-15-219, in accordance with an agreement by and between the Staff of the Arkansas Securities Department ("Staff") and the Respondent, Deval, LLC ("Deval"), in full and final settlement of all claims that could be brought against Deval by the Staff on the basis of the facts set forth herein.

Deval admits the jurisdiction of the FMLA and the Arkansas Securities Commissioner ("Commissioner"), waives its right to a formal hearing and appeal, admits the findings of fact made herein, consent to the entry of this Order, and agree to abide by its terms.

**FINDINGS OF FACT**

From the pleadings, testimony of witnesses, documentary evidence, and all other matters properly before the Commissioner, the Commissioner does make the following findings of fact:

1. Deval is a corporation organized and operating under the laws of the State of Delaware. Further, Deval is a mortgage servicing company located in Irving, Texas, NMLS&R number 862539. Deval has a license application pending with the Arkansas Securities Department.

2. In a letter dated January 3, 2013, Deval reported to the Staff that between March and December 2012, Deval received 125 mortgage loan payments from 60 Arkansas residents during the time in which Deval had a mortgage loan servicer application pending with the Arkansas Securities Department. Further, Deval has fully cooperated with the Staff, during the Staff's investigation of this matter.

### **Legal Authority and Conclusions of Law**

3. Ark. Code Ann. § 23-39-503(b) states that it is unlawful for any person other than an exempt person to act or attempt to act, directly or indirectly, as a mortgage servicer with any person located in Arkansas without first obtaining a license from the commissioner under this subchapter. The unlicensed mortgage loan servicing activity by Deval, as detailed in paragraph two, constitutes 125 separate violations of Ark. Code Ann. § 23-39-503(b) by Deval.

4. Ark. Code Ann. §§ 23-39-514(a)(1) and (a)(2)(B) states that the Commissioner may by order deny, suspend, revoke, or refuse to issue or renew a license of a licensee or applicant if the Commissioner finds that the order is in the public interest and the licensee, or any loan officer or managing principal has violated or failed to comply with any provision of the FMLA. The acts and violations of the FMLA by Deval, as detailed in paragraph two, warrant the entry of this order, which is also in the public interest.

5. Ark. Code Ann. §§ 23-39-514(b)(1) and (2) states that the Commissioner by order may impose a civil penalty that shall not exceed \$10,000.00 for each violation by a mortgage servicer upon a licensee or any partner, officer, director, member, manager, or other person occupying a similar status or performing a similar function on behalf of a licensee for any

violation of the FMLA. The acts and violations of the FMLA by Deval, as detailed in paragraph two, warrant the entry of an appropriate civil penalty against Deval.

**ORDER**

By agreement and with the consent of the Staff and the authorized representative of Deval, it is hereby ordered that: One, Deval shall be responsible for the payment of a civil penalty in the amount of \$6,500.00 to the Arkansas Securities Department within 10 days of the entry of this Consent Order. Two, Deval shall immediately cease and desist from all further mortgage loan servicing activity in Arkansas until it is properly licensed by the Commissioner.



A. Heath Abshure  
Arkansas Securities Commissioner

1-28-2013  
Date

Approved as to Content and Form:



Deborah Garcia-Gratacos  
President of Deval, LLC, Respondent

1/24/2013  
Date



Scott Freydl, Staff Attorney  
Arkansas Securities Department

1/28/13  
Date