

***Unless the person against whom this Order is issued files a signed, written notice of appeal that is received by the Department of Savings and Mortgage Lending within thirty (30) days after the date on which this Order is issued, this Order will become final and non-appealable. This Order is issued on March 7, 2016, and any such written notice of appeal must be received by the Commissioner no later than April 7, 2016.***

In the Matter of	§	BEFORE CAROLINE C. JONES,
	§	COMMISSIONER OF THE
Jeff Evans	§	
	§	DEPARTMENT OF
	§	SAVINGS AND
Unlicensed # 58999	§	MORTGAGE LENDING
	§	
File No. 160118	§	AUSTIN, TEXAS

## **ORDER TO CEASE AND DESIST**

### **I. Jurisdiction and Notice**

- a) Jeff Evans, Respondent, is not licensed as a residential mortgage loan originator in Texas.
- b) Respondent's address of record with the Department is 14103 Fort Smith Trail, Austin, TX, 78734.

### **II. Findings of Fact**

- a) As of February 26, 2016, the Department has received numerous complaints about the business practices of Jeff Evans and the following entity: HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC.
- b) Through the Department's investigation, the Department learned the following entities have connections to HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC: F&S CAPITAL, LLC, THE LENDING GROUP, and GREENWAY LENDING, LLC.
- c) The Department has also learned through the course of its investigation that Jeff Evans frequently met with consumers while representing HOMETEX ENTERPRISES d/b/a EASTSIDE HOMES, LLC.
- d) Mr. Evans has frequently engaged in the following activities since 2008: accepting checks, cash, and money orders for down payments, facilitating the payment of large down payments in the form of tax credits to HOMETEX ENTERPRISES, instructing

consumers to make scheduled payments in the form of checks, cash, money orders, and direct deposits for monthly mortgage payments, sending notices of intent to accelerate mortgages, sending notices to lienholders regarding late payments, sending annual 1098 tax forms, and imposing late fees.

- e) HOMETEX ENTERPRISES, along with Jeff Evans, engaged in these servicing activities for the benefit of third-party owners.
- f) Furthermore, the Department has also learned that Mr. Evans engages in discussions regarding rates, loan terms, and other aspects of mortgage lending with consumers.

### **III. Conclusions of Law**

- a) Respondent is subject to the provisions of Chapter 158 of the Texas Finance Code by Section 158.051, which states that a person may not act as a residential mortgage loan servicer unless registered under Chapter 158.
- b) Section 158.105 authorizes the Commissioner to issue an order requiring the licensee to resolve the complaint or to cease and desist from actions found to be in violation of the Department's statutes or other applicable laws.
- c) Respondent's acts as described above constitute violations of Section 158.051 by engaging in the actions of a residential mortgage loan servicer, as defined in Sec. 158.002(6), without registering with the Department.
- d) Respondent is also made subject to Chapter 180 of the Texas Finance Code (SAFE Act) by Section 180.051(a), which states that an individual may not engage in business as a residential mortgage loan originator unless licensed and in compliance with Chapter 180.
- e) Pursuant to Sec. 180.002(19), a registered mortgage loan originator (RMLO) is 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 the terms of a residential mortgage loan.
- f) Section 180.203 authorizes the Commissioner to issue an order requiring the licensee to resolve the complaint or to cease and desist from actions found to be in violation of the Department's statutes or other applicable laws.
- g) Respondent's acts as described above constitute violations of section 180.051(a) by engaging in acts of residential mortgage loan origination without being licensed with the Department under Chapter 180 of the Texas Finance Code.

In accordance with Section 158.105 of the RMLSR Act and the SAFE Act, the Commissioner determined that the Respondent's violations of the RMLSR Act and SAFE Act warrant the issuance of an order to Respondent to cease and desist.

#### IV. Order


- a) It is hereby **ORDERED** that Jeff Evans immediately **CEASE AND DESIST** from engaging in the acts of a servicer as defined in Sec. 158.002(6) and from engaging in the acts of residential mortgage loan origination as defined in Sec. 180.002(19).
- b) The issuance of this Order does not waive the right or authority of the Commissioner to take any additional measures with respect to the actions described herein or any other actions of the Respondent, known or unknown to the Department, including but not limited to the authority to seek penalties, reprimand, suspension or revocation of the Respondent's license.


#### **RIGHTS TO A HEARING AND FINALITY OF THIS ORDER**

Respondent may request a hearing before the Administrative Law Judge for the Finance Commission by timely filing a signed, written request for a hearing with the Commissioner. **This Order is final unless the Commissioner receives a signed, written request for a hearing from Respondent within thirty (30) days after the date that this Order is issued. The date of issuance of this Order is March 7, 2016, and the deadline for filing a signed, written request for a hearing with the Commissioner is deemed to be April 7, 2016.** Upon receipt of such a request, the Commissioner shall set the time and place for any such hearing. If any such hearing is held, it shall be a proceeding subject to chapter 2001 of the Texas Government Code.

A violation of or failure to comply with this Order may serve as the basis for the further assessment of administrative penalties under the RMLSR Act and SAFE Act.

ISSUED this 7<sup>th</sup> day of March, 2016, at Austin, Travis County, Texas.

  
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Caroline C. Jones, Commissioner  
Department of Savings  
and Mortgage Lending



**Certificate of Service**

I, Cora Peck, certify that a true and correct copy of this Order to Cease and Desist was mailed by first class mail, United States certified mail, return receipt requested, to Jeff Evans at his business address at 1912 W. Anderson Lane, Suite 203, Austin, TX, 78757 and by first class regular mail to its residence address at 14103 Fort Smith Trail, Austin, TX, 78734, on this the 7<sup>th</sup> day of March, 2016.

A handwritten signature in cursive script that reads "Cora Peck". The signature is written in dark ink and is positioned above a horizontal line.

Cora Peck