

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING AND SECURITIES

In the matter of:

Raven Mortgage, LLC
NMLS #1783683

Erich James Heinrich
NMLS #1024760

Brittany Jo Quesnell
NMLS #820704

Respondents.

ORDER NO: 22-129-C

ORDER IMPOSING CIVIL PENALTIES
AND
CONSENT TO ORDER

The Department of Commerce, Community, and Economic Development, Division of Banking and Securities (“Department”) has conducted an examination of the business activities of Raven Mortgage, LLC, Erich James Heinrich, and Brittany Jo Quesnell (collectively, the “Respondents”) and has determined that the Respondents violated certain provisions of AS 06.60 et seq. (the Alaska Secure and Fair Enforcement for Mortgage Licensing Act of 2010 – the “Alaska SAFE Act”).

Respondents agree that the Department has jurisdiction over Respondents and this matter pursuant to the Alaska SAFE Act.

Respondents wish to resolve and settle this matter with the Department. As evidenced by the authorized signatures on this Order, Respondents consent to the entry of this Order imposing civil penalties based on the Conclusions of Law and Order. Respondents waive their right to a hearing under AS 44.62 et seq. (the Alaska Administrative Procedure Act) and the Alaska SAFE Act.

I. FINDINGS OF FACT

1
2 1. Raven Mortgage, LLC (“Raven”) is an Alaska limited liability company, entity number
3 10088161, with its principal place of business located at 11900 Industry Way Unit M-5,
4 Anchorage, AK 99516. On January 28, 2019, the Department issued an Alaska Mortgage
5 Broker/Lender license to Raven. The unique identifier assigned to Raven by the Nationwide
6 Multistate Licensing System (“NMLS”) is 1783683.

7 2. Erich James Heinrich is employed as a Mortgage Loan Originator (MLO) by Raven.
8 The unique identifier assigned to Respondent Heinrich by the NMLS is 1024760.

9 3. Brittany Jo Quesnell was employed as a Mortgage Loan Originator (MLO) by Raven
10 during the review period. The unique identifier assigned to Respondent Quesnell by the
11 NMLS is 820704. Respondent Quesnell is not employed by Raven at this time and
12 sponsorship was removed on March 11, 2023.

13 4. On January 22, 2022, the Department issued a Report of First Examination (“First
14 Examination”) to Raven detailing the Department’s findings from the Examination. The
15 advertising review found the Respondents failed to display the NMLS company's unique
16 identifier on nine (9) advertisements. Raven informed the Department on February 14, 2022,
17 that management would take steps to comply with applicable State and Federal rules and
18 regulations.

19 5. On November 18, 2022, the Department issued a warning letter to Raven for an
20 advertising violation where Raven failed to display the NMLS company's unique identifier.

21 6. On December 22, 2022, the Department opened an investigation and sent an inquiry
22 letter to the Respondents regarding a complaint received for two advertisements. Upon review
23 of the complaint, the Department determined that the Respondents failed to comply with the
24 Truth in Lending Act by using trigger terms in advertising such as a percentage of a down

1 payment and failing to include additional required disclosures or terms in the advertisement.
 2 Advertisements also stated a rate as APR or an annual percentage rate, but instead was
 3 misleading by displaying the interest rate. On January 5, 2023, Raven responded to the
 4 complaint acknowledging the violations. The Respondents stated in their response that
 5 management would take steps to prevent future violations.

6 7. On April 18, 2023, the Department issued a Report of Second Examination (“Second
 7 Examination”) to Raven detailing the findings from the Examination which included additional
 8 advertisements with the same violations identified above from the complaint. The advertising
 9 review found the Respondents violated the Truth in Lending Act on eleven (11)
 10 advertisements. Examiners reviewed the company’s Advertising and Marketing Policy and
 11 determined that senior management and control persons failed to follow the established
 12 “Advertisement Approval Process” and policy on “Terms Triggering Additional Disclosures”.
 13 On April 18, 2023, Raven responded to the Second Examination acknowledging the violations
 14 and informed the Department that management would take steps to comply with Federal and
 15 State rules and regulations. See the table below for identified advertisements.

Licensee Name and Number	Violation	Violation
	Failed to display terms required by Regulation Z (12 CFR 1026.24) the Truth in Lending Act - Triggering Terms Advertised a percentage of a down payment and failed to include additional disclosures or terms. Advertising any percentage of a down payment is a triggering term and requires a disclosure and/or additional terms.	Failed to display terms required by Regulation Z (12 CFR 1026.24) the Truth in Lending Act - APR Misleading advertisement, text box at top right of document states APR, but displays the interest rate. APR is not displayed with equal prominence and in close proximity to the advertised rate.
Raven Mortgage, LLC #1783683 Erich James Heinrich #1024760	3	5
Raven Mortgage, LLC #1783683 Brittany Jo Quesnell #820704	1	2

1 8. Management of Raven Mortgage, LLC cooperated with the Department in the
2 investigation and examinations.

3 II. CONCLUSIONS OF LAW

4 1. Respondents violated AS 06.60.325 and 3 AAC 14.510(2) by failing to clearly and
5 conspicuously display the company and individual unique identifiers in Respondents'
6 advertisements.

7 2. Respondent Raven violated 3 AAC 14.415 by failing to supervise the activities and
8 advertisements of Respondents Heinrich and Quesnell.

9 3. Per AS 06.60.330 (5)(7)(8) A person subject to this chapter shall conduct mortgage
10 loan activities in compliance with...(5) 15 U.S.C. 1601 — 1666j and 1671 — 1693r
11 (Consumer Credit Protection Act), (7) any other federal statute the purpose of which is to
12 regulate residential mortgage lending, and (8) regulations adopted under the statutes
13 identified in (1) - (7) of this section. Respondents violated AS 06.60.330, (5), (7), and (8) by
14 failing to comply with Regulation Z (12 CFR 1026.24)(1)(2) the Truth in Lending Act (Title
15 1 of the Consumer Credit Protection Act).

16 3. Per AS 06.60.340(10) a person who is required to be licensed under this chapter and a
17 person who is licensed under AS 06.20 may not, in connection with a mortgage loan
18 transaction,... (10) fail to comply with this chapter or regulations adopted under this chapter
19 or fail to comply with another state or federal statute, including regulations adopted under the
20 statute, applicable to a business authorized or conducted under this chapter;

21 4. Per AS 06.60.420 states a person who violates a provision of AS 06.60, or a
22 regulation adopted under the chapter, is liable for a civil penalty not to exceed \$10,000 for
23 each violation.

24

III. ORDER

Pursuant to the Alaska SAFE Act and on the basis of the Findings of Fact, Conclusions of Law, and Respondents' consent to the entry of this Order, the Department ORDERS Respondent to:

1. Pay a civil penalty in the amount of \$3,850. This amount was calculated at \$350 for each of the eleven advertisements that violated the Truth in Lending Act identified during the Second Examination. This amount is immediately due to the Department.

2. Comply with all provisions of the Alaska SAFE Act and associated regulations.

This Order shall be publicly disclosable and reportable to the NMLS.

IT IS SO ORDERED.

Julie Sande Commissioner
Department of Commerce, Community
and Economic Development

2/12/2024
Date

/s/ Robert H. Schmidt
Robert H. Schmidt, Director
Division of Banking and Securities

1 **Consent to Entry of Order**

2 **Raven Mortgage, LLC**

3 I, Casey Hultquist, state that I am the President of
4 Raven Mortgage, LLC (“Respondent”); that I am authorized to act on its behalf; that I have
5 read the foregoing Order; and that I am aware of the right to a hearing and appeal in this
6 matter, and have waived the same.

7 Respondent admits to the jurisdiction of the Department of Commerce, Community
8 and Economic Development, Division of Banking and Securities (“Department”) and further
9 consents to entry of this Order by the Department as settlement of the issues contained in this
10 Order. Respondent admits violation of the Alaska SAFE Act.

11 Respondent understands that the Department reserves the right to take further actions
12 to enforce this Order or to take appropriate action upon discovery of other violations of the
13 Alaska SAFE Act, and that Respondent will fully comply with the terms and conditions of
14 this Order, the Alaska SAFE Act and associated regulations.

15 I enter into this Order voluntarily and understand this Order is a public document and
16 is reportable to the NMLS.

17 3/4/24
18 Date

/s/ Casey Hultquist
Casey Hultquist

19 SUBSCRIBED AND SWORN TO before me this 4th day of March, 2024
20 at Anchorage, AK.

21 /s/ Aaron Asbury
22 Notary Public in and for AK

23 Aaron Asbury
Notary Printed Name
24 My commission expires: 9/16/24

1 **Consent to Entry of Order**

2 **Erich Heinrich**

3 I, Erich Heinrich, hereby acknowledge that I have read the foregoing Consent Order,
4 I am aware of the right to a hearing and appeal in this matter, and have waived the same. I
5 admit to the jurisdiction of the Department of Commerce, Community and Economic
6 Development, Division of Banking and Securities (“Department”) and further consent to
7 entry of this Order by the Department as settlement of the issues contained in this Order. I
8 admit to violation of the Alaska SAFE Act.

9 I understand that the Department reserves the right to take further actions to enforce
10 this Order or to take appropriate action upon discovery of other violations of the Alaska
11 SAFE Act, and that I will fully comply with the terms and conditions of this Order, the
12 Alaska SAFE Act and associated regulations.

13 I enter into this Order voluntarily and understand this Order is a public document and
14 is reportable to the NMLS.

15 2/6/24 /s/ Erich Heinrich
16 Date Erich Heinrich

17 SUBSCRIBED AND SWORN TO before me this 6 day of February, 2024 at
18 Anchorage, AK.

19 /s/ Aaron Asbury
20 Notary Public in and for State of AK

21 Aaron Asbury
22 Notary Printed Name
23 My commission expires: 09/16/24

1 **Consent to Entry of Order**

2 **Brittany Quesnell**

3 I, Brittany Quesnell, hereby acknowledge that I have read the foregoing Consent
4 Order, I am aware of the right to a hearing and appeal in this matter, and have waived the
5 same. I admit to the jurisdiction of the Department of Commerce, Community and Economic
6 Development, Division of Banking and Securities (“Department”) and further consent to
7 entry of this Order by the Department as settlement of the issues contained in this Order. I
8 admit to violation of the Alaska SAFE Act.

9 I understand that the Department reserves the right to take further actions to enforce
10 this Order or to take appropriate action upon discovery of other violations of the Alaska
11 SAFE Act, and that I will fully comply with the terms and conditions of this Order, the
12 Alaska SAFE Act and associated regulations.

13 I enter into this Order voluntarily and understand this Order is a public document and
14 is reportable to the NMLS.

15 02/06/2024 /s/ Brittany Quesnell
16 Date Brittany Quesnell

17 SUBSCRIBED AND SWORN TO before me this 6th day of February, 2024 at
18 Anchorage, Alaska.

19 /s/ Aaron Asbury
20 Notary Public in and for State of AK

21 Aaron Asbury
22 Notary Printed Name
My commission expires: 09/16/2024

23 Contact Person:
Tracy Reno
Chief of Examinations
24 (907) 269-8112