21392

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

COMMISSIONER OF COMMERCE

In the Matter of Commercial Loan Solutions, LLC, et al.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

OAH File No. 8-1005-30100

The above-entitled matter came before Administrative Law Judge Eric L. Lipman of the Office of Administrative Hearings upon the Department of Commerce (Department) Motion for a Default Judgment under Minn. R. 1400.6000. Assistant Attorney General Michael J. Tostengard appeared on behalf of the Minnesota Department of Commerce. There was no appearance by, or on behalf of, the Respondents Commercial Loan Solutions, LLC, Charles T. Heppner or Benjamin Ackerman, after due notice. Respondents are in default. The Administrative Law Judge's Recommendation was issued April 17, 2013. In accordance with Minn. Stat. § 45.024 (2012), Commissioner of Commerce Mike Rothman delegated the authority to issue a final order in this matter to Assistant Commissioner of Commerce Dennis D. Ahlers. By letter dated April 23, 2013, Mr. Ahlers informed the parties of their right to file exceptions and argument with the Commissioner regarding the Administrative Law Judge's Recommendation. Respondent submitted no exceptions or argument. Written argument was submitted by Michael J. Tostengard on behalf of the Department. The record closed on May 8, 2013.

Based upon all the facts, records and proceedings herein, the Commissioner makes the following:

FINDINGS OF FACT

1. The Commissioner adopts in its entirety and incorporates as his own the Findings of Fact contained in the Administrative Law Judge's Report.

2. Any Finding of Fact herein, which should more properly be deemed a Conclusion of Law, is hereby adopted as such.

Based upon the foregoing Findings of Fact, the Commissioner makes the following:

CONCLUSIONS OF LAW

1. The Commissioner adopts and incorporates as his own the Conclusions of Law contained in the Administrative Law Judge's Report.

2. Any Conclusion of Law herein, which should more properly be deemed a Finding of Fact, is hereby adopted as such.

3. This Order is in the public interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondents Commercial Loan Solutions, LLC, Charles T. Heppner and Benjamin Ackerman are barred from engaging in mortgage origination in the State of Minnesota pursuant to Minn. Stat. § 58.12, subd. 1(a) (1) (2012).

IT IS FURTHER ORDERED THAT Respondents shall pay to the State of Minnesota, jointly and severally, a civil penalty of $25,000. Pursuant to Minn. Stat. § 16D.17 (1) (2012), Respondents are notified that this shall become a final civil penalty order unless Respondents request a hearing from the Department on the civil penalty within 30 days. Respondents are further notified that when the civil penalty order becomes final, the Commissioner of Commerce may file and enforce the civil penalty in the same manner as a district court judgment against Respondents without further notice or additional proceedings. Minn. Stat. § 16D.17 (2) (2012).

MIKE ROTHMAN
Commissioner

Dated: 7/9/13

By: Dennis D. Ahlers

DENNIS D. AHLERS
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MEMORANDUM

This matter comes before the Commissioner following Administrative Law Judge Eric L. Lipman's recommendation that the Commissioner of the Minnesota Department of Commerce assess sanctions against Respondents Commercial Loan Solutions, LLC, Charles T. Heppner and Benjamin Ackerman.

The record shows that none of the Respondents are licensed by the Department in any capacity. The record further shows that a Department investigation revealed that Respondents offered and sold loan modification services to a Minnesota resident on December 29, 2010, for an advance fee of $1,000. No modification services were provided. When the resident demanded a refund and her demand was refused she filed a complaint with the Department. The Department twice sent requests for information to Respondents. Respondents did not reply. The Department's investigation revealed that Respondents also took payment from a second Minnesota resident on December 9, 2010 and January 14, 2011.

Respondent was given timely and proper notice of the Prehearing Conference in this matter, when it was sent to its last known address. Respondent failed to attend the prehearing conference and is in default. Pursuant to Minn. R. 1400.6000, when a party defaults the allegations and issues set out in the Notice and Order for Prehearing Conference and Statement of Charges may be taken as true and deemed proved.

It is deemed proved that Respondents engaged in unlicensed mortgage origination activity; charged fees for services not provided; failed to refund client money; made misrepresentations to a lender; accepted fees and failed to place their customers' interests ahead of their own; took fees as foreclosure consultants and failed to respond to the Department's requests for information. Respondents' violations are serious and reflect a disregard for

Minnesota law. The foregoing warrants that Respondents be barred from engaging in mortgage origination in the State of Minnesota in addition to the imposition of a penalty of $25,000, a result which is reasonable and consistent with the recommendation of Judge Lipman.

D.D.A.