

Proposed Mortgage Rescue Fraud Protection Act
Actions by Attorney General (§ 8)

I.

SECTION 8. ACTIONS BY ATTORNEY GENERAL

A violation of this act shall be an unlawful practice pursuant to ORS 646.607.

Amending ORS 646.607 to include:

646.607(3) Violates the provisions of this 2008 Act.

[This allows for use of investigative demands prior to filing suit pursuant to ORS 646.618, for the filing of appropriate civil litigation pursuant to ORS 646.632(1), for the use of assurances of voluntary compliance in lieu of civil litigation pursuant to ORS 646.632(2), for prevailing party attorney fees pursuant to ORS 646.632(8), for restitution/other remedies to harmed consumers pursuant to ORS 646.636, and for civil penalties and contempt remedies pursuant to ORS 646.642. This provides no private right of action and therefore is only an appropriate option so long as the proposed Act is to include an independent private right of action.]

II.

SECTION 8. ACTIONS BY ATTORNEY GENERAL

A violation of this act shall be an unlawful business and trade practice pursuant to ORS 646.608.

Amending ORS 646.608(1) to include:

646.608(1)(fff) Violates the provisions of this 2008 Act.

[This provides for all enforcement tools applicable to ORS 646.607 above, and also includes a private right of action pursuant to ORS 646.638. Therefore, as discussed by the Subcommittee, this may not be an appropriate option if the proposed Act is to include an independent private right of action.]