



Danny Payne
Commissioner

TEXAS DEPARTMENT OF SAVINGS & MORTGAGE LENDING

INFORMATION ABOUT THE COMPLAINT PROCESS

The Texas Department of Savings and Mortgage Lending (the Department) accepts signed, written complaints against mortgage brokers, loan officers, mortgage bankers, and state savings banks. **The Department does not accept complaints over the telephone or unsigned complaints by electronic mail** because the Texas Finance Code requires the Department to receive a person's signed, written complaint that establishes reasonable cause for an investigation before the Department is authorized to investigate the complaint.

The Department does not regulate federal or state banks, real estate brokers or agents, title insurance companies, appraisers, or buyers or sellers who are not licensed by the Department, nor does the Department resolve commission or employment disputes between its licensees. The Department may only take disciplinary action against a person who is licensed or registered under its programs and who has violated a law that is within the scope of the Department's enforcement authority.

Texas law prohibits the Department from giving private legal advice or opinions or from acting as your personal attorney or legal representative. If you seek to recover monetary damages, you should consult a private attorney to inform you of your rights and remedies through the courts.

Attached is a complaint form. If you wish to file a complaint with the Department, please complete the entire form in English and sign the complaint. If you do not want your identity revealed, or do not sign your complaint, we will be unable to process your complaint. Be sure to enclose copies of all relevant documents when returning the complaint form to the Department. **DO NOT SEND ORIGINAL DOCUMENTS.**

You will be notified by mail that your complaint has been received. We will determine whether your complaint states facts which could establish a violation of one or more of the laws that the Department administers and enforces. If so, the Department will open an investigation of your complaint; if not, the Department will contact you to let you know that we will not take further action based on your complaint.

If an investigation is opened, the person against whom the complaint is filed will receive a copy of the complaint. After the investigation is concluded, the information obtained will be reviewed to determine whether there is sufficient evidence to take disciplinary action, which could include a formal reprimand, the suspension or revocation of a license or registration, payment of an administrative penalty, or other appropriate action. Please be advised that, if you file a complaint, you may be required to testify as a witness in a hearing that would be conducted in Austin, Texas, against the licensee(s) or registrant(s) in question.

It is not necessary to file a complaint with the Department to proceed with a civil suit. Please note that the Department maintains the Mortgage Broker Recovery Fund to assist consumers who have obtained a civil (monetary) judgment against a mortgage broker or loan officer who cannot pay the judgment. Not all claims are compensable and a court must order the payment of a claim from the Recovery Fund before the Department may do so. The Recovery Fund might pay a claimant's actual out-of-pocket damages, court costs, and attorney fees. Reimbursement from the Mortgage Broker Recovery Fund is limited to \$25,000 per transaction, regardless of the number of claimants, and not more than \$50,000 may be paid with respect to claims against one licensee until the Recovery Fund has been reimbursed for all amounts paid from the Recovery Fund for that licensee.

Please retain this information for future reference.



TEXAS SAVINGS AND MORTGAGE LENDING DEPARTMENT
COMPLAINT FORM

(PLEASE PRINT OR TYPE WITH BLUE OR BLACK INK)

Department Use Only
Complaint Number: _____

Department Use Only
Date Received: _____

Please mail all correspondence to:

TEXAS SAVINGS AND MORTGAGE LENDING DEPARTMENT
ATTN: ENFORCEMENT DIVISION
2601 NORTH LAMAR, SUITE 201
AUSTIN, TEXAS 78705
(FAX 512-475-1360)

COMPLAINT REGARDING:

Mortgage Broker _____ Loan Officer _____ Mortgage Banker _____ State Savings Bank _____

YOUR CONTACT INFORMATION:

Name: _____

Address: _____

City/State/Zip: _____

Telephone Numbers: Work _____ Home _____

Cell _____ Fax _____

Email address: _____

**PLEASE PROVIDE THE FOLLOWING INFORMATION CONCERNING THE MORTGAGE BROKER,
LOAN OFFICER, MORTGAGE BANKER, AND/OR STATE SAVINGS BANK AGAINST WHOM YOU
ARE COMPLAINING:**

Person's Name: _____

Company's Name: _____

Physical Address: _____

City/State/Zip: _____

Telephone Number(s): _____

License Number or Registration Number (if known): _____

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DATE(S) OF TRANSACTION: _____

HAVE YOU FILED A COMPLAINT AGAINST THIS PERSON OR COMPANY WITH ANOTHER AGENCY? _____ **YES** _____ **NO**

IF YES, WHICH AGENCY? _____

WHAT ACTION HAS BEEN TAKEN BY THE OTHER AGENCY? _____

DO YOU HAVE AN ATTORNEY REPRESENTING YOU IN THIS MATTER? _____ **YES** _____ **NO**

IF YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

Attorney's Name: _____

Attorney's Address: _____

City/State/Zip: _____

Telephone Number(s): _____

PLEASE LIST THE NAME(S), ADDRESS(ES), AND TELEPHONE NUMBER(S) OF ANY WITNESS(ES) WHO HAVE OR MAY HAVE INFORMATION CONCERNING THE SUBJECT MATTER OF YOUR COMPLAINT:

COMPLAINT DETAIL: List the facts of your complaint in the order of their occurrence, starting with the earliest date and working forward. Attach additional sheets as needed.

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HAVE YOU PREVIOUSLY NOTIFIED THE PERSON OR COMPANY NAMED ON PAGE ONE ABOUT YOUR COMPLAINT? _____ YES _____ NO

HOW DID YOU NOTIFY THEM? _____ WRITTEN _____ ORAL

WHAT WAS THE RESPONSE? _____

PLEASE DESCRIBE HOW YOU WOULD LIKE TO SEE THE MATTER RESOLVED: _____

WOULD YOU BE WILLING TO TESTIFY AT A HEARING? _____ YES _____ NO

SIGNATURE BLOCK

The information contained herein and all enclosed documents are true and correct to the best of my knowledge. I understand that I may be required to testify at a hearing and that a copy of my complaint will be made available to the person or company against whom it is filed. I also understand that neither the Texas Savings and Mortgage Lending Department nor any of its officers or employees can act or will act as my legal representative or attorney.

Signature of Complainant

Date

Signature of Complainant

Date

