

Suffolk, SS.

In the Matter of
Mutual of Omaha Mortgage, Inc.
San Diego, CA
NMLS No. MC1025894

Consent Order

Whereas, the Division of Banks ("Division"), through the Commissioner, has jurisdiction over the licensing and regulation of persons and entities engaged in the business of a mortgage lender and mortgage broker in Massachusetts pursuant to M.G.L. chapter 255E, section 2;

Whereas, Mutual of Omaha is, and at all relevant times has been, a foreign company conducting business in the Commonwealth of Massachusetts. The main office of Mutual of Omaha is located at 3131 Camino Del Rio North, Suite 3100, San Diego, California 92108;

Whereas, Mutual of Omaha is licensed by the Commissioner as a mortgage lender and mortgage broker under M.G.L. chapter 255E, section 2. According to records maintained on file with the Division, the Commissioner initially issued mortgage company license number MC1025894 to Mutual of Omaha, covering both mortgage broker and mortgage lender license types, on or about November 12, 2019;

Whereas, M.G.L. chapter 93A, section 2(a) states, “Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.”;

Whereas, regulation 940 Code of Massachusetts Regulations (C.M.R.) 8.06(1) states, “It is an unfair or deceptive act or practice for a mortgage broker or lender to make any representation or statement of fact in an advertisement if the representation or statement is false or misleading or has the tendency or capacity to be misleading, or if the mortgage broker or lender does not have sufficient information upon which a reasonable belief in the truth of the representation or statement could be based.”;

Whereas on February 7, 2022, Mutual of Omaha entered into a Consent Order (the “2022 Consent Order”) with the Division to resolve the January 4, 2022 Temporary Order to Cease and Desist regarding an advertisement that the Division found to be potentially an unfair or deceptive act or practice in violation of Massachusetts General Laws (M.G.L.) chapter 255E and applicable regulations found at 209 Code of Massachusetts Regulations (C.M.R.) 42.00 *et seq.*;

Whereas the 2022 Consent Order is being superseded and terminated contemporaneously with this Consent Agreement;

Whereas Mutual of Omaha operates, by and through a wholly-owned subsidiary, the website www.Reviewcounsel.org (the “Website”);

Whereas the Division alleges that the Website failed to make advertisements and/ or paid content sufficiently visually separate from the presentation of recommendations or educational content; and,

Whereas, the parties now seek to resolve by mutual agreement, the matters identified in the Order.

ORDER

NOW COME the parties in the above-captioned matter, the Division and Mutual of Omaha, and stipulate and agree as follows:

1. Mutual of Omaha shall ensure that all solicitations and advertising materials directed to Massachusetts consumers used by the Company on the Website do not contain any representations or statements that could be considered false, misleading, or have the tendency or capacity to be misleading as follows:
 - a. Mutual of Omaha shall ensure that the Website clearly and visually separates advertisements or paid content, including advertisements or content paid for by Mutual of Omaha or related entities, from the Website’s ratings of companies, reviews of companies, articles, or educational content;
 - b. Mutual of Omaha shall ensure that advertisements and other paid content on the Website are clearly labeled and disclosed in addition to being labeled as coming from “Partners”;

- c. Mutual of Omaha shall ensure the disclosure language throughout the Website is internally consistent; and,
 - d. Mutual of Omaha shall review, revise, and enhance its policies and procedures to ensure that all solicitations and advertisements on the Website clearly and visually indicate what is an advertisement or other paid content.
- 2. Mutual of Omaha has submitted a payment of sixty-five thousand dollars (\$65,000.00) in satisfaction of an administrative penalty.
- 3. Nothing in this Consent Order shall be construed as permitting the Company to violate any law, rule, regulation, or regulatory bulletin to which the Company is subject.
- 4. Failure to comply with the terms of this Consent Order shall constitute grounds for formal regulatory action pursuant to applicable provisions of the General Laws of the Commonwealth of Massachusetts.
- 5. This Consent Order shall become effective immediately upon the date of its issuance.
- 6. The provisions of this Consent Order shall be binding upon the Company and their respective subsidiaries, officers and directors, successors and assigns, and those persons in active participation with them, directly or indirectly, acting individually or through any corporate or other entity.
- 7. In consideration of this Consent Order, the Division agrees not to pursue any other remedial measures, sanctions or penalties relative to this matter unless the Division is made aware of material information that is not addressed in this Consent Order, or if the Company fails to comply with the terms of this Consent Order.

8. The provisions of this Consent Order shall not limit, estop, or otherwise prevent any other state agency or department, from taking any other action under separate authority affecting the Company, or any of their officers and directors, or their successors or assigns.
9. The provisions of this Consent Order shall remain effective and enforceable except to the extent that, and until such time as the Commissioner or a court of competent jurisdiction modifies, terminates, suspends, or sets aside any provision of this Consent Order.
10. In accordance with the terms of the Consent Agreement entered into by the Company and the Commissioner, the Company has waived all rights of appeal that they may have relative to this Consent Order or any of its provisions.
11. This Consent Order and the Consent Agreement are the complete documents representing the resolution of this matter. There are no other agreements between the Division and Mutual of Omaha.

By Order and Direction of the Commissioner of Banks:

Dated at Boston, Massachusetts, this 14th day of April, 2025.

By:

Mary L. Gallagher
Commissioner of Banks