## STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISION OF CONSUMER SERVICES

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IN THE MATTER OF DETERMINING Whether there has been a violation of the Mortgage Broker Practices Act of Washington by:

U.S. MORTGAGE AND INVESTMENTS LLC, and ALEXIS HAIKANUSH IKILIKYAN, aka HAIKANUSH IKILIKYAN, aka ALEXIS POFF, President, Owner, and Designated Broker,

Respondents.

NO. C-06-012-08-FO01

FINAL ORDER

## I. DIRECTOR'S CONSIDERATION

A. <u>Default</u> . This matter has come before the Director of the Department of				
Financial Institutions of the State of Washington (Director), through his designee, Consumer Services				
Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On February 8, 2008, the				
Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of				
Charges and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry,				
Impose Fine, and Collect Investigation Fee (Statement of Charges). A copy of the Statement of				
Charges is attached and incorporated into this order by this reference. The Statement of Charges was				
accompanied by a cover letter dated February 8, 2008, a Notice of Opportunity to Defend and				
Opportunity for Hearing, and blank Applications for Adjudicative Hearing for U.S. Mortgage and				
Investments LLC and Alexis Haikanush Ikilikyan. The Department served the Statement of Charges,				
cover letter dated February 8, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and				
plank Applications for Adjudicative Hearing for U.S. Mortgage and Investments LLC and Alexis				
Haikanush Ikilikyan on Respondents, on February 8, 2008, by first class mail and Federal Express				

overnight delivery. On February 13, 2008, the documents sent via Federal Express overnight delivery were delivered. The documents sent via first class mail were not returned to the Department by the United States Post Office as undeliverable. Additionally, Respondent Ikilikyan contacted the Department by telephone on February 13, 2008, and acknowledged receipt of the Statement of Charges, cover letter dated February 8, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for U.S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan. Respondent Ikilikyan also contacted the Department by telephone on February 28, 2008, and was specifically notified that the deadline for returning the Applications for Adjudicative Hearing for U.S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan to the Department was March 5, 2008.

Respondents U.S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan did not request an adjudicative hearing within twenty calendar days after the Department served them with the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2). On March 19, 2008, the Department received a telephone call from a man representing himself to be attorney Brian Hallaq stating that he was the attorney for Respondents and was going to send in the Respondents' Application for Administrative Hearing. The caller also stated he has been out of town with a sick grandmother, however, no dates or other details were provided. On March 25, 2008, the Department received an Application for Adjudicative hearing for Respondent U.S. Mortgage and Investments LLC which identified attorney N. Brian Hallaq as the attorney for U.S. Mortgage and Investments LLC. There was no cover letter or other form of explanation for the late filing of the Application for Administrative Hearing. To date, no Application for Adjudicative Hearing has been received for Respondent Ikilikyan.

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1	В.	Record Presented.	The record presented to the Director's designee for her review and	
2	for entry of a final decision included the following:			
3	Statement of Charges, cover letter dated February 8, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for U.S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan,			
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with documentation of service.			ion of service.	
6			and received by the Department on March 25, 2008.	
7	C.	Factual Findings and	1 Grounds For Order. Pursuant to RCW 34.05.440(1), the	
9	Director's designee hereby adopts the Statement of Charges, which is attached hereto.			
10	II. <u>FINAL ORDER</u>			
11	Based upon the foregoing, and the Director's designee having considered the record and			
12	being otherwise fully advised, NOW, THEREFORE:			
13	A.	IT IS HEREBY ORI	DERED, That:	
·14		-	. Mortgage and Investments LLC's license to conduct the business of cer is revoked; and	
16			S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan severally pay a fine of \$5,000; and	
17		3. Respondent U.S.	. Mortgage and Investments LLC is banned from participation in the	
18		conduct of the af	ffairs of any mortgage broker subject to licensure by the Director, in a period of five (5) years; and	
19		•	xis Haikanush Ikilikyan is banned from participation in the conduct of	
20	the affairs of any mortgage broker subject to licensure by the Director, in any manner for a period of five (5) years; and			
21		<u>-</u>	S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan	
22			rally pay an investigation fee of \$1,433.40; and	

6. Respondents U.S. Mortgage and Investments LLC and Alexis Haikanush Ikilikyan shall maintain records in compliance with the Act and provide the Department with

the location of the books, records, and other information related to Respondents'

FINAL ORDER -U.S. Mortgage and Investment LLC and Alexis Haikanush Ikilikyan C-06-012-08-FO01

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DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703

mortgage broker business, and the name, address, and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on a petition.

- C. <u>Stay of Order.</u> The Director's designee has determined not to consider a Petition to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.
- D. <u>Judicial Review</u>. Respondents have the right to petition the superior court for judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.
- E. <u>Non-compliance with Order</u>. If you do not comply with the terms of this order, the Department may seek its enforcement by the Office of Attorney General to include the collection of the fines, fees and restitution imposed herein. All financial obligations are due within 30 days of this Order.

F. <u>Service.</u> For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

DATED this day of April, 2008.



STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS

DEBORAH BORTNER

DIRECTOR

DIVISION OF CONSUMER SERVICES

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## STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISION OF CONSUMER SERVICES

IN THE MATTER OF DETERMINING:

Whether there has been a violation of the Mortgage Broker Practices Act of Washington by:

U.S. MORTGAGE AND INVESTMENTS LLC, and ALEXIS HAIKANUSH IKILIKYAN, aka HAIKANUSH IKILIKYAN, aka ALEXIS POFF, President, Owner, and Designated Broker,

C-06-012-08-SC01

NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

U.S. MORTGAGE AND INVESTMENTS LLC ALEXIS HAIKANUSH IKILIKYAN

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

Respondents.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by

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AND OPPORTUNITY FOR HEARING

subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter appointed at no cost to you, as discussed below.

INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-Englishspeaking cultural background, cannot readily speak or understand the English language, or if you or a witness for you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative Hearing form.

YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the attached Application for Adjudicative Hearing to:

> Department of Financial Institutions Division of Consumer Services Attn: Fatima Batie PO Box 41200 Olympia, Washington 98504-1200

Dated this 8th day of February, 2008.



NOTICE OF OPPORTUNITY TO DEFEND

DEBORAH BORTNER

Director

**Division of Consumer Services** Department of Financial Institutions