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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 Consumer  
Loan Act of Washington by

NO. C-08-058-10-FO01

NV MORTGAGE, INC. d/b/a SOMA FINANCIAL,  
d/b/a www.mysoma.com,

FINAL ORDER

Respondent.

I. DIRECTOR'S CONSIDERATION

A. Default. 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 November 24, 2009, 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, Impose Fine, Collect Annual Assessments and Late Penalties, 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 November 24, 2009, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for NV Mortgage, Inc. d/b/a Soma Financial, d/b/a www.mysoma.com. The Department served the Statement of Charges, cover letter dated November 24, 2009, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for NV Mortgage, Inc. d/b/a Soma Financial, d/b/a www.mysoma.com on Respondent by First-Class mail and Federal Express overnight delivery at the following addresses: 2801 Maryland Hills Drive, Henderson, Nevada 89052 (2801 Maryland Hills); and, at 871 Coronado Center Drive, Suite 110, Henderson, Nevada 89052 (871 Coronado Center). On November 25, 2009, the documents sent via Federal Express overnight delivery to 871 Coronado Center were delivered and signed for by L. Hudson. On December 7, 2009, the documents sent via First-Class mail to the 871 Coronado Center address

1 Express overnight delivery to the 2804 Maryland Hills address were returned to the department as "unclaimed."  
2 The documents sent via First-Class mail to the 2801 Maryland Hills address were not returned to the Department  
3 by the United States Postal Service.

4 Respondent did not request an adjudicative hearing within twenty calendar days after the Department  
5 served them with the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for in WAC  
6 208-08-050(2).

7 B. Record Presented. The record presented to the Director's designee for her review and for  
8 entry of a final decision included the Statement of Charges, cover letter dated November 24, 2009, Notice of  
9 Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for NV  
10 Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com, with documentation of service.

11 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the Director's designee  
12 hereby adopts the Statement of Charges, which is attached hereto.

## 13 II. FINAL ORDER

14 Based upon the foregoing, and the Director's designee having considered the record and being  
15 otherwise fully advised, NOW, THEREFORE:

16 A. IT IS HEREBY ORDERED, That:

- 17
- 18 1. Respondent NV Mortgage Inc, NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com's  
license to conduct the business of a Consumer Loan Company is revoked;
  - 19 2. Respondent NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com pay a fine, totaling  
20 \$18,000;
  - 21 3. Respondent NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com pay the annual  
22 assessment fee due for the years-ended December 31, 2007, and December 31, 2008, respectively; as  
calculated in accordance with the instructions for the annual assessment worksheets for the same year,  
or calculated pursuant to statute;
  - 23 4. Respondent NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com pay a late penalty  
24 calculated at \$50 per day for each report for each day of delay in filing; for the years-ended December  
25 31, 2007, and December 31, 2008, respectively;

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- 5. Respondent NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com pay an investigation fee, which as of the date of the Statement of Charges totaled \$938.54, calculated at \$69.01 per hour for the thirteen and six-tenths staff hours devoted to the investigation; and
- 6. Respondent NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent NV Mortgage Inc, d/b/a Soma Financial, d/b/a www.mysoma.com's consumer loan 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, Respondent has 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 Respondent. 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. Stay of Order. 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. Judicial Review. Respondent has 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. Non-compliance with Order. 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 penalties imposed herein.

F. Service. 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.

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DATED this 19<sup>th</sup> day of February, 2010.



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

A handwritten signature in black ink, appearing to read "Deborah Bortner". The signature is written in a cursive style and is positioned above a horizontal line.

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  
Consumer Loan Act of Washington by:

NV MORTGAGE, INC. d/b/a SOMA  
FINANCIAL, d/b/a WWW.MYSOMA.COM,

Respondent.

NO. C-08-058-09-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO REVOKE LICENSE, IMPOSE FINE,  
COLLECT ANNUAL ASSESSMENTS AND LATE  
PENALTIES, AND COLLECT INVESTIGATION FEE

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**INTRODUCTION**

Pursuant to RCW 31.04.093, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent, NV Mortgage, Inc. d/b/a Soma Financial, d/b/a www.mysoma.com** (Respondent NV Mortgage) was licensed by the Department of Financial Institutions of the State of Washington (Department) to engage in the business of a consumer loan company on or about January 5, 2007. Respondent NV Mortgage continues to be licensed to date. Respondent NV Mortgage is licensed to engage in the business of a consumer loan company at the following main office location: 750 Coronado Center Dr, Henderson, Nevada 89052.

Respondent NV Mortgage is also licensed to engage in the business of a consumer loan company at one branch office located at 17330 Brookhurst Street, Suite 225, Fountain Valley, California, 92708-8005.

**1.2 Failure to Maintain Bond.** On or about July 23, 2007, the Department received notice from the Platte River Insurance Company that Respondent NV Mortgage's surety bond would be cancelled, effective on or about August 23, 2007. To date, Respondent NV Mortgage has not notified the Department of the cancellation of the surety bond and has not provided the required surety bond or an approved alternative.

1 **1.3 Failure to Respond to Directives.** On or about August 3, 2007; December 31, 2007; and March 15,  
2 2008, the Department served Directives on Respondent NV Mortgage by First-Class and Certified Mail. These  
3 Directives were not returned by the United States Postal Service. The Directive sent by Certified Mail was  
4 signed for by Kelli Armstrong on or about August 3, 2007, at the mailing address of record. On January 29,  
5 2009, a Directive was sent by First-Class Mail, also sent to the address of record, was returned by the United  
6 States Postal Service as "undeliverable." These Directives variously required Respondent NV Mortgage to  
7 provide a surety bond or acceptable alternative, provide the 2007 and 2008 consolidated and annual assessment  
8 reports, pay 2007 and 2008 annual assessment fees, and pay 2007 and 2008 late penalties, and provide office  
9 closure documents. Respondent NV Mortgage did not notify the Department of an address change for the  
10 principal place of business and did not file office closure documents indicating that Respondent NV Mortgage  
11 ceased Washington State operations. To date, the Department has not received a response to these Directives.

12 **1.4 Failure to Notify Department of Significant Developments.**

13 A. As stated in paragraph 1.2, to date, Respondent NV Mortgage has not notified the Department  
14 of the cancellation of Respondent NV Mortgage's surety bond.

15 B. As stated in paragraph 1.3, to date, Respondent NV Mortgage has not notified the Department  
16 that Respondent NV Mortgage ceased operations in Washington State.

17 C. As stated in paragraph 1.3, to date, Respondent NV Mortgage has not notified the Department  
18 of a change in location of Respondent NV Mortgage's principal place of business.

19 **1.5 Failure to File Consolidated and Annual Assessment Reports and Pay Assessment Fee.** A  
20 consolidated annual report and an annual assessment report (annual reports), as well as, an annual assessment  
21 fee for each licensee is due to the Department no later than the 1<sup>st</sup> day of March of the following year. To date,  
22 the Department has not received the annual reports or annual assessment fee related to the 2007 and 2008  
23 reporting periods.

24 **1.6 Failure to Pay Annual Assessment Late Penalty.** An annual assessment fee for each licensee is due  
25 to the Department no later than the 1<sup>st</sup> day of March of the following year. Payment of the annual assessment

1 fee for the year ended December 31, 2007, was due to the Department no later than the 1st day of March 2008.  
2 To date, Respondent NV Mortgage has not filed the 2007 annual reports and has not paid the 2007 annual  
3 assessment fee. As a result, the late penalty continues to accrue for the 2007 annual reports and 2007 annual  
4 assessment fee. Additionally, payment of the annual assessment fee for the year ended December 31, 2008, was  
5 due to the Department no later than the 1st day of March 2009. To date, the Department has not received the  
6 2008 annual assessment reports and 2008 annual assessment fee due from Respondent NV Mortgage. As a  
7 result, the late penalty continues to accrue for the 2008 annual reports and 2008 annual assessment fee.

8 **1.7 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
9 Respondent NV Mortgage continues to date.

## 10 **II. GROUNDS FOR ENTRY OF ORDER**

11 **2.1 Requirement to Maintain Surety Bond.** Based on the Factual Allegations set forth in Section I  
12 above, Respondent NV Mortgage is in apparent violation of RCW 31.04.045(3) and WAC 208-620-320 and  
13 WAC 208-620-340 for not filing and not maintaining a surety bond or approved alternative with the  
14 Department.

15 **2.2 Requirement to Respond to Directive.** Based on the Factual Allegations set forth in Section I above,  
16 Respondent NV Mortgage is in apparent violation of RCW 31.04.145 for not complying with a directive issued  
17 by the Department.

18 **2.3 Requirement to Notify Department of Significant Developments.** Based on the factual allegations  
19 set forth in Section I above, Respondent NV Mortgage is in apparent violation of WAC 208-620-490(1) and (2)  
20 for not notifying the Director in writing within ten days after an occurrence of a change in mailing address,  
21 telephone number, fax number, or e-mail address; or receipt of notification of cancellation of the licensee's  
22 surety bond. Respondent NV Mortgage is in apparent violation of WAC 208-620-460, WAC 208-620-475, and  
23 WAC 208-620-480 for not filing office closure documents, including the required final consolidated annual  
24 report and paying the annual assessment fee, within thirty days of ceasing Washington State operations.

25

1 **2.4 Requirement to Pay Annual Assessment and Assessed Late Penalty.** Based on the Factual  
2 Allegations set forth in Section I above, Respondent NV Mortgage is in apparent violation of RCW 31.04.085,  
3 WAC 208-620-430(1)(2) and (3) and WAC 208-620-440 for not paying to the Director an annual assessment  
4 fee, and annual assessment late penalty.

### 5 III. AUTHORITY TO IMPOSE SANCTIONS

6 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3), the Director may revoke a license if a  
7 licensee fails to pay any fee due the state of Washington, or fails to comply with any specific order or demand  
8 of the Director lawfully made and directed to the licensee in accordance with the Act, or violates any provision  
9 of the Act or any rule adopted under the Act either knowingly or without exercise of due care.

10 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of up to one  
11 hundred dollars per day on a licensee, its employee or loan originator, or other person subject to the Act for any  
12 violations of the Act, or failure to comply with any order or subpoena issued by the Director under this chapter.

13 **3.3 Authority to Collect Annual Assessments and Late Penalties.** Pursuant to RCW 31.04.085 and WAC  
14 208 620-430(1) each licensee must pay to the Director an annual assessment as determined in rule by the Director  
15 by March 1<sup>st</sup> of the following year. Pursuant to WAC 208-620-430(2) a licensee that fails to submit the required  
16 annual report and worksheet by the March 1<sup>st</sup> due date is subject to a penalty of fifty dollars per report for each day  
17 of delay.

18 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-590(1), upon  
19 completion of any investigation of the books and records of a licensee or other person subject to the Act, the  
20 Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the  
21 investigation. The investigation charge will be calculated at the rate of sixty nine dollars and one cent (\$69.01) per  
22 hour that each staff person devoted to the investigation.

### 23 IV. NOTICE OF INTENTION TO ENTER ORDER

24 Respondent NV Mortgage's violations of the provisions of chapter 31.04 RCW and chapter 208-620  
25 WAC, as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose



1 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093. Therefore, it is the Director's  
2 intention to ORDER that:

3 **4.1** Respondent NV Mortgage, Inc d/b/a Soma Financial, d/b/a www.mysoma.com's license to conduct the  
4 business of a Consumer Loan Company be revoked;

5 **4.2** Respondent NV Mortgage, Inc d/b/a Soma Financial, d/b/a www.mysoma.com's pay a fine, which as of  
6 the date of these charges totals \$18,000;

7 **4.3** Respondent NV Mortgage, Inc d/b/a Soma Financial, d/b/a www.mysoma.com's pay the annual  
8 assessment fees due for the years-ended December 31, 2007, and December 31, 2008, respectively, as  
9 calculated in accordance with the instructions for the annual assessment worksheets for the same year, or  
10 calculated pursuant to statute;

11 **4.4** Respondent NV Mortgage, Inc d/b/a Soma Financial, d/b/a www.mysoma.com's pay a late penalty  
12 calculated at \$50 per day for each report for each day of delay in filing; for the years-ended December 31,  
13 2007, and December 31, 2008, respectively;

14 **4.5** Respondent NV Mortgage, Inc d/b/a Soma Financial, d/b/a www.mysoma.com's pay an investigation fee,  
15 which as of the date of these charges totals \$938.54, calculated at \$69.01 per hour for the thirteen and six-  
16 tenths (13.60) staff hours devoted to the investigation; and

17 **4.6** Respondent NV Mortgage, Inc d/b/a Soma Financial, d/b/a www.mysoma.com's maintain records in  
18 compliance with the Act and provide the Department with the location of the books, records and other  
19 information relating to Respondent NV Mortgage's consumer loan business, and the name, address and  
20 telephone number of the individual responsible for maintenance of such records in compliance with the  
21 Act.

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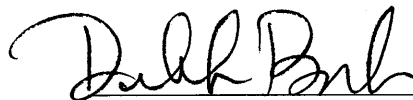
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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 31.04.093, and is subject to the  
3 provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondent NV Mortgage may make a  
4 written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND  
5 OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

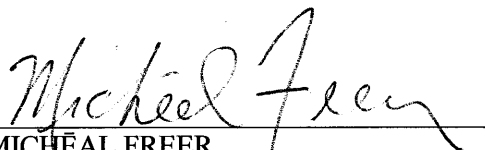
6 Dated this 24<sup>th</sup> day of November, 2009.

7 

8 DEBORAH BORTNER  
9 Director  
10 Division of Consumer Services  
11 Department of Financial Institutions



19 Presented by:

20 

21 MICHAEL FREER  
22 Financial Examiner

23 Approved by:

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25 JAMES R. BRUSSELBACK  
Enforcement Chief