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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:

NO. C-09-261-10-CO06

AMERICAN PREMIER FUNDING INC, ERIC
VACA, President, Owner, Designated Broker,
QUARTEZ WYNN, Loan Originator, DREW
GREENE, Loan Originator, DANIEL PISANI,
Loan Originator, MICHELLE KARVOUNIS, Loan
Originator, IRENE GUEVARA, Loan Originator,
and NANCY KARVOUNIS, Loan Originator,

CONSENT ORDER

**AMERICAN PREMIER FUNDING INC
and ERIC VACA**

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and American Premier Funding Inc (hereinafter Respondent American Premier), and Eric Vaca (Respondent Vaca), President, Owner, and Designated Broker, and finding that the issues raised in the above-captioned matter as related to Respondents American Premier and Vaca (Respondents) may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters as related to Respondents alleged in Statement of Charges No. C-09-261-09-SC01 (Statement of Charges), entered December 7, 2009, (copy attached hereto). Pursuant to chapter 19.146 Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-captioned matter as they relate to Respondents may be economically and efficiently settled by entry

CONSENT ORDER
C-09-261-10-CO06
AMERICAN PREMIER FUNDING INC and
ERIC VACA

1

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

1 of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as related
2 to Respondents.

3 Based upon the foregoing:

4 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
5 activities discussed herein.

6 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
7 before an administrative law judge, and that Respondents hereby waive their right to a hearing and any and all
8 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

9 C. **Complete Cooperation with the Department and the Office of the Attorney General.** It is
10 AGREED that Respondents shall cooperate fully, truthfully and completely with the Department and the Office
11 of Attorney General and provide any and all information known to them relating in any manner to Daniel Pisani,
12 Quartez Wynn, Drew Greene, Michelle Karvounis, Irene Guevara, and Nancy Karvounis, regarding any and all
13 allegations alleged in the Statement of Charges or any amended form thereof. It is further AGREED that
14 Respondents shall provide any and all documents, writings, materials, objects, information or evidence of any
15 kind in their possession or under their care, custody, or control that they are authorized to possess, obtain, or
16 distribute relating directly or indirectly to all areas of inquiry and investigation. A failure to cooperate fully,
17 truthfully and completely is a breach of this Consent Order. It is further AGREED that Respondents shall testify
18 fully, truthfully, and completely at any proceeding related to the Department's investigation and enforcement
19 actions related to Daniel Pisani, Quartez Wynn, Drew Greene, Michelle Karvounis, Irene Guevara, and Nancy
20 Karvounis.

21 D. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$7,000, in the form of a
22 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

1 **E. Examination Recovery Fee.** It is AGREED that Respondents shall pay to the Department
2 examination travel expenses in the amount of \$1,129.93, in the form of a cashier's check made payable to the
3 "Washington State Treasurer," upon entry of this Consent Order.

4 **F. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
5 of \$5,148, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
6 Consent Order. The fine, examination recovery fee, and investigation fee may be in paid in one cashier's check.

7 **G. Restitution.** It is AGREED that Respondents owe restitution in the amounts and to the consumers
8 identified in the attached Restitution Schedule (herein incorporated by reference). It is further agreed that if said
9 restitution is not paid by Respondent prior to entry of this Consent Order, the Department may provide
10 Respondent's surety bond information to the consumers identified in the Restitution Schedule so that they may
11 pursue a bond claim for the restitution owed.

12 **H. Application for Licensure.** It is AGREED that Respondent shall not apply or reapply to the
13 Department for licensure as a mortgage broker or loan originator in the State of Washington for five years from
14 the date of entry of this Consent Order. It is further AGREED that, should Respondents apply to the Department
15 for any license under any name at any time later than five years from the date of entry of this Consent Order,
16 Respondents shall be required to meet any and all application requirements in effect at that time.

17 **I. Authority to Execute.** It is AGREED that the undersigned Respondent Vaca has represented and
18 warranted that he has the full power and right to execute this Consent Order on behalf of the parties represented.

19 **J. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
20 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
21 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
22 pursuing such action, including but not limited to, attorney fees.

23 **K. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into
24 this Consent Order, which is effective when signed by the Director's designee.

1 L. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this
2 Consent Order in its entirety and fully understand and agree to all of the same.

3 **RESPONDENTS:**

4 **AMERICAN PREMIER FUNDING INC and ERIC VACA**

5 By:

6 *Eric W Vaca*

7 ERIC VACA
8 President, Owner, and Designated Broker

3/19/11
Date

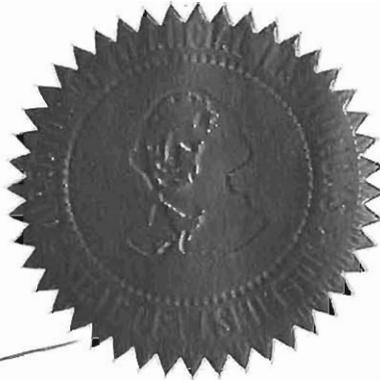
9 *Eric W Vaca*

10 ERIC VACA
11 Individually

3/19/11
Date

12 DO NOT WRITE BELOW THIS LINE

13 THIS ORDER ENTERED THIS 24th DAY OF March, 2011.



14 *Deborah Bortner*

15 DEBORAH BORTNER
16 Director
17 Division of Consumer Services
18 Department of Financial Institutions

19 Presented by:

20 *Marnie Sheeran*

21 MARNIE SHEERAN
22 Financial Legal Examiner

23 Approved by:

24 *James R. Brusselback*

25 JAMES R. BRUSSELBACK
Enforcement Chief

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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
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NO. C-09-261-09-SC01

AMERICAN PREMIER FUNDING INC, ERIC
VACA, President, Owner, Designated Broker,
QUARTEZ WYNN, Loan Originator, DREW
GREENE, Loan Originator, DANIEL PISANI,
Loan Originator, MICHELLE KARVOUNIS,
Loan Originator, IRENE GUEVARA, Loan
Originator, and NANCY KARVOUNIS, Loan
Originator,

STATEMENT OF CHARGES AND NOTICE OF
INTENTION REVOKE OR SUSPEND MORTGAGE
BROKER LICENSE AND LOAN ORIGINATOR
LICENSE, PROHIBIT FROM INDUSTRY, IMPOSE
FINE, ORDER RESTITUTION, AND COLLECT
INVESTIGATION AND TRAVEL RECOVERY
COSTS

Respondents.

INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act)¹. After having conducted an investigation pursuant to RCW 19.146.210, RCW 19.146.310 and RCW 19.146.235, 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:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. American Premier Funding Inc. (Respondent American Premier) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on September 9, 2008, and continues to be licensed to date. Respondent American Premier is licensed to conduct the business of a mortgage broker at one location: 6150 Mission Gorge Road, Suite 140, San Diego, California, 92120.

¹ **RCW 19.146 (2007)**

1 B. Eric Vaca (Respondent Vaca) is the President, Owner, and Designated Broker of Respondent
2 American Premier. Respondent Vaca became the Designated Broker of Respondent American Premier on or
3 about September 9, 2008, and continues as the Designated Broker to date.

4 C. Quartez Wynn (Respondent Wynn) acted as a loan originator for Respondent American Premier
5 between at least October 1, 2006, and December 18, 2008.

6 D. Drew Greene (Respondent Greene) acted as a loan originator for Respondent American Premier
7 between at least November 1, 2008, and December 13, 2008.

8 E. Daniel Pisani (Respondent Pisani) acted as a loan originator for Respondent American Premier
9 between at least October 1, 2008, and November 30, 2008.

10 F. Michelle Karvounis (Respondent Michelle Karvounis) acted as a loan originator for Respondent
11 American Premier between at least September 1, 2008, and November 30, 2008.

12 G. Irene Guevara (Respondent Guevara) acted as a loan originator for Respondent American Premier
13 between at least October 1, 2008, and July 30, 2009.

14 H. Nancy Karvounis (Respondent Nancy Karvounis) acted as a loan originator for Respondent
15 American Premier between at September 1, 2008, and December 30, 2008.

16 **1.2 Examination.** In or around March 2009, the Department conducted an examination of the books and
17 records of Respondents for the period of September 9, 2008, through March 31, 2008. The Department
18 reviewed nine loan files provided as part of its examination. The Department found violations of the Act as
19 outlined below.

20 **1.3 Unlicensed Activity.** Respondent Wynn conducted the business of a loan originator for Respondent
21 American Premier between at least October 1, 2008, and December 18, 2008. To date, the Department has not
22 issued a license to Respondent Wynn to conduct the business of a loan originator from any location.

23 **1.4** Between October 1, 2008, and December 18, 2008, Respondent Wynn assisted at least one borrower in
24 applying to obtain or obtaining residential mortgage loans on property located in the State of Washington from
25 Respondent American Premier's office.

- 1 **1.5** Respondent Greene conducted the business of a loan originator for Respondent American Premier
2 between at least November 1, 2008, and December 15, 2008. To date, the Department has not issued a license to
3 Respondent Greene to conduct the business of a loan originator from any location.
- 4 **1.6** Between November 1, 2008, and December 15, 2008, Respondent Greene assisted at least one
5 borrower in applying to obtain or obtaining residential mortgage loans on property located in the State of
6 Washington from Respondent American Premier's office.
- 7 **1.7** Respondent Pisani conducted the business of a loan originator for Respondent American Premier
8 between at least October 1, 2008, and November 30, 2008. To date, the Department has not issued a license to
9 Respondent Pisani to conduct the business of a loan originator from any location.
- 10 **1.8** Between October 1, 2008, and November 30, 2008, Respondent Pisani assisted at least one borrower in
11 applying to obtain or obtaining residential mortgage loans on property located in the State of Washington from
12 Respondent American Premier's office.
- 13 **1.9** Respondent Michelle Karvounis conducted the business of a loan originator for Respondent American
14 Premier between at least September 1, 2008, and November 30, 2008. To date, the Department has not issued a
15 license to Respondent Michelle Karvounis to conduct the business of a loan originator from any location.
- 16 **1.10** Between September 1, 2008, and November 30, 2008, Respondent Michelle Karvounis assisted at least two
17 borrowers in applying to obtain or obtaining a residential mortgage loan on property located in the State of
18 Washington from Respondent American Premier's office.
- 19 **1.11** Respondent Guevara conducted the business of a loan originator for Respondent American Premier
20 between at least October 1, 2008, and July 30, 2009. To date, the Department has not issued a license to
21 Respondent Guevara to conduct the business of a loan originator from any location.
- 22 **1.12** Between October 1, 2008, and July 30, 2009, Respondent Guevara assisted at least two borrowers in
23 applying to obtain or obtaining a residential mortgage loan on property located in the State of Washington from
24 Respondent American Premier's office.

25

1 **1.13** Respondent Nancy Karvounis conducted the business of a loan originator for Respondent American
2 Premier between at least September 1, 2008, and December 30, 2008. To date, the Department has not issued a
3 license to Respondent Nancy Karvounis to conduct the business of a loan originator from any location.

4 **1.14** Between September 1, 2008, and December 30, 2008, Respondent Nancy Karvounis assisted at least
5 one borrower in applying to obtain or obtaining residential mortgage loans on property located in the State of
6 Washington from Respondent American Premier's office.

7 **1.15 Failure to Provide Affiliated Business Disclosures.** In each of the nine loan files reviewed,
8 Respondents used an escrow company that was not licensed in Washington. In eight of the nine loan files
9 reviewed, the escrow company used the same address as Respondent American Premier's address: 6150
10 Mission Gorge Road, Suite 140, San Diego, California, 92120. Respondents did not maintain evidence
11 sufficient to establish that affiliated business disclosures were provide to the borrowers or Respondents did not
12 provide affiliated business disclosures.

13 **1.16 Failure to Disclose Loan Originator License Number on Loan Applications.** In each of the nine
14 loan files reviewed, Respondents did not disclose the loan originator's license number on the borrowers'
15 residential mortgage loan applications.

16 **1.17 Failure to Provide Rate Lock Disclosure or Agreement.** In each of the nine loan files reviewed,
17 Respondents did not maintain evidence sufficient to establish that rate lock disclosures or rate lock agreements
18 were provided to borrowers within three business days of the borrowers' loan application or Respondents did
19 not provide rate lock disclosures or rate lock agreements to borrowers within three days of the borrowers' loan
20 application.

21 **1.18 Failure to Provide "If the Borrower is Unable to Obtain a Loan" Disclosure.** In each of the nine
22 loan files reviewed, Respondents did not maintain records sufficient to establish that "if a borrower is unable to
23 obtain a loan" disclosures were provided to borrowers within three business days of the borrowers' loan
24 application, or Respondents did not provide the disclosures to borrowers within three business days of the
25 borrowers' loan application.

1 **1.19 Failure to Correctly Disclose Fees in the GFE that Inure to Respondents' Benefit.** In each of the
2 nine loan files reviewed, Respondents did not maintain evidence sufficient to establish that Respondents
3 correctly disclosed fees that inured to the mortgage broker's benefit on the Good Faith Estimate (GFE)
4 disclosure in that Respondents did not specifically identify in the GFE each fee that inured to Respondents'
5 benefit, or Respondents did not correctly disclose fees that inured to the mortgage broker's benefit.

6 **1.20 Failure to Provide a Complete or Accurate TIL Disclosure.** In eight of the nine loan files reviewed,
7 Respondents did not maintain evidence sufficient to establish that Respondent provided a complete or accurate
8 truth in lending (TIL) disclosure to borrowers, specifically, Respondents did not complete the bottom section of
9 the TIL disclosures identifying the existence of a prepayment penalty, security interest, assumption policy, or
10 late payment fee or Respondents did not include items associated with the finance charge in the Annual
11 Percentage Rate or Respondents did not provide a complete or accurate TIL disclosure to borrowers.

12 **1.21 Failure to Deposit All Monies Received for Third Party Fees into Trust Account.** Respondents did
13 not provide evidence to the Department sufficient to establish that Respondents maintained a trust account for
14 third party fees received by Respondent American Premier from escrow. In the alternative, in five of the nine
15 loan files reviewed, Respondents did not maintain evidence sufficient to establish that Respondents deposited
16 escrow checks that included the borrowers' third party credit report fees into a trust account. Instead,
17 Respondents deposited these funds into a general account held by Respondent American Premier, thereby
18 commingling trust funds with operating funds.

19 **1.22 Untimely Provision of GFE or TIL Disclosures.** In at least five of the nine loan files reviewed,
20 Respondents did not maintain records sufficient to establish that GFE or TIL disclosures were provided to
21 borrowers within three business days of receipt of a loan application, or Respondents did not provide GFE or
22 TIL disclosures to borrowers within three business days of receipt of a loan application.

23 **1.23 Unlawful or Unearned Fees.** In at least five of the nine loan files reviewed, Respondents charged
24 underwriting fees on loans in which it acted as a non-delegated correspondent or on loans it used an automated
25 underwriting system on or Respondents charged both a loan origination and a mortgage broker fee.

1 **1.24 On-Going Investigation.** The Department’s investigation into the alleged violations of the Act by
2 Respondents continues to date.

3 **II. GROUNDS FOR ENTRY OF ORDER**

4 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,
5 “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of compensation or
6 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
7 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
8 person in obtaining or applying to obtain a residential mortgage loan.

9 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006, “Loan
10 Originator” means a natural person who (a) takes a residential mortgage loan application for a mortgage broker,
11 or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in
12 expectation of direct or indirect compensation or gain. “Loan Originator” also includes a person who holds
13 themselves out to the public as able to perform any of these activities.

14 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a “Borrower” is defined as any person who
15 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information
16 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself
17 or herself, regardless of whether the person actually obtains such a loan.

18 **2.4 Requirement to Obtain or Maintain Loan Originator License.** Based on the Factual Allegations set
19 forth in Section I above, Respondents are in apparent violation of RCW 19.146.0201(2) and (3), RCW
20 19.146.200(1), and WAC 208-660-350(3) for engaging in the business of a loan originator without first
21 obtaining and maintaining a license under the Act.

22 **2.5 Responsibility for Conduct of Loan Originators.** Pursuant to RCW 19.146.245 and WAC 208-660-
23 155(3), a licensed mortgage broker is liable for any conduct violating the Act by the designated broker or loan
24 originator employed or engaged by the licensed mortgage broker. Pursuant to RCW 19.146.200(4)(a) and (b), a
25 designated broker or principal of a licensed mortgage broker is liable for an employee’s violations of the act if

1 the designated broker or principal directs or instructs the conduct or with knowledge of the specific conduct
2 approves or allows the conduct, or knows or by the exercise of reasonable care and inquiry should have known
3 of the conduct at the time when its consequences can be avoided or mitigated and fails to take reasonable
4 remedial action.

5 **2.6 Affiliated Business Disclosures.** Based on the Factual Allegations set forth in Section I above,
6 Respondents are in apparent violation of RCW 19.146.0201(6) and (11), and Regulation X, 24 C.F.R. Section
7 3500.15(1996) for failure to provide affiliated business disclosures.

8 **2.7 Loan Originator License Number Disclosure.** Based on the Factual Allegations set forth in Section I
9 above, Respondents are in apparent violation of WAC 208-660-350(27) and (28) for failure to disclose the loan
10 originator's license number on residential mortgage loan applications.

11 **2.8 Disclosures Other than GFE and TIL.** Based on the Factual Allegations set forth in Section I above,
12 Respondents are in apparent violation of RCW 19.146.0201(6) and (11), RCW 19.146.030(1)(2)(c)(d) and (3),
13 WAC 208-660-430(3)(c) and (e), and Regulation X, 24 C.F.R. Section 3500.21(b)(1) (1996), for failure to
14 provide rate lock disclosures, or "if borrower is unable to obtain a loan for any reason" disclosure or loan
15 servicing disclosures.

16 **2.9 GFE and TIL Disclosures.** Based on the Factual Allegations set forth in Section I above, Respondents
17 are in apparent violation of RCW 19.146.0201(6) and (11), RCW 19.146.030(1) and (2), and WAC 208-660-
18 430, and Regulations X, 24 C.F.R. Section 3500.21(b)(1) (1996), Regulation Z, 12 C.F.R Section 226.18(d)(1)
19 (2001), and Regulation Z, 12 C.F.R. Section 226.5(b) and 226.22(a) (2001) for failure to provide required GFE
20 and TIL disclosures within three business days of receiving a loan application or failure to specifically identify
21 fees that inure to the benefit of the mortgage broker or for failure to provide a complete or accurate TIL
22 disclosures to consumers.

23 **2.10 Trust Account Violations.** Based on the Factual Allegations set forth in Section I above, Respondents
24 are in apparent violation of RCW 19.146.050(1) for failing to deposit into a trust account, prior to the end of the
25

1 third business day following receipt of such funds, all monies received by a mortgage broker from a borrower
2 for payment of third-party provider services.

3 **2.11 Unlawful or Unearned Fee Violations.** Based on the Factual Allegations set forth in Section 1 above,
4 Respondents are in apparent violation of RCW 19.146.0201(6) and (11), WAC 208-660-006 and Regulation X,
5 24 C.F.R. Section 3500.14(1996) for charging an underwriting fee as a non delegated correspondent or when
6 using an automated underwriting system, or charging both a loan origination and a mortgage broker fee.

7 **2.12 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in
8 apparent violation of RCW 19.146.0201(1), (2) and (3) for directly or indirectly employing any scheme, device
9 or artifice to defraud or mislead any borrower or any person or engaging in any unfair or deceptive practice
10 toward any person or directly or indirectly obtaining property by fraud or misrepresentation.

11 **2.13 Record Keeping.** Based on the Factual Allegations set forth in Section I above, Respondents are in
12 apparent violation of RCW 19.146.060 and WAC 208-660-450 for failing to maintain sufficient records to
13 enable the Director to determine whether the licensee is complying with the Act.

14 III. AUTHORITY TO IMPOSE SANCTIONS

15 **3.1 Authority to Revoke or Suspend License.** Pursuant to RCW 19.146.220(2)(b),(d), and (e), the
16 Director may revoke or suspend a license for false statements or omission of material information on the
17 application that, if known, would have allowed the director to deny the application for the original license,
18 failure to comply with any directive or order of the Director, or any violation of chapter 19.146 RCW.

19 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a),(b) and (d), the Director
20 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
21 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage
22 broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
23 (13), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265,
24 false statements or omission of material information on the application that, if known, would have allowed the
25

1 Director to deny the application for the original license, or failure to comply with a directive or order of the
2 Director.

3 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(b),(d) and (e) and RCW 19.146.220(3) (a)
4 and (b), the Director may impose fines on a licensee, employee or loan originator of the licensee, or other
5 person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030
6 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), RCW 19.146.265, failure to comply with a
7 directive or order of the Director or any violation of Chapter 19.146 RCW.

8 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(b),(d) and (e), the Director may issue
9 orders directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution.

10 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-550(5),
11 upon completion of any investigation of the books and records of a licensee or other person subject to the Act,
12 the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the
13 investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per hour that
14 each staff person devoted to the investigation.

15 **3.6 Authority to Collect Travel Costs.** Pursuant to RCW 19.146.228(2) and WAC 208-660-550(6), the
16 Department, if the mortgage business is out-of-state, will charge the business the travel costs associated with the
17 investigation, including but not limited to transportation, meals and lodging.

18 IV. NOTICE OF INTENTION TO ENTER ORDER

19 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
20 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
21 for the entry of an Order under RCW 19.146.210, RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223.

22 Therefore, it is the Director's intention to ORDER that:

23 **4.1** Respondent American Premier Funding Inc.'s license to conduct the business of a mortgage broker be
24 revoked or suspended; and

25 **4.2** Respondent Eric Vaca's license to conduct the business of a loan originator and designated broker be
revoked or suspended; and

- 1 **4.3** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
2 Michelle Karvounis, Irene Guevara, and Nancy Karvounis be prohibited from participation in the conduct
3 of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of
4 five (5) years; and
- 5 **4.4** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
6 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally pay a fine, which as of the
7 date of these charges totals \$35,000; and
- 8 **4.5** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
9 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally refund all fees that inured
10 to Respondents' benefit to the borrowers listed in paragraphs 1.3 through 1.22, and 1.24 through 1.25; and
- 11 **4.6** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
12 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally refund all third party fees
13 received from escrow on all loans referred to in paragraph 1.23 above; and
- 14 **4.7** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
15 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally pay an investigation fee in
16 the amount of \$4,848 calculated at \$48 per hour for the one hundred one (101) staff hours, as of the date of
17 this Statement of Charges, devoted to the investigation; and
- 18 **4.8** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
19 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally pay travel recovery costs
20 which as of the date of this Statement of Charges, totals \$1,159.65 (interest accruing); and
- 21 **4.9** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,
22 Michelle Karvounis, Irene Guevara, and Nancy Karvounis maintain records in compliance with the Act
23 and provide the Department with the location of the books, records and other information relating to
24 Respondent American Premier Funding Inc's mortgage broker business, and the name, address and
25 telephone number of the individual responsible for maintenance of such records in compliance with the
 Act.
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V. AUTHORITY AND PROCEDURE

This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 7th day of December, 2009.



Deborah Bortner

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

Marnie Sheeran

MARNIE SHEERAN
Financial Legal Examiner

Approved by:

James R. Brusselback

JAMES R. BRUSSELBACK
Enforcement Chief