

# Terms Completed

## ORDER SUMMARY – Case Number: C-10-095

**Name(s):** Shannon Bard  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-10-095-10-CO01  
 \_\_\_\_\_

**Effective Date:** September 3, 2010  
 \_\_\_\_\_

**License Number:** n/a  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
 If applicable, you must specifically note the ending dates of terms.

**License Effect:** n/a  
 \_\_\_\_\_

**Not Apply Until:** n/a  
 \_\_\_\_\_

**Not Eligible Until:** n/a  
 \_\_\_\_\_

**Prohibition/Ban Until:** n/a  
 \_\_\_\_\_

<b>Investigation Costs</b>	\$	Due:	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date:
<b>Fine</b>	\$	Due:	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date:
<b>Examination Fee</b>	\$	Due:	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date:
<b>Restitution</b>	\$	Due:	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date:
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date:
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: Allegations of SOC withdrawn – declaration showing no control over company or participation, agreement to cooperate  
 \_\_\_\_\_

RECEIVED

AUG 17 2010

ENFORCEMENT UNIT  
DIVISION OF CONSUMER SERVICES  
DEPT OF FINANCIAL INSTITUTIONS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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-10-095-10-CO01

INTELLICHOICE MORTGAGE SERVICES LLC,  
DIETER GABLE, Member, and SHANNON  
BARD, Member,

CONSENT ORDER  
SHANNON BARD

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Shannon Bard, member, (Respondent), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled as related to Respondent, 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 Respondent have agreed upon a basis for resolution of the matters as related to Respondent alleged in Statement of Charges No. C-10-095-10-SC01 (Statement of Charges), entered May 17, 2010, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter as related to Respondent may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as related to Respondent and agree that Respondent does not admit any wrongdoing by its entry.

CONSENT ORDER  
C-10-095-10-CO01  
SHANNON BARD

DEPARTMENT OF FINANCIAL INSTITUTIONS  
Division of Consumer Services  
150 Israel Rd SW  
PO Box 41200  
Olympia, WA 98504-1200  
(360) 902-8763

1 Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent  
2 Order.

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 Respondent has been informed of the right to a hearing  
7 before an administrative law judge, and that he hereby waives his right to a hearing and any and all administrative  
8 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 Respondent shall cooperate fully, truthfully and completely with the Department and the Office  
11 of Attorney General and provide any and all information known to him relating in any manner to Intellicoise  
12 Mortgage Services LLC and Dieter Gable, regarding any and all allegations alleged in the Statement of Charges  
13 or any amended form thereof. It is further AGREED that Respondent shall provide any and all documents,  
14 writings, materials, objects, information or evidence of any kind in his possession or under his care, custody, or  
15 control that he is authorized to possess, obtain, or distribute relating directly or indirectly to all areas of inquiry  
16 and investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is  
17 further AGREED that Respondent shall testify fully, truthfully, and completely at any proceeding related to the  
18 Department's investigation and enforcement actions related to Intellicoise Mortgage Services LLC and Dieter  
19 Gable..

20 D. **Declaration of Lack of Control or Management of Company.** It is AGREED that Respondent has  
21 provided the Department with a Declaration comprehensively describing his relationship as an investor member  
22 only and his lack of management or control over the business actions of Intellicoise Mortgage Services LLC.  
23 Respondent also declared that he did not work for or obtain compensation for his investment in Intellicoise  
24

1 Mortgage Services LLC, and was not involved in any of the daily activities of Intellichoice Mortgage Services  
2 LLC since at least August 2008.

3 E. **Allegations Dismissed.** It is AGREED that Respondent has sufficiently shown that he was not a  
4 managing member and did not participate in the management or daily operations of Intellichoice Mortgage  
5 Services LLC, therefore, the allegations in the Statement of Charges as related to Respondent only are hereby  
6 dismissed without prejudice.

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

9 G. **Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide  
10 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the  
11 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in  
12 pursuing such action, including but not limited to, attorney fees.

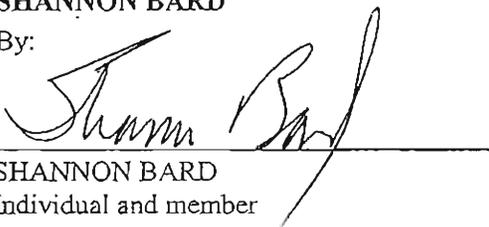
13 H. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
14 this Consent Order, which is effective when signed by the Director's designee.

15 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent  
16 Order in its entirety and fully understands and agrees to all of the same.

17 **RESPONDENT:**

18 **SHANNON BARD**

19 By:

20   
21 SHANNON BARD  
Individual and member

8/5/10  
Date

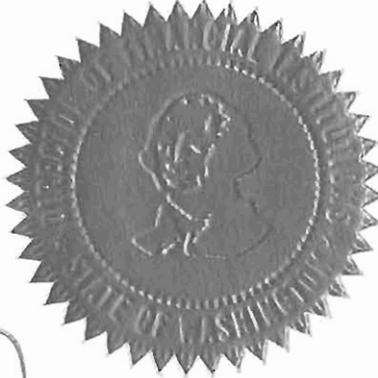
22 //  
23 //  
24 //

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 3<sup>rd</sup> DAY OF September, 2010.



*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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**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-10-095-10-SC01

INTELLICHOICE MORTGAGE SERVICES  
LLC, DIETER GABLE, Member, and  
SHANNON BARD, Member,

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO CEASE AND DESIST, PROHIBIT  
FROM INDUSTRY, IMPOSE FINE, ORDER  
RESTITUTION, AND COLLECT INVESTIGATION  
FEE

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). After having conducted an investigation pursuant to 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. **Intellichoice Mortgage Services LLC (IMS)** is an Arizona corporation located at 2920 North 7<sup>th</sup> Street, Suite 115, Phoenix, Arizona, 85014. Respondent IMS has never been licensed to conduct the business of a Mortgage Broker by the Department of Financial Institutions (Department).

B. **Dieter Gable (Gable)** is a member of Respondent IMS. Respondent Gable has never been licensed to conduct the business of a Mortgage Broker or Loan Originator by the Department.

C. **Shannon Bard (Bard)** is a member of Respondent IMS. Respondent Bard has never been licensed to conduct the business of a Mortgage Broker or Loan Originator by the Department.

1 **1.2 Unlicensed Activity.** Between at least January 2009, and the date of this Statement of Charges,  
2 Respondents held themselves out as able to assist at least one consumer in applying to obtain a loan  
3 modification on property located in the state of Washington.

4 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
5 Respondents continues to date.

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

7 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(14), "Mortgage Broker" means  
8 any person who for compensation or gain, or in the expectation of compensation or gain (a) assists a person in  
9 obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to  
10 assist a person in obtaining or applying to obtain a residential mortgage loan.

11 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11)(a), "Loan originator" means  
12 a natural person who for direct or indirect compensation or gain, or in the expectation of direct or indirect  
13 compensation or gain (i) takes a residential mortgage loan application for a mortgage broker, or (ii) offers or  
14 negotiates terms of a mortgage loan. "Loan originator" also includes a person who holds themselves out to the  
15 public as able to perform any of these activities. "Loan originator" does not mean persons performing purely  
16 administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or  
17 clerical tasks" means the receipt, collection, and distribution of information common for the processing of a  
18 loan in the mortgage industry and communication with a borrower to obtain information necessary for the  
19 processing of a loan. A person who holds himself or herself out to the public as able to obtain a loan is not  
20 performing administrative or clerical tasks.

21 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in  
22 Section I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the business of a  
23 mortgage broker without first obtaining and maintaining a license under the Act. Individuals negotiating  
24 residential mortgage loan terms act as mortgage brokers or loan originators and must be licensed under the Act  
25 unless specifically exempt from the Act.

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the Director  
3 may issue orders directing a licensee, its employee or loan originator, independent contractor, agent, or other person  
4 subject to the Act to cease and desist from conducting business.

5 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a) and (d), the  
6 Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of  
7 a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed  
8 mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.200 or  
9 failure to comply with a directive or order of the Director.

10 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2) and WAC 208-660-530, the  
11 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to  
12 the Act for any violations of RCW 19.146.200 or failure to comply with a directive or order of the Director.

13 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may issue orders  
14 directing a licensee or other person subject to the Act to pay restitution.

15 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-550(4)  
16 and WAC 208-660-520(9), upon completion of any investigation of the books and records of a licensee or other  
17 person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to  
18 cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-eight dollars  
19 (\$48) per hour that each staff person devoted to the investigation.

20 **IV. NOTICE OF INTENTION TO ENTER ORDER**

21 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth  
22 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis  
23 for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the  
24 Director's intention to ORDER that:  
25

- 1 **4.1** Respondents Intellichoice Mortgage Services LLC, Dieter Gable, and Shannon Bard cease and desist  
2 offering loan modification services or otherwise conducting the business of a mortgage broker or loan  
originator in the state of Washington;
- 3 **4.2** Respondents Intellichoice Mortgage Services LLC, Dieter Gable, and Shannon Bard be prohibited from  
4 participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in  
any manner, for a period of five (5) years;
- 5 **4.3** Respondents Intellichoice Mortgage Services LLC, Dieter Gable, and Shannon Bard jointly and severally  
6 pay a fine which as of the date of these charges totals \$4,000;
- 7 **4.4** Respondents Intellichoice Mortgage Services LLC, Dieter Gable, and Shannon Bard jointly and severally  
8 pay restitution to those consumers referenced in paragraph 1.2 above;
- 9 **4.5** Respondents Intellichoice Mortgage Services LLC, Dieter Gable, and Shannon Bard Arase jointly and  
severally pay an investigation fee which as of the date of these charges totals \$648 calculated at \$48 per  
hour for the thirteen and a half staff hours devoted to the investigation; and
- 10 **4.6** Respondents Intellichoice Mortgage Services LLC, Dieter Gable, and Shannon Bard maintain records in  
11 compliance with the Act and provide the Department with the location of the books, records and other  
information relating to Respondent Intellichoice Mortgage Services LLC's business, and the name, address  
12 and telephone number of the individual responsible for maintenance of such records in compliance with the  
Act.

13 //  
14 //  
15 //  
16 //  
17 //  
18 //  
19 //  
20 //  
21 //  
22 //

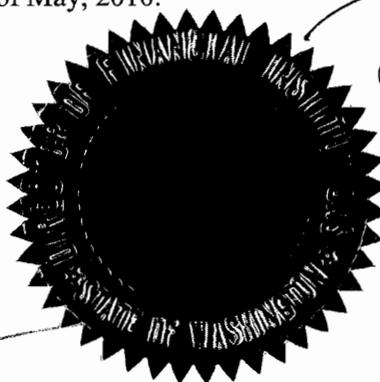
23  
24  
25

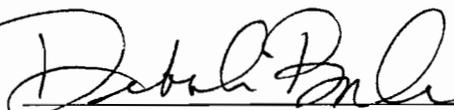
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

V. AUTHORITY AND PROCEDURE

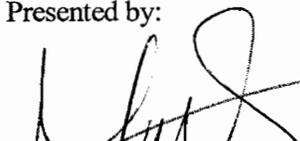
This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Prohibit From Industry, Impose Fine, Order Restitution, and Collect Investigation Fee is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to 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 17<sup>th</sup> day of May, 2010.



  
DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

  
MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

  
JAMES R. BRUSSELBACK  
Enforcement Chief