

## Terms Completed

### ORDER SUMMARY – Case Number: C-10-106

**Name(s):** MG Group Inc.  
Marissa Suh-Her Guan  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-10-106-10-CO01  
 \_\_\_\_\_

**Effective Date:** February 15, 2011  
 \_\_\_\_\_

**License Number:** DFI: 25687 [NMLS: 79997] DFI: 25902 [NMLS: MLO-114251]  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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:** \_\_\_\_\_  
 \_\_\_\_\_

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

<b>Investigation Costs</b>	\$48	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/11/2011
<b>Fine</b>	\$1,500	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/11/2011
<b>Assessment(s)</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:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**FEB 14 2011**

ENFORCEMENT UNIT  
DIVISION OF CONSUMER SERVICES  
DEPT OF FINANCIAL INSTITUTIONS

**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-10-106-10-C001

MG GROUP, INC.,  
MARISSA GUAN, DESIGNATED BROKER,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and MG Group Inc. and Marissa Guan, Designated Broker (Respondents), and finding that the issues raised in the above-captioned matter 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 alleged in the Statement of Charges entered on April 22, 2010, (copy attached hereto) and the Initial Decision and Order entered on January 5, 2011 (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, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-captioned matter 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 and the Initial Decision and Order. Respondents are agreeing not to contest the Statement of Charges or the Initial Decision and Order in consideration of the terms of this Consent Order.

//

//

CONSENT ORDER  
MG GROUP, INC.,  
MARISSA GUAN  
C-10-106-10-C001

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

1 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of their right to a Brief  
5 Adjudicative Proceeding (BAP), and that they hereby waive their right to a BAP and any and all administrative and  
6 judicial review of the issues raised in this matter, or of the resolution reached herein.

7 C. **Waiver of Review.** It is AGREED that Respondents have been informed of their right to a Petition for  
8 Review of the Initial Decision and Order, and that they hereby waive their right to a Review of the Initial Decision  
9 and Order and any and all administrative and judicial review of the issues raised in this matter, or of the resolution  
10 reached herein.

11 D. **Fine.** It is AGREED that on January 11, 2011, the Department received payment of a fine of \$1,500 in  
12 the form of a cashier's check made payable to the "Washington State Treasurer."

13 E. **Investigation Fee.** It is AGREED that on January 11, 2011, the Department received payment of \$48 for  
14 the investigation fee in the form of a cashier's check made payable to the "Washington State Treasurer." The fine and  
15 investigation fee were paid together in one cashier's check made payable to the "Washington State Treasurer."

16 F. **Assurance of Compliance.** Respondents acknowledge and understand that RCW 19.146.290 and  
17 WAC 208-660-400 require that an annual report of mortgage broker activity be provided to the Department by  
18 March 31<sup>st</sup> of each year. Respondents, by the signatures of its representatives below, assure that it will fully  
19 comply with these above provisions.

20 G. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and  
21 warranted that they have the full power and right to execute this Consent Order on behalf of the parties represented.

22 H. **Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide by  
23 the terms and conditions of this Consent Order may result in further legal action by the Director. In the event of  
24

1 such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in pursuing  
2 such action, including but not limited to, attorney fees.

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

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

7 **RESPONDENTS:**

8 **MG Group, Inc.**

9 By:

10  
11   
12 Marissa Guan, Designated Broker

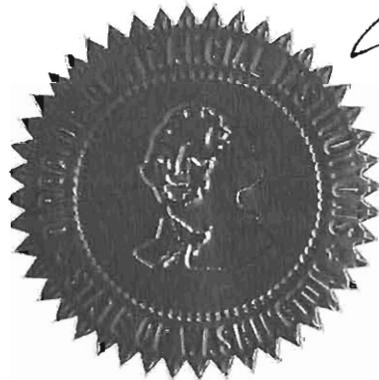
11 2/9/2011  
12 Date

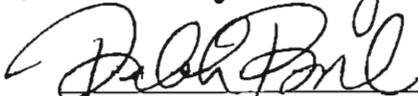
13  
14   
14 Marissa Guan, Individually

13 2/9/2011  
14 Date

15  
16 **DO NOT WRITE BELOW THIS LINE**

17 THIS ORDER ENTERED THIS 18<sup>th</sup> DAY OF February, 2011.



19   
20 DEBORAH BORTNER  
21 Director  
22 Division of Consumer Services  
23 Department of Financial Institutions  
24

25 //  
//  
//  
//  
//

1 Presented by:

2 

3 MARISA E. BROGGEL  
4 Financial Legal Examiner

5 Approved by:

6 

7 JAMES R. BRUSSELBACK  
8 Enforcement Chief

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

BRIEF ADJUDICATIVE PROCEEDING

IN THE MATTER OF INVESTIGATING  
Whether has been a violation of the Washington  
Mortgage Broker Practices Act (Ch. 19.146 RCW)  
by:

MG GROUP INC; MARISSA GUAN,  
DESIGNATED BROKER,

Respondents.

DCS – BAP – C-10-106-10-10

INITIAL DECISION AND ORDER

THIS MATTER having come before Joseph M. Vincent, General Counsel for the Department of Financial Institutions (“Department”), sitting in his capacity as Presiding Officer (“Presiding Officer”) for Brief Adjudicative Proceedings (“BAP”) for the Division of Consumer Services (“Division”), in relation to a State of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect Investigation Fee (“Statement of Charges”) under the Washington Mortgage Broker Practices Act, Chapter 19.146 RCW (“Act”), against MG Group Inc. and the Designated Broker, Marissa Guan, the Respondents (“Respondents”);

NOW THEREFORE, the Presiding Officer issues the following Findings of Fact, Conclusions of Law, and Initial Decision and Order:

1.0 RECORD

The Presiding Officer has considered the following material documents, which comprise the relevant record in this matter (“Record”):

- 1.1 Statement of Charges, dated April 22, 2010;
- 1.2 Request for Brief Adjudicative Proceeding (“BAP”), received by the Division on April 26, 2010;
- 1.3 Letter from James Brusselback, Enforcement Chief of the Division, dated April 27, 2010, acknowledging Request for Brief Adjudicative Proceeding, and directing assignment to BAP Hearing Officer;

- 1.4 Notice of Assignment and Time to File Additional Materials, from the BAP Hearing Officer, dated April 30, 2010;
- 1.5 2009 Mortgage Broker Annual Report dated April 23, 2010;
- 1.6 Department's Resolution and Closure of Complaint dated September 18, 2009, evidencing prior failure to file or untimely filing of 2008 Mortgage Broker Annual Report;
- 1.7 Additional materials (if any) of record that Respondents filed (or may have filed) in response to Notice of Assignment and Time to File Additional Materials; and
- 1.8 Memorandum from the Division dated June 4, 2010, in response to Notice of Assignment and Time to File Additional Materials, or other request of the Presiding Officer.

## 2.0 FINDINGS OF FACT

Based upon the Record, the following facts are undisputed as between the Division and the Respondents:

- 2.1 Respondents was required to file a Mortgage Broker Annual Report ("MBAR") of mortgage activity with the Division on or before March 31<sup>st</sup> of every year following any year in which it held a mortgage broker license.
- 2.2 The 2009 MBAR was due to the Division by March 31, 2010, but the Division did not receive it timely. The 2009 MBAR was not received until April 23, 2010.
- 2.3 The Department did not issue its Statement of Charges until April 22, 2010.
- 2.4 Respondents were on notice of the importance and legal requirement of timely filing of an MBAR on or before March 31<sup>st</sup> of each year for as long as Respondents remain a licensee and designated broker, respectively.
- 2.5 The MBAR is a tool for measuring the activity of Mortgage Broker Licensees so that the Division may allocate its scarce resources in determining such matters as which Mortgage Broker Licensees ought to be examined. It is not an "annual report" in the manner, for example, of renewing one's corporation license with the Secretary of State. Because of the MBAR's purpose, it is essential that it be filed – and filed timely. Every licensee is on notice of this distinction by statute and by rule.

- 2.6 The record indicates that this is the second consecutive year in which Respondents failed to timely file an MBAR.
- 2.7 Based upon the untimely filed 2009 MBAR, the Respondents generated loan volume in Washington State in calendar 2009 in the amount of \$3,093,600.
- 2.8 The Presiding Officer finds that under the circumstances, a fine of \$1,500 is reasonable and appropriate in relation to the nature of the violation by Respondents, taking into consideration the amount of loan volume of the Respondents in Washington State for the calendar year 2009 (assuming the accuracy of the 2009 MBAR).
- 2.9 One staff hour was devoted to this investigation.

### 3.0 CONCLUSIONS OF LAW

Based upon the Findings of Fact above, the Presiding Officer must conclude, as follows:

- 3.1 In its failure to timely file the 2008 MBAR, Respondents violated RCW 19.146.290(1) and WAC 208-660-400(1), (2), (3) and (4).
- 3.2 Pursuant to RCW 19.146.220(2)(e), the Department may impose fines on a Mortgage Broker Licensee for any violation of the Act.
- 3.3 A fine of \$1,500 is permitted under the Act.
- 3.4 Pursuant to RCW 19.146.228(2), WAC 208-660-520 and WAC 208-660-550(4), upon completion of any investigation of the books and records of a licensee, the Department will furnish to the licensee a billing to cover the cost of investigation.
- 3.5 The investigative charge will be calculated at the rate of \$48 per hour for each staff person of the Department devoted to the investigation.

/////

/////

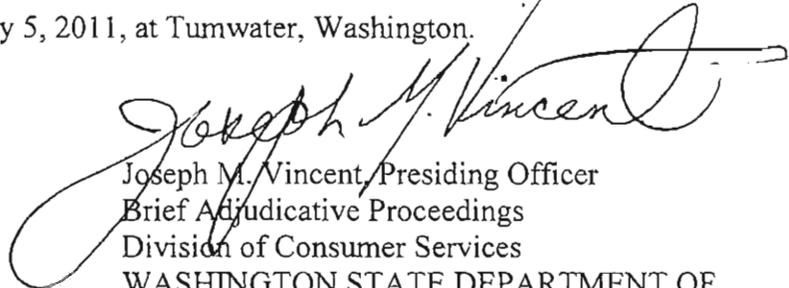
/////

/////

4.0 INITIAL DECISION AND ORDER

Based upon the Findings of Fact and Conclusions of Law set forth above, IT IS HEREBY ORDERED THAT:

- 4.1 Respondents, MG Group Inc. and Marissa Guan, pay a fine of \$1,500 as and for untimely filing of the 2009 MBAR; and
- 4.2 Respondents, MG Group Inc. and Marissa Guan, pay in addition an investigative fee of \$48.00.
- Dated and mailed on January 5, 2011, at Tumwater, Washington.



Joseph M. Vincent, Presiding Officer  
Brief Adjudicative Proceedings  
Division of Consumer Services  
WASHINGTON STATE DEPARTMENT OF  
FINANCIAL INSTITUTIONS  
P.O. Box 41200  
Olympia, Washington 98504-1200  
Phone: (360) 902-0516  
E-Fax: (360) 704-7036

## FURTHER APPEAL RIGHTS

Under the Washington Administrative Procedures Act, Chapter 34.05 RCW, and WAC 10-08-211, any party to an adjudicative proceeding may file a *Petition for Review* of this Initial Decision and Order. Any *Petition for Review* shall be filed with the Director of the Department of Financial Institutions within twenty (20) days of service of the Initial Decision and Order. **The deadline to file a Petition for Review is January 25, 2011.**

### **Address for filing the Petition for Review:**

Scott Jarvis, Director  
Washington State Department of Financial Institutions  
P.O. Box 41200  
Olympia, Washington 98504-1200

A copy of any such *Petition for Review* must also be served upon the Division of Consumer Services, Washington State Department of Financial Institutions, P.O. Box 41200, Olympia, Washington 98504-1200, at the time the *Petition for Review* is filed with the Director.

A *Petition for Review* shall specify the portions of the *Initial Decision and Order* to which exception is taken and shall refer to the evidence of record which is relied upon to support the *Petition for Review*. Any party may file a reply to a *Petition for Review*. Replies must be filed with the Director within ten (10) days of the date of the service of the *Petition for Review*, and copies of the reply must be served upon all other parties or their representatives at the time the reply is filed with the Director.

At the time for filing a *Petition for Review* has elapsed, the Director of the Washington State Department of Financial Institutions will issue a *Final Decision and Order* in this matter. In accordance with RCW 34.05.470 and WAC 10-08-215, any *Petition for Reconsideration* of such *Final Decision and Order* must be filed with the Director within ten (10) days of the service of the *Final Decision and Order*. **NOTE: *Petitions for Reconsideration* do not stay the effectiveness of the *Final Decision and Order*.**

*Judicial Review* of the *Final Decision and Order* is available to a party according to the provisions set out in the Washington Administrative Procedures Act, at RCW 34.05.570.

CERTIFICATE OF SERVICE

I, Susan Putzier, certify that I personally delivered or mailed a copy of the Initial Decision and Order to parties named below at their respective addresses, postage pre-paid, on the date stated hereinabove.

  
\_\_\_\_\_

***Mailed to the following:***

Marissa Guan  
MG Group Inc.  
13400 Northup Way, #8  
Bellevue, WA 98005

James R. Brusselback  
Enforcement Chief  
Division of Consumer Services  
PO Box 41200  
Olympia, WA 98504-1200

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:

MG GROUP INC;  
MARISSA GUAN, DESIGNATED BROKER,

Respondents.

NO. C-10-106-10-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO IMPOSE FINE AND COLLECT  
INVESTIGATION FEE

**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 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.** MG Group Inc and Marissa Guan, Designated Broker (Respondents) were licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged. At all times relevant to the Statement of Charges, Marissa Guan was the Designated Broker for the company.

**1.2 Failure to File Mortgage Broker Annual Report.** By March 31, 2010, Respondents were required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. As of the date of this Statement of Charges Respondents have not filed the 2009 mortgage broker annual report.

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

//

//

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

2 **2.1 Requirement to File Mortgage Broker Annual Report.** Based on the Factual Allegations set forth in  
3 Section I above, Respondents are in apparent violation of RCW 19.146.290(1), WAC 208-660-250(7) and  
4 WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

5 **III. AUTHORITY TO IMPOSE SANCTIONS**

6 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a  
7 licensee or other person subject to the Act for any violations of the Act.

8 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC  
9 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject  
10 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of  
11 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person  
12 devoted to the investigation.

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

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

- 18 **4.1** Respondents MG Group Inc and Marissa Guan severally and jointly pay a fine of \$100 per day for  
19 every day starting April 1, 2010, until the 2009 Mortgage Broker Annual Report is filed; and
- 20 **4.2** Respondents MG Group Inc and Marissa Guan severally and jointly pay an investigation fee,  
21 which as of the date of these charges is \$48 calculated at \$48 per hour for one staff hour devoted to  
22 the investigation; and
- 4.3** Respondents MG Group Inc and Marissa Guan file the 2009 annual report of mortgage broker  
activity.

23 //

24 //

25 //

1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect  
3 Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,  
4 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
5 RCW (The Administrative Procedure Act). Respondents may make a written request for a Brief Adjudicative  
6 Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF  
7 ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

8 Dated this 22<sup>nd</sup> day of April, 2010.



14  
15

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

20 Presented by:

21  
22  
23  
24  
25

FATIMA BATIE  
Financial Legal Examiner Supervisor

Approved by:

JAMES R. BRUSSELBACK  
Enforcement Chief

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

4 IN THE MATTER OF DETERMINING  
5 Whether there has been a violation of the  
6 Mortgage Broker Practices Act of Washington  
7 by:  
8 MG GROUP INC;  
9 MARISSA GUAN, DESIGNATED BROKER  
10 Respondents.

No. C-10-106-10-SC01

11 NOTICE OF OPPORTUNITY TO DEFEND  
12 AND OPPORTUNITY FOR BRIEF  
13 ADJUDICATIVE PROCEEDING

14 THE STATE OF WASHINGTON TO:

15 MG Group Inc  
16 Marissa Guan, Designated Broker

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

19 YOU ARE HEREBY NOTIFIED that you may file a Request for Brief Adjudicative Proceeding before the  
20 Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is  
21 deemed complete upon deposit in the United States mail. YOUR REQUEST MUST BE RECEIVED BY THE  
22 DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU  
23 RECEIVED THIS NOTICE. If you request a Brief Adjudicative Proceeding, you will be notified of the schedule  
24 and oral argument, if any, at least seven (7) days in advance.

25 The Brief Adjudicative Proceeding will be as informal as is practical within the requirements of the  
Administrative Procedure Act (see chapter 34.05 RCW). 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 are a person who, because of non-English-speaking cultural  
background, cannot readily speak or understand the English language, or if you are 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. You may request the appointment of a qualified interpreter by  
indicating your request on the attached Request for Brief Adjudicative Proceeding form.

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

7 Department of Financial Institutions  
8 Division of Consumer Services  
9 Attn: Fatima Batie  
10 PO Box 41200  
11 Olympia, Washington 98504-1200

12 Dated this 22<sup>nd</sup> day of April 2010.

13 *Deborah Bortner*

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

