

ORDER SUMMARY – Case Number: C-10-300

Name(s): Dale L. Willes ; Candice M. Willes

Order Number: C-10-300-16-CO01

Effective Date: October 13, 2016

License Number: None
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
License Effect: N/A

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

Investigation Costs	\$528	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/04/16
Fine	\$1,972	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/04/16
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$2,500	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/11/16
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?	<input type="checkbox"/> Y <input type="checkbox"/> N			
No. of Victims:				

Comments: Consent Order only addresses the financial obligations related to Respondents Dale and Candice Willes. All other terms of Final Order C-10-300-14-FO01 remain in effect as to all parties.

**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:

TRIPOLI AND ASSOCIATES, INC.,
CANDICE M. WILLES, Director and Secretary,
DALE L. WILLES, Director and Agent, and
KALPESH P. PATEL, Unlicensed Loan
Originator,

Respondents.

No.: C-10-300-16-CO01

CONSENT ORDER AS TO
CANDICE M. WILLES AND
DALE L. WILLES

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Charles E. Clark, Division Director, Division of Consumer Services, and Dale L. Willes and
Candice M. Willes (Respondents Willes), and finding that the monetary issues set forth in Final
Order C-10-300-12-FO01 may be economically and efficiently settled solely as to Respondents
Willes, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter
19.146 of the 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) issued
Statement of Charges No. C-10-300-11-SC01 (Statement of Charges) on December 9, 2011, and
served Respondents Willes by U.S. Mail. Respondents Willes did not timely request a hearing to
contest the Statement of Charges and Final Order C-10-300-12-FO01 was entered on or about July
19, 2012. The Final Order imposed monetary sanctions on all of the above-captioned Respondents to
jointly and severally pay a fine of \$7,500, an investigation fee of \$528, and restitution of \$2,500.
Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of
the Administrative Procedure Act, Respondents Willes hereby agree to the Department's entry of this

1 Consent Order and further agree that the monetary issues set forth in Final Order C-10-300-12-FO01
2 may be economically and efficiently settled by entry of this Consent Order, solely as to Respondents
3 Willes.

4 Based upon the foregoing:

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

7 B. **Waiver of Hearing.** It is AGREED that Respondents Willes are not entitled to a hearing
8 based upon their failure to timely request one.

9 C. **No Admission of Liability.** It is AGREED that Respondents Willes do not admit to any
10 wrongdoing by entry of this Consent Order.

11 D. **Fine/Investigation Fee.** It is AGREED that Respondents Willes shall pay \$2,500 of the
12 Fine and/or Investigation Fee ordered in C-10-300-12-FO01 in the form of a cashier's check made
13 payable to the "Washington State Treasurer" upon entry of this Consent Order.

14 E. **Restitution.** It is AGREED that Respondents Willes shall pay restitution of \$2,500 to
15 borrower T.B. in the form of a cashier's check. The cashier's check shall be mailed to T.B. at an
16 address to be provided by the Department upon entry of this Consent Order.

17 F. **Effect of Final Order C-10-300-12-FO01.** It is AGREED that all non-monetary
18 provisions of Final Order C-10-300-12-FO01 shall remain in full force and effect as to Respondents
19 Willes. It is further AGREED that all monetary and non-monetary provision of said Final Order shall
20 remain in full force and effect as to all other Respondents.


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

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


H. Voluntarily Entered. It is AGREED that Respondents Willes have voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

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

RESPONDENTS:


Candice M. Willes
Individually

9/28/2016
Date


Dale M. Willes
Individually

9/28/2016
Date


DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 13th DAY OF October, 2016.




CHARLES E. CLARK
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:


Steven C. Sherman
Chief of Enforcement

**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-10-300-12-FO01

TRIPOLI AND ASSOCIATES, INC.,
CANDICE M. WILLES, Director and Secretary,
DALE L. WILLES, Director and Agent, and
KALPESH P. PATEL, Unlicensed Loan
Originator,

FINAL ORDER

Respondents.

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 (Director's designee), pursuant to RCW 34.05.440(1). On December 9, 2011, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to (Statement of Charges) against Tripoli and Associates, Inc. (Respondent Tripoli), Candice M. Willes (Respondent C. Willes), Dale L. Willes, (Respondent D. Willes), and Kalpesh P. Patel (Respondent Patel). 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 December 9, 2011, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

On December 9, 2011, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On December 12, 2011, the documents sent by Federal Express overnight delivery to Respondent Patel were

FINAL ORDER
C-10-300-12-FO01
Tripoli Associates, Inc.
Candice M. Willes
Dale L. Willes
Kalpesh P. Patel

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

1 delivered. On December 15, 2011, the documents sent to Respondents Tripoli, C. Willes, and D.
2 Willes were delivered. The documents sent by First-Class mail were not returned to the Department
3 as undeliverable.

4 Respondents did not request an adjudicative hearing within 20 calendar days after the
5 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for
6 in WAC 208-08-050(2).

7 B. Record Presented. The record presented to the Director's designee for her review and
8 for entry of a final decision included the Statement of Charges, cover letter dated December 9, 2011,
9 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
10 Adjudicative Hearing for each Respondent, with documentation of service.

11 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
12 Director's designee 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. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
19 Kalpesh P. Patel are prohibited from 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 years.
 - 20 2. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
21 Kalpesh P. Patel shall jointly and severally pay a fine which as of the date of this
Statement of Charges totals \$7,500.
 - 22 3. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
23 Kalpesh P. Patel shall jointly and severally pay restitution totaling \$2,500 to
Borrowers C.B. and T.B..

1 4. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
2 Kalpesh P. Patel shall jointly and severally pay an investigation fee of \$528.

3 5. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
4 Kalpesh P. Patel shall maintain records in compliance with the Act and provide the
5 Department with the location of the books, records, and other information relating
6 to Respondents' mortgage broker business, and the name, address, and telephone
7 number of the individual responsible for maintenance of such records in
8 compliance with the Act.

9 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
10 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
11 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
12 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
13 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
14 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
15 Reconsideration a prerequisite for seeking judicial review in this matter.

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

19 C. Stay of Order. The Director's designee has determined not to consider a Petition to
20 Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
21 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

22 D. Judicial Review. Respondents have the right to petition the superior court for judicial
23 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
24 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 the Attorney General to include the collection

1 of the fine, fee, and restitution imposed herein. The Department also may assign the amounts owed
2 to a collection agency for collection.

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

6 DATED this 17th day of July, 2012.



8 STATE OF WASHINGTON
9 DEPARTMENT OF FINANCIAL INSTITUTIONS

10 [Redacted Signature]
11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services

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

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

TRIPOLI ASSOCIATES, INC.,
a/k/a TRIPOLI AND ASSOCIATES, INC.,
CANDICE M. WILLES, Director and Secretary,
DALE L. WILLES, Director and Agent, and
KALPESH P. PATEL, Unlicensed Loan
Originator,

Respondents.

No. C-10-300-11-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO PROHIBIT FROM INDUSTRY,
ORDER RESTITUTION, 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)¹. After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of 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. **Tripoli and Associates, Inc. (Tripoli)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or consumer loan company. Respondent Tripoli is known to be a for-profit corporation

¹ RCW 19.146 (1994) OR (2006) OR both

1 formed in the state of Wyoming, with its principal office located at 6056 Rutland Drive, Suite 8,
2 Carmichael, California.²

3 B. **Candice M. Willes (C. Willes)** is listed in the records of the Wyoming Secretary of
4 State as the Director and Secretary for Respondent Tripoli. Respondent C. Willes has never been
5 licensed by the Department for any purpose.

6 C. **Dale L. Willes (D. Willes)** is listed in the records of the California Secretary of State
7 as Director and Agent for Service for Respondent Tripoli, with a registered address of 6056 Rutland
8 Drive, Suite G, Carmichael, California. Respondent D. Willes has never been licensed by the
9 Department for any purpose.

10 D. **Kalpesh P. Patel (Patel)** has never been licensed by the Department to conduct
11 business as a loan originator or mortgage loan originator. At all times relevant to this Statement of
12 Charges, Respondent Patel represented himself as an employee of Respondent Tripoli.

13 **1.2 Unlicensed Activity.** On or about October 31, 2008, Respondents entered into a contract
14 with Borrowers C.B. and T.B. to assist the borrowers with the modification of a residential mortgage
15 loan for property located in the State of Washington. Respondent Patel directly assisted the
16 borrowers and instructed them on information and documentation the borrowers needed to provide
17 for the modification. On or about December 11, 2008, the borrowers paid Respondents \$2,000 as a
18 fee for the loan modification services. On or about January 8, 2009, the borrowers paid Respondents
19 an additional \$500 for the loan modification services. No loan modification services, however, were
20 provided to the borrowers.

21 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the
22 Act by Respondents continues to date.

23 ² This address was taken from the Wyoming Secretary of State web site. The California Secretary of State's web site lists
24 the location as Suite G at the same address, and documents provided by the borrowers state the location as Suite 9 at the
same address.

II. GROUNDS FOR ENTRY OF ORDER

2.1 Definition of Mortgage Broker. Pursuant to RCW 19.146.010(14) and WAC 208-660-006, "Mortgage broker" means any person who, for compensation or gain, or in the expectation of compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to obtain a residential mortgage loan. A person "assists a person in obtaining or applying to obtain a residential mortgage loan" by, among other things, counseling on loan terms (rates, fees, other costs), preparing loan packages, or collecting enough information on behalf of the consumer to anticipate a credit decision under Regulation X, 24 CFR Part 3500, Section 3500 (2)(b).

2.2 Definition of Loan Originator. Pursuant to RCW 19.146.010(11) and WAC 208-660-006, "Loan originator" includes a natural person who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain performs residential mortgage loan modification services.

2.3 Definition of Residential Mortgage Loan Modification Services. Pursuant to RCW 19.146.010(21) and WAC 208-660-006, "Residential mortgage loan modification services" includes negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform a residential mortgage loan modification. "Residential mortgage loan modification services" also includes the collection of data for submission to any entity performing mortgage loan modification services.

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

1 **2.5 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
2 Allegations set forth in Section I above, Respondents Tripoli, C. Willes, and D. Willes are in apparent
3 violation of RCW 19.146.200(1) and WAC 208-660-155 for engaging in the business of a mortgage
4 broker without first obtaining and maintaining a license under the Act.

5 **2.6 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
6 Allegations set forth in Section I above, Respondent Patel is in apparent violation of RCW
7 19.146.200(1) and WAC 208-660-155 for engaging in the business of a loan originator without first
8 obtaining and maintaining a license under the Act.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
11 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
12 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
13 mortgage broker or any person subject to licensing under the Act for: any violation of RCW
14 19.146.0201(1) through (9).

15 **3.2 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
16 restitution against any persons subject to the Act for any violation of the Act.

17 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
18 against any persons subject to the Act for any violation of the Act.

19 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
20 520(9) & (11), and WAC 208-660-550(4)(a), the Department may collect the cost of investigation.
21 The Department will charge \$48 per hour for an examiner's time devoted to an investigation of a
22 person subject to the Act.

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

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

6 **4.1** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
7 Patel be prohibited from participation in the conduct of the affairs of any mortgage broker subject to
8 licensure by the Director, in any manner, for a period of five years.

8 **4.2** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
9 Patel jointly and severally pay a fine which as of the date of this Statement of Charges totals \$7,500.

10 **4.3** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
11 Patel jointly and severally pay restitution totaling \$2,500 to the borrowers identified in paragraph 1.3
12 of this Statement of Charges.

13 **4.4** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
14 Patel jointly and severally pay an investigation fee. As of the date of this Statement of Charges, the
15 investigation fee totals \$528.

16 **4.5** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
17 Patel maintain records in compliance with the Act and provide the Department with the location of
18 the books, records, and other information relating to Respondents' mortgage broker business, and the
19 name, address, and telephone number of the individual responsible for maintenance of such records
20 in compliance with the Act.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter
4 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a
5 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
6 HEARING accompanying this Statement of Charges.

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8 Dated this 9th day of December, 2011.



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[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

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[Redacted Signature]

STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:

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[Redacted Signature]

JAMES R. BRUSSELBACK
Enforcement Chief