

ORDER SUMMARY – Case Number: C-11-0667

Name(s): WJE Enterprises, Inc. d/b/a Federal Modification Group

Order Number: C-11-0667-14-FO02

Effective Date: February 6, 2014

License Number: U/L
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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:

Not Apply Until: 2/6/2019

Not Eligible Until: 2/6/2019

Prohibition/Ban Until: 2/6/2019

Investigation Costs	\$446	Due 2/6/14	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$3,000	Due 2/6/14	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
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:

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 by:

7 WJE ENTERPRISES, INC. d/b/a
8 FEDERAL MODIFICATION GROUP, and
9 WILLIAM ELIAS, President,

10 Respondents.

No.: C-11-0667-14-FO02

FINAL ORDER RE:

WJE Enterprises, Inc. d/b/a
Federal Modification Group

11 I. DIRECTOR'S CONSIDERATION

12 A. Default. This matter has come before the Director of the Department of Financial
13 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
14 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On February 8,
15 2013, the Director, through the Director's designee, issued an Amended Statement of Charges and
16 Notice of Intention to Enter an Order to Produce Records, Cease and Desist Business, Prohibit from
17 Industry, Order Restitution, Impose Fine, and Collect Investigation Fee (Amended Statement of
18 Charges) against WJE Enterprises, Inc. d/b/a Federal Modification Group (Respondent WJE) and
19 William Elias (Respondent Elias). A copy of the Amended Statement of Charges is attached and
20 incorporated into this order by this reference. The Amended Statement of Charges was accompanied
21 by a cover letter dated February 8, 2013, a Notice of Opportunity to Defend and Opportunity for
22 Hearing, and blank Applications for Adjudicative Hearing for Respondents (collectively,
23 accompanying documents).

24 On February 8, 2013, the Department served Respondents with the Amended Statement of
Charges and accompanying documents by First-Class mail. The documents sent by First-Class mail
were not returned to the Department by the United States Postal Service.

1 Respondent Elias filed an application requesting an adjudicative hearing but informed the
2 Department that he was not representing Respondent WJE.¹ Respondent WJE did not request an
3 adjudicative hearing within twenty calendar days after the Department served the Notice of
4 Opportunity to Defend and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

5 B. Record Presented. The record presented to the Director's designee for her review and
6 for entry of a final decision included the following: Amended Statement of Charges, cover letter
7 dated February 8, 2013, Notice of Opportunity to Defend and Opportunity for Hearing, and blank
8 Application for Adjudicative Hearing for Respondent WJE, with documentation for service.

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

11 II. FINAL ORDER

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

14 A. IT IS HEREBY ORDERED, That:

- 15 1. Respondent WJE Enterprises, Inc. d/b/a Federal Modification Group is prohibited
16 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 (5) years.
- 17 2. Respondent WJE Enterprises, Inc. d/b/a Federal Modification Group pay a fine of
18 \$3,000.
- 19 3. Respondent WJE Enterprises, Inc. d/b/a Federal Modification Group pay an
investigation fee of \$446.
- 20 4. Respondent WJE Enterprises, Inc. d/b/a Federal Modification Group, its officers,
21 employees, and agents maintain records in compliance with chapter 19.146 RCW,
22 the Mortgage Broker Practices Act (Act) and provide the Director with the
23 location of the books, records and other information relating to Respondent WJE
Enterprises, Inc. d/b/a Federal Modification Group's provision of residential loan
modification services in Washington, and the name, address and telephone number

24 ¹ The Amended Statement of Charges was resolved as to Respondent Elias by C-11-0667-13-CO01.

1 of the individual responsible for maintenance of such records in compliance with
2 the Act.

3 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent WJE has the right to file a
4 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
5 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
6 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
7 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent WJE.
8 The Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
9 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

16 D. Judicial Review. Respondent WJE has the right to petition the superior court for
17 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the
18 requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

19 E. Non-compliance with Order. If you do not comply with the terms of this order,
20 **including payment of any amounts owed within 30 days of receipt of this order**, the Department
21 may seek its enforcement by the Office of the Attorney General to include the collection of the fines
22 and fees imposed herein. The Department also may assign the amounts owed to a collection agency
23 for collection.

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

4 DATED this 6th day of February, 2014.



5 STATE OF WASHINGTON
6 DEPARTMENT OF FINANCIAL INSTITUTIONS

7 [Redacted Signature]
8 DEBORAH BORTNER
9 Director, Division of Consumer Services

1 Respondent Elias does not admit any wrongdoing by its entry. Respondent Elias is agreeing not to
2 contest the Statement of Charges in consideration of the terms of this Consent Order.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondent Elias has been informed of the right
7 to a hearing before an administrative law judge, and hereby waives his right to a hearing and any and
8 all administrative and judicial review of the issues raised in this matter, or of the resolution reached
9 herein. Accordingly, Respondent Elias, by his signature below, withdraws his appeal to the Office of
10 Administrative Hearings.

11 **C. No Admission of Liability.** It is AGREED that Respondent Elias does not admit to any
12 wrongdoing by entry of this Consent Order.

13 **D. License Application.** It is AGREED that Respondent Elias will obtain a license or
14 qualify for an exemption before conducting the business of a mortgage broker in the state of
15 Washington.

16 **E. Restitution.** It is AGREED that Respondent Elias has paid restitution in the amount of
17 \$2,500 to consumer M.F. as identified in section 1.2 of the Statement of Charges.

18 **F. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
19 consent of any person or entity not a party to this Consent Order to take any action concerning their
20 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
21 Order, this Consent Order does not limit or create any private rights or remedies against Respondents,
22 limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

23 **G. Non-Compliance with Order.** It is AGREED that Respondent Elias understands that
24 failure to abide by the terms and conditions of this Consent Order may result in further legal action

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

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

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

7 **RESPONDENT:**

8 [Redacted]
9 [Redacted]
10 William Elias

Date 1/9/2014 DA

11 [Redacted]
12 Danila Artaev, Michigan Bar No.P74495
13 The Mike Cox Law Firm, PLLC
Attorney for Respondent Elias

Date 1-10-2014 DA

14 DO NOT WRITE BELOW THIS LINE

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16
17
18 THIS ORDER ENTERED THIS 4th DAY OF February, 2013 PB



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

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Enforcement Unit
Division of Consumer Services
Dept. of Financial Institutions

1 Presented by:

2 [REDACTED]

3 DEVON P. PHELPS
4 Financial Legal Examiner

5 Approved by:

6 [REDACTED]

7 CHARLES E. CLARK
8 Enforcement Chief

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

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

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WJE ENTERPRISES, INC. d/b/a FEDERAL
MODIFICATION GROUP, and
WILLIAM ELIAS, President,

Respondents.

No. C-11-0667-12-SC02

AMENDED STATEMENT OF CHARGES
and NOTICE OF INTENTION TO ENTER
AN ORDER TO PRODUCE RECORDS,
CEASE AND DESIST BUSINESS,
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). 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. WJE Enterprises, Inc. (WJE) was incorporated in Michigan on or about September
6, 1995. On or about February 11, 2009, Respondent WJE began using the trade name Federal
Modification Group. Respondent WJE has never been licensed by the Department of Financial
Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

B. William Elias (Elias) is the President of Respondent WJE. During the relevant time
period, Respondent Elias was not licensed by the Department to conduct business as a mortgage
broker or loan originator.

1 **1.2 Unlicensed Activity.** On or about September 11, 2009, Respondent WJE and Elias
2 (Respondents) were offering residential mortgage loan modification services to Washington
3 consumers on property located in Washington State. Respondents entered into a contractual
4 relationship with at least one Washington consumer to provide those services and collected an
5 advance fee for the provision of those services. The Department has received at least one complaint
6 from a Washington consumer alleging Respondents provided or offered to provide residential
7 mortgage loan modification services while not licensed by the Department to provide those services.
8 Consumer M.F. paid Respondents a fee of \$2,500.

9 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to
10 provide the residential mortgage loan modification services or omitted disclosing that they were not
11 licensed to provide those services.

12 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
13 Act by Respondents continues to date.

14 II. GROUNDS FOR ENTRY OF ORDER

15 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
16 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of
17 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage
18 loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
19 person in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-
20 006, a person "assists a person in obtaining or applying to obtain a residential mortgage loan" by,
21 among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan
22 packages...."

1 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a
2 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
3 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
4 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to
5 perform any of these activities.

6 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
7 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive
8 practice toward any person and obtaining property by fraud or misrepresentation.

9 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
10 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
11 for engaging in the business of a mortgage broker for Washington residents or property without first
12 obtaining a license to do so.

13 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
14 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
15 for engaging in the business of a loan originator without first obtaining and maintaining a license.

16 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
17 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
18 location that is on file with and readily available to the Department until at least twenty-five months
19 have elapsed following the effective period to which the books and records relate.

20 **III. AUTHORITY TO ORDER PRODUCTION OF RECORDS**

21 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
22 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce
23

1 books, accounts, records, files, and any other documents the director or designated person deems
2 relevant to an investigation.

3 IV. AUTHORITY TO IMPOSE SANCTIONS

4 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
5 Director may issue orders directing any person subject to the Act to cease and desist from
6 conducting business.

7 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
8 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
9 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9)
10 or (13), or RCW 19.146.200.

11 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
12 restitution against any person subject to the Act for any violation of the Act.

13 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
14 against any person subject to the Act for any violation of the Act.

15 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
16 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time
17 devoted to an investigation of any person subject to the Act.

18 V. NOTICE OF INTENT TO ENTER ORDER

19 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as
20 set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
21 and RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

22 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan
23 originator.

- 1 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
2 modification services transactions with Washington consumers, including the name, address,
3 and phone numbers of the consumers, the transaction date, and fees collected by
4 Respondents for the provision of those services.
- 5 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage
6 broker subject to licensure by the Director, in any manner, for a period of five years.
- 7 **5.4** Respondents jointly and severally pay restitution to the consumer identified by the
8 Department in paragraph 1.2 as having paid \$2,500 to Respondents, and that Respondents
9 jointly and severally pay restitution to each Washington consumer with whom they entered
10 into a contract for residential mortgage loan modification services related to real property or
11 consumers located in the state of Washington equal to the amount collected from that
12 Washington consumer for those services in an amount to be determined at hearing.
- 13 **5.5** Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
14 transaction entered into with Washington consumers which, as of the date of this Statement
15 of Charges totals \$3,000.
- 16 **5.6** Respondents jointly and severally pay an investigation fee which, as of the date of this
17 Statement of Charges totals \$446.
- 18 **5.7** Respondents maintain records in compliance with the Act and provide the Department with
19 the location of the books, records and other information relating to Respondents' provision
20 of residential mortgage loan modification services in Washington, and the name, address and
21 telephone number of the individual responsible for maintenance of such records in
22 compliance with the Act.

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1 **VI. 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.

7
8
9 Dated this 9th day of February, 2013



10 [Redacted signature]

11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 [Redacted signature]

17 DEVON P. PHELPS
18 Financial Legal Examiner

19 Approved by:

20 [Redacted signature]

21 CHARLES E. CLARK
22 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 by:

No.: C-11-0667-12-FO01

7 WJE ENTERPRISES, INC. D/B/A FEDERAL
8 MODIFICATION GROUP A/K/A CREDIT CARE
9 PLUS A/K/A FINANCIAL CREDIT SERVICES, and
10 THOMAS GLASSMAN, President,

11 FINAL ORDER WITHDRAWING
12 STATEMENT OF CHARGES
13 AS TO THOMAS GLASSMAN

14 Respondents.

15 COMES NOW the Director of the Department of Financial Institutions (Director), through his
16 designee Deborah Bortner, Division Director, Division of Consumer Services, and hereby withdraws
17 Statement of Charges No. C-11-0667-12-SC01 (Statement of Charges) as to Respondent Thomas Glassman,
18 issued September 27, 2012. The Department issued a Notice of Intent to Enter an order to Produce Records,
19 Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, and Collect Investigation
20 Fee against Respondents WJE Enterprises, Inc. d/b/a Federal Modification Group a/k/a Credit Care Plus a/k/a
21 Financial Credit Services and Thomas Glassman for unlicensed loan modification activity.

22 ORDER

23 Statement of Charges No. C-11-0667-12-SC01 issued on September 27, 2012, is hereby withdrawn as
24 to Respondent Thomas Glassman.

ENTERED AND ORDERED this 10th day of December, 2012



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

DEBORAH BORTNER
Director, Division of Consumer Services
Department of Financial Institutions

1 **1.3 Unlicensed Activity.** On or about September 11, 2009, Respondents WJE Enterprises and
2 Glassman (Respondents) were offering residential mortgage loan modification services to Washington
3 consumers on property located in Washington State. Respondents entered into a contractual
4 relationship with at least one Washington consumer to provide those services and collected an advance
5 fee for the provision of those services. The Department has received at least one complaint from a
6 Washington consumer alleging Respondents provided or offered to provide residential mortgage loan
7 modification services while not licensed by the Department to provide those services. Consumer M.F.
8 paid Respondents a fee of \$2,500.

9 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to
10 provide the residential mortgage loan modification services or omitted disclosing that they were not
11 licensed to provide those services.

12 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
13 Act by Respondents continues to date.

14 II. GROUNDS FOR ENTRY OF ORDER

15 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
16 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of
17 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
18 or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person
19 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a
20 person "'assists a person in obtaining or applying to obtain a residential mortgage loan' by, among
21 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages...."

22 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a
23 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
24 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;

1 negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform any of
2 these activities.

3 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
4 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
5 toward any person and obtaining property by fraud or misrepresentation.

6 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
7 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
8 for engaging in the business of a mortgage broker for Washington residents or property without first
9 obtaining a license to do so.

10 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
11 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
12 for engaging in the business of a loan originator without first obtaining and maintaining a license.

13 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
14 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
15 location that is on file with and readily available to the Department until at least twenty-five months
16 have elapsed following the effective period to which the books and records relate.

17 III. AUTHORITY TO ORDER PRODUCTION OF RECORDS

18 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
19 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,
20 accounts, records, files, and any other documents the director or designated person deems relevant to
21 an investigation.

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1 **IV. AUTHORITY TO IMPOSE SANCTIONS**

2 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
3 Director may issue orders directing any person subject to the Act to cease and desist from conducting
4 business.

5 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
6 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
7 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
8 (13), or RCW 19.146.200.

9 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
10 restitution against any person subject to the Act for any violation of the Act.

11 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
12 against any person subject to the Act for any violation of the Act.

13 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
14 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
15 to an investigation of any person subject to the Act.

16 **V. NOTICE OF INTENT TO ENTER ORDER**

17 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as
18 set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,
19 and RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

20 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

21 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
22 modification services transactions with Washington consumers, including the name, address,
23 and phone numbers of the consumers, the transaction date, and fees collected by Respondents
24 for the provision of those services.

5.3 Respondents be 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.

1 5.4 Respondents jointly and severally pay restitution to the consumer identified by the Department
2 in paragraph 1.3 as having paid \$2,500 to Respondents, and that Respondents jointly and
3 severally pay restitution to each Washington consumer with whom they entered into a contract
4 for residential mortgage loan modification services related to real property or consumers
5 located in the state of Washington equal to the amount collected from that Washington
6 consumer for those services in an amount to be determined at hearing.

7 5.5 Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
8 transaction entered into with Washington consumers. As of the date of this Statement of
9 Charges, the fine totals \$3,000.

10 5.6 Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of
11 the date of this Statement of Charges, the investigation fee totals \$446.

12 5.7 Respondents maintain records in compliance with the Act and provide the Department with the
13 location of the books, records and other information relating to Respondents' provision of
14 residential mortgage loan modification services in Washington, and the name, address and
15 telephone number of the individual responsible for maintenance of such records in compliance
16 with the Act.

17 VI. AUTHORITY AND PROCEDURE

18 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
19 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
20 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
21 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
22 accompanying this Statement of Charges.
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24

Dated this 27th day of September, 2012.




DEBORAH BORTNER
Director, Division of Consumer Services
Department of Financial Institutions

1 Presented by:

2 [REDACTED]

3 DEVON P. PHELPS
4 Financial Legal Examiner

5 Approved by:

6 [REDACTED]

7 CHARLES E. CLARK
8 Enforcement Chief

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