

ORDER SUMMARY – Case Number: C-13-1166

Name(s): Jeffrey Lewiston

Order Number: C-13-1166-14-CO01

Effective Date: April 21, 2014

License Number: N/A
Or NMLS Identifier [U/L] _____

License Effect: N/A

Not Apply Until: April 21, 2024

Not Eligible Until: April 21, 2024

Prohibition/Ban Until: April 21, 2024

Investigation Costs	\$192	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$13,795	Remainder Due: 9/5/2014	Paid <input type="checkbox"/> Y <input checked="" 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 checked="" type="checkbox"/> N			
	No. of Victims:			

Comments: _____

Lewiston paid restitution to consumers DP, VT and CM, and JS and LC prior to entry of CO. Lewiston has 135 days from date of entry of CO to pay consumers IF and BD.

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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:

TOP LEGAL ADVOCATES, P.C. f/k/a TOP
LEGAL ADVOCATES, P.L.L.C. and JEFFREY
A. LEWISTON, Principal,

Respondents.

No.: C-13-1166-14-CO01

CONSENT ORDER AS TO
JEFFREY A. LEWISTON

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and Jeffrey A.
Lewiston (Respondent Lewiston), 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 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), and
Respondent Lewiston have agreed upon a basis for resolution of the matters alleged in Statement of
Charges No. C-13-1166-13-SC01 (Statement of Charges), entered March 27, 2013, (copy attached
hereto), solely as to Respondent Lewiston. Pursuant to chapter 19.146 RCW, the Mortgage Broker
Practices Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, Respondent Lewiston
hereby agrees to the Department's entry of this Consent Order and further agrees 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
solely as related to Respondent Lewiston and agree that Respondent Lewiston does not admit any

1 wrongdoing by its entry. Respondent Lewiston is agreeing not to contest the Statement of Charges in
2 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 Lewiston has been informed of the
7 right to a hearing before an administrative law judge, and hereby waives his right to a hearing and
8 any and all administrative and judicial review of the issues raised in this matter, or of the resolution
9 reached herein. Accordingly, Respondent Lewiston, by his signature below, withdraws his appeal to
10 the Office of Administrative Hearings.

11 **C. Cease and Desist.** It is AGREED that Respondent Lewiston shall cease and desist from
12 conducting business in the state of Washington of a mortgage broker and loan originator without
13 obtaining and maintaining a mortgage broker license or qualifying for an exemption from licensure
14 under the Act.

15 **D. Prohibition from Industry.** It is AGREED that, for a period of ten years from the date of
16 entry of this Consent Order, Respondent Lewiston is prohibited from participating, in any capacity, in
17 the state of Washington in the conduct of the affairs of any mortgage broker, consumer loan
18 company, or mortgage loan originator licensed by the Department or subject to licensure or
19 regulation by the Department.

20 **E. Restitution.** It is AGREED that Respondent Lewiston has provided restitution to
21 Washington consumers D.P. in the amount of \$4,295, V.T & C.M. in the amount of \$1,500, and J.S.
22 & L.C. in the amount of \$4,500. It is also AGREED that Respondent Lewiston will provide
23

1 restitution to consumers B.D. in the amount of \$1,000 and I.F. in the amount of \$2,500 within 135
2 days of entry of this Consent Order.

3 **F. Confession of Judgment for Restitution.** It is AGREED that the restitution in the
4 amount of \$1,000 owed to consumer B.D. and \$2,500 owed to consumer I.F. shall be secured by
5 Confessions of Judgment which shall be signed and dated by Respondent Lewiston and provided to
6 the Department with this Consent Order.

7 **G. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
8 consent of any person or entity not a party to this Consent Order to take any action concerning their
9 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
10 Order, this Consent Order does not limit or create any private rights or remedies against Respondent
11 Lewiston, limit or create liability of Respondent Lewiston, or limit or create defenses of Respondent
12 Lewiston to any claims.

13 **H. Investigation Fee.** It is AGREED that Respondent Lewiston shall pay to the Department
14 an investigation fee of \$192, in the form of a cashier's check made payable to the "Washington State
15 Treasurer," upon entry of this Consent Order.

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

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

1 **K. Voluntarily Entered.** It is AGREED that Respondent Lewiston has voluntarily entered
2 into this Consent Order, which is effective when signed by the Director's designee.

3 **L. Completely Read, Understood, and Agreed.** It is AGREED that Respondent Lewiston
4 has read this Consent Order in its entirety and fully understand and agree to all of the same.

5 **RESPONDENT:**

6 [Redacted]

7 Jeffrey A. Lewiston
8 Individual

April 7, 2014
Date

9 **APPROVED FOR ENTRY:**

10 [Redacted]

11 Wayne Fricke
12 Attorney for Jeffrey A. Lewiston
Hester Law Group

4-11-14
Date

13 DO NOT WRITE BELOW THIS LINE

14 THIS ORDER ENTERED THIS 21st DAY OF April, 2014.

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

19 Presented by:

[Redacted]

20 DEBORAH TAELLIUS
21 Financial Legal Examiner

22 Approved by:

[Redacted]

23 CHARLES E. CLARK
24 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:

7 TOP LEGAL ADVOCATES, P.C., f/k/a TOP
8 LEGAL ADVOCATES, P.L.L.C., and JEFFREY
9 A. LEWISTON, Principal,

10 Respondents.

No. C-13-1166-13-SC01

11 STATEMENT OF CHARGES and
12 NOTICE OF INTENT TO ENTER AN
13 ORDER TO CEASE AND DESIST
14 BUSINESS, PROHIBIT FROM
15 INDUSTRY, ORDER RESTITUTION,
16 IMPOSE FINE, AND COLLECT
17 INVESTIGATION FEE

18 INTRODUCTION

19 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
20 Institutions of the State of Washington (Director) is responsible for the administration of chapter
21 19.146 RCW, the Mortgage Broker Practices (Act). After having conducted an investigation pursuant
22 to RCW 19.146.235, and based upon the facts available as of the date of this Statement of Charges, the
23 Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes
24 this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Top Legal Advocates, P.C., (Respondent Top Legal Advocates)** has never been licensed
by the Department of Financial Institutions of the State of Washington (Department) to conduct
business as a mortgage broker or loan originator.

B. **Jeffrey A. Lewiston (Respondent Lewiston)** is a Principal of Top Legal Advocates.

During the relevant time period, Respondent Lewiston was not licensed by the Department to conduct
business as a mortgage broker or loan originator.

1.2 **Unlicensed Activity.** Between at least May 2012 and December 2012 Respondents were

offering residential mortgage loan modification services to Washington consumers on property located

1 in Washington State. Respondents entered into a contractual relationship with at least two Washington
2 consumers to provide those services and collected a fee for the provision of those services. The
3 Department has received at least three complaints from Washington consumers alleging Respondents
4 provided or offered to provide residential mortgage loan modification services while not licensed by
5 the Department to provide those services. Washington consumer B.D. paid Respondents \$3,500 for
6 loan modification services. Washington consumer S.T. was provided with a complete refund of the
7 fees paid. Washington consumer L.S. did not receive or pay for services from Respondents.

8 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to
9 provide the residential mortgage loan modification services or omitted disclosing that they were not
10 licensed to provide those services.

11 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
12 Act by Respondents continues to date.

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

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

21 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a
22 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
23 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
24

1 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform
2 any of 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 IMPOSE SANCTIONS

18 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
19 Director may issue orders directing any person subject to the Act to cease and desist from conducting
20 business.

21 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
22 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
23 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
24 (13), or RCW 19.146.200.

1 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
2 restitution against any person subject to the Act for any violation of the Act.

3 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
4 against any person subject to the Act for any violation of the Act.

5 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
6 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
7 to an investigation of any person subject to the Act.

8 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

12 **4.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

13 **4.2** Respondents be prohibited from participation, in any manner, in the conduct of the affairs of
14 any mortgage broker subject to licensure by the Director for a period of five years.

15 **4.3** Respondents jointly and severally pay restitution to the one consumer identified by the
16 Department in paragraph 1.2 in the amount set forth therein, and that Respondents jointly and
17 severally pay restitution to each Washington consumer with whom they entered into a contract
for residential mortgage loan modification services related to real property or consumers
located in the state of Washington equal to the amount collected from that Washington
consumer for those services in an amount to be determined at hearing.

18 **4.4** Respondents jointly and severally pay a fine, which as of the date of this Statement of Charges
19 totals \$9,000.

20 **4.5** Respondents jointly and severally pay an investigation fee, which as of the date of this
21 Statement of Charges totals \$192.

22 **4.6** Respondents maintain records in compliance with the Act and provide the Department with the
23 location of the books, records and other information relating to Respondents' provision of
residential mortgage loan modification services in Washington, and the name, address and
telephone number of the individual responsible for maintenance of such records in compliance
with the Act.

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V. AUTHORITY AND PROCEDURE

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

Dated this 27th day of March, 2013.



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

Presented by:



DEBORAH TAELLIUS
Financial Legal Examiner

Approved by:



CHARLES E. CLARK
Enforcement Chief