

ORDER SUMMARY – Case Number: C-13-1334

Name(s): Ultimate Financial Solutions LLC
Brian J. Till

Order Number: C-13-1334-15-FO01

Effective Date: April 14, 2015

License Number:
Or NMLS Identifier [U/L] U/L

License Effect: N/A

Not Apply Until: April 14, 2020

Not Eligible Until: April 14, 2020

Prohibition/Ban Until: April 14, 2020

Investigation Costs	\$796.80	Due 30 days from receipt of Final Order	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$6,000	Due 30 days from receipt of Final Order	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 checked="" type="checkbox"/> N			
No. of Victims:				

Comments:



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

No.: C-13-1334-15-FO01

ULTIMATE FINANCIAL SOLUTIONS LLC,
and BRIAN J. TILL, Principal,

FINAL ORDER

Respondents.

I. DIRECTOR'S CONSIDERATION

Procedural History. This matter has come before the Director of the DEPARTMENT OF FINANCIAL INSTITUTIONS OF THE STATE OF WASHINGTON ("Director") pursuant to RCW 34.05.464. On March 13, 2014, the Director, through his designee, former Consumer Services Division Director Deborah Bortner, issued a STATEMENT OF CHARGES AND NOTICE OF INTENTION TO ENTER AN ORDER TO CEASE AND DESIST, PROHIBIT FROM INDUSTRY, ORDER RESTITUTION, IMPOSE FINE, AND COLLECT INVESTIGATION FEE ("Statement of Charges") against ULTIMATE FINANCIAL SOLUTIONS LLC, and BRIAN J. TILL ("Respondents"). On March 14, 2014, the Department of Financial Institution ("Department") served Respondents with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. The Statement of Charges was accompanied by a cover letter dated March 14, 2014, a Notice of Opportunity to Defend and Opportunity for Hearing, and two blank Applications for Adjudicative Hearing for Respondents. On March 25, 2014, The Department received an Application for Adjudicative Hearing for Respondents.¹ On June 20, 2014, the

¹ One Application for Adjudicative Hearing was received by the Department on behalf of both Respondents.

1 Department made a request to the Office of Administrative Hearings ("OAH") to assign an
2 Administrative Law Judge ("ALJ") to schedule and conduct a hearing on the Statement of Charges.
3 On July 16, 2014, OAH issued a Notice of Prehearing Conference and scheduled a prehearing
4 conference on September 8, 2014, at 11:00 a.m.

5 On September 8, 2014, a representative for the Department and Respondent Brian J. Till,
6 appearing *pro se* and representing Respondent Ultimate Financial Solutions LLC, attended a
7 telephonic prehearing conference. On September 15, 2014, ALJ Lisa N. W. Dublin ("ALJ Dublin")
8 issued a Notice of Hearing and Prehearing Conference Order scheduling a motion for summary
9 judgment hearing on December 19, 2014, at 1:30 p.m.

10 On November 21, 2014, the Department filed the Department's Motion for Summary
11 Judgment. Respondents did not file a response to the Department's motion.

12 On December 19, 2014, all parties attended the hearing on the Department's Motion for
13 Summary Judgment. On January 20, 2015, ALJ Dublin issued an Initial Order Granting
14 Department's Motion for Summary Judgment ("Initial Order"). On January 20, 2015, ALJ Dublin
15 mailed the Initial Order to Respondents. This Initial Order made findings of fact for purpose of
16 summary judgment and conclusions of law, granted the Department's Motion for Summary
17 Judgment, and affirmed the Department's Statement of Charges.

18 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondents had twenty (20) days from
19 the date of service of the Initial Order to file a Petition for Review. Respondents did not file a
20 Petition for Review during the statutory period.

21 A. Record Presented. The record presented to the Director for his review and for entry of
22 a final decision included the following:

- 23 1. Statement of Charges, cover letter dated March 14, 2014, and Notice of
24 Opportunity to Defend and Opportunity for Hearing, with documentation of
service.

2. Application for Adjudicative Hearing for Ultimate Financial Solutions LLC and Brian J. Till dated March 20, 2014.
3. Request to OAH for Assignment of Administrative Law Judge dated June 20, 2014.
4. Notice of Prehearing Conference dated July 16, 2014, with documentation of service.
5. Notice of Hearing and Prehearing Conference Order dated September 15, 2014, with documentation of service.
6. Department's Motion for Summary Judgment dated November 20, 2014, with documentation of service.
7. Declaration of Rachelle Villalobos in Support of Department's Motion for Summary Judgment dated November 20, 2014.
8. Declaration of Ciara L. May in Support of Department's Motion for Summary Judgment dated November 19, 2014.
9. Initial Order Granting Department's Motion for Summary Judgment dated January 20, 2015, with documentation of service.

B. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.461, the Director hereby adopts the findings of fact for purpose of summary judgment, conclusions of law, and Initial Order which is attached hereto.

II. FINAL ORDER

Based upon the foregoing, and the Director having considered the record and being otherwise fully advised, NOW, THEREFORE:

A. IT IS HEREBY ORDERED, That:

1. Respondents ULTIMATE FINANCIAL SOLUTIONS LLC and BRIAN J. TILL cease and desist from engaging in the business of a mortgage broker or loan originator.
2. Respondents ULTIMATE FINANCIAL SOLUTIONS LLC and BRIAN J. TILL 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 (5) years.

3. Respondents ULTIMATE FINANCIAL SOLUTIONS LLC and BRIAN J. TILL jointly and 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.
4. Respondents ULTIMATE FINANCIAL SOLUTIONS LLC and BRIAN J. TILL jointly and severally pay to the WASHINGTON STATE DEPARTMENT OF FINANCIAL INSTITUTIONS a fine of SIX THOUSAND DOLLARS (\$6,000).
5. Respondents ULTIMATE FINANCIAL SOLUTIONS LLC and BRIAN J. TILL jointly and severally pay to the WASHINGTON STATE DEPARTMENT OF FINANCIAL INSTITUTIONS an investigation fee of SEVEN HUNDRED NINETY SIX DOLLARS AND EIGHTY CENTS (\$796.80).
6. Respondents ULTIMATE FINANCIAL SOLUTIONS LLC and BRIAN J. TILL maintain records in compliance with the chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and provide the Department with the 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.

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

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

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

4 D. Judicial Review. Respondents have the right to petition the superior court for judicial
5 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
6 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

7 E. Non-compliance with Order. If Respondents do not comply with the terms of this
8 order, including payment of any amounts owed within thirty (30) days of receipt of this order, the
9 Department may seek its enforcement by the Office of the Attorney General to include the collection
10 of the fines and fees imposed herein. The Department also may assign the amounts owed to a
11 collection agency for collection.

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

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16 DATED this 14th day of April, 2015.



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

SCOTT JARVIS
Director

**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:

ULTIMATE FINANCIAL SOLUTIONS LLC, and
BRIAN J. TILL, Principal,

Respondents.

No. C-13-1334-14-SC01

STATEMENT OF CHARGES and NOTICE
OF INTENTION TO ENTER AN ORDER
TO CEASE AND DESIST, 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. Ultimate Financial Solutions LLC (Respondent Ultimate) has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

B. Brian J. Till (Respondent Till) is a Principal of Respondent Ultimate. During the relevant time period, Respondent Till was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1.2 Unlicensed Activity. On or about May 2, 2013, Respondents were offering residential mortgage loan modification services to Washington consumers on property located in Washington

1 State. The Department received at least one complaint alleging Respondents offered to provide
2 residential mortgage loan modification services while not licensed by the Department to provide those
3 services. Respondents requested a fee of \$995 to provide loan modification services.

4 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to
5 provide the residential mortgage loan modification services or omitted disclosing that they were not
6 licensed to provide those services.

7 **1.4 Failure to Comply with Director's Authority.** On or about June 18, 2013, the Department
8 served Respondents with a subpoena requiring certain information specifically set forth therein, which
9 included: an explanation of the services provided or offered in the state of Washington and the time
10 period provided or offered; a list of all transactions in which Respondents provided loan modification
11 services; copies of any and all marketing solicitations targeted to the state of Washington, including a
12 list of all websites used for marketing purposes; the names and titles of all current and former owners,
13 directors, principals, and officers of Respondents; and the names and titles of all current and former
14 employees of Respondents. To date, Respondents have not provided this information.

15 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
16 Act by Respondents continues to date.

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

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

1 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11) and WAC 208-660-006,
2 “Loan originator” means a natural person who for direct or indirect compensation or gain, or in the
3 expectation of direct or indirect compensation or gain: takes a residential mortgage loan application
4 for a mortgage broker; offers or negotiates terms of a mortgage loan; or holds themselves out to the
5 public as able to perform any of these activities.

6 **2.3 Definition of Residential Mortgage Loan Modification.** Pursuant to RCW 19.146.010(20)
7 and WAC 208-660-006, “Residential mortgage loan modification” means a change in one or more of a
8 residential mortgage loan’s terms or conditions. Changes to a residential mortgage loan’s terms or
9 conditions include but are not limited to forbearances, repayment plans, changes in interest rates, loan
10 terms, or loan types, capitalization of arrearages, or principal reductions.

11 **2.4 Definition of Residential Mortgage Loan Modification Services.** Pursuant to RCW
12 19.146.010(21) and WAC 208-660-006, “Residential mortgage loan modification services” includes
13 negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform
14 a residential mortgage loan modification. “Residential mortgage loan modification services” also
15 includes the collection of data for submission to any entity performing mortgage loan modification
16 services.

17 **2.5 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
18 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
19 and WAC 208-660-155 for engaging in the business of a mortgage broker for Washington residents
20 without first obtaining and maintaining a license under the Act.

21 **2.6 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
22 Allegations set forth in Section I above, Respondent Till is in apparent violation of RCW
23 19.146.200(1) and WAC 208-660-155 for engaging in the business of a loan originator for
24 Washington residents without first obtaining and maintaining a license under the Act.

1 **2.7 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
2 are in apparent violation of RCW 19.146.0201(2) for engaging in an unfair or deceptive practice
3 toward any person.

4 **2.8 Requirement to Comply with Director's Authority.** Based on the Factual Allegations set
5 forth in Section I above, Respondents are in apparent violation of RCW 19.146.235 for failing to
6 comply with the Director's investigation authority.

7 **III. AUTHORITY TO IMPOSE SANCTIONS**

8 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
9 Director may issue orders directing any person subject to the Act to cease and desist from conducting
10 business.

11 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
12 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
13 any person subject to the Act for any violation of RCW 19.146.0201(1) through (9) or RCW
14 19.146.200.

15 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
16 restitution against any person subject to the Act for any violation of the Act.

17 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
18 against any person subject to the Act for any violation of the Act.

19 **3.5 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 will charge forty-eight dollars per hour
21 for an examiner's time devoted to an investigation of any person subject to the Act.

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IV. NOTICE OF INTENT TO ENTER ORDER

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

- 4.1 Respondents Ultimate Financial Solutions LLC and Brian J. Till cease and desist from engaging in the business of a mortgage broker or loan originator.
- 4.2 Respondents Ultimate Financial Solutions LLC and Brian J. Till 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.
- 4.3 Respondents Ultimate Financial Solutions LLC and Brian J. Till jointly and 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.
- 4.4 Respondents Ultimate Financial Solutions LLC and Brian J. Till jointly and severally pay a fine of \$6,000.
- 4.5 Respondents Ultimate Financial Solutions LLC and Brian J. Till jointly and severally pay an investigation fee which, as of the date of this Statement of Charges, totals \$796.80.
- 4.6 Respondents Ultimate Financial Solutions LLC and Brian J. Till maintain records in compliance with the Act and provide the Department with the 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.

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 34.05
4 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

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8 Dated this 13th day of March, 2014.



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

Presented by:



RACHELLE VILLALOBOS
Financial Legal Examiner

Approved by:



CHARLES E. CLARK
Enforcement Chief