

ORDER SUMMARY – Case Number: C-13-1345

Name(s): CD Capital, LLC d/b/a UW Solutions; Christian Quezada

Order Number: C-13-1345-14-FO01

Effective Date: June 23, 2014

License Number: DFI: Unlicensed NMLS ID: 111936
Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: June 23, 2019

Not Eligible Until: June 23, 2019

Prohibition/Ban Until: June 23, 2019

Investigation Costs	\$1,068.00	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$9,000.00	Due	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	\$2,670.00	Due	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 type="checkbox"/> N		
No. of Victims:		3		

Comments:

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-13-1345-14-FO01

CD CAPITAL, LLC d/b/a UW SOLUTIONS,
and CHRISTIAN D. QUEZADA,

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 May 22, 2014, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, and Collect Investigation Fee (Statement of Charges) against CD Capital, LLC d/b/a UW Solutions and Christian D. Quezada (Respondents). 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 May 23, 2014, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents (collectively, accompanying documents).

On May 23, 2014, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail and Federal Express overnight delivery. On May 28, 2014, the documents sent by Federal Express overnight delivery were delivered. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service.

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

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated May 23,
6 2014, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
7 Adjudicative Hearing for Respondents, with documentation for service.

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

10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

- 14 1. Respondents CD Capital, LLC d/b/a UW Solutions and Christian D. Quezada
15 cease and desist engaging in the business of a mortgage broker or loan originator.
- 16 2. Respondents CD Capital, LLC d/b/a UW Solutions and Christian D. Quezada are
17 prohibited from participation, in any manner, in the conduct of the affairs of any
18 mortgage broker subject to licensure by the Director for a period of five years.
- 19 3. Respondents CD Capital, LLC d/b/a UW Solutions and Christian D. Quezada
20 jointly and severally pay restitution in the amount of \$2,670.00 to consumer F.G.
- 21 4. Respondents CD Capital, LLC d/b/a UW Solutions and Christian D. Quezada
22 jointly and severally pay a fine of \$9,000.00.
- 23 5. Respondents CD Capital, LLC d/b/a UW Solutions and Christian D. Quezada
24 jointly and severally pay an investigation fee of \$1,068.00.

25 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
26 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition

1 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
2 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
3 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
4 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
5 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

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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 23rd day of June, 2014.



5
6 STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

**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:

**CD CAPITAL, LLC d/b/a UW SOLUTIONS,
and CHRISTIAN D. QUEZADA,**

Respondents.

No. C-13-1345-14-SC01

**STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO 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 (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. CD Capital, LLC d/b/a UW Solutions (Respondent CD Capital) has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

B. Christian D. Quezada (Respondent Quezada) is manager of Respondent CD Capital. During the relevant time period, Respondent Quezada was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1.2 Unlicensed Activity. Between at least August and December 2012, Respondents were offering residential mortgage loan modification services to Washington consumers on property located

1 in Washington State. Respondents agreed to provide those services to at least three Washington
2 consumers and collected an advance fee for the provision of those services. A list of Washington
3 consumers with whom Respondents conducted business as a mortgage broker or loan originator, and
4 the amount paid by each, is set forth in Exhibit A attached hereto and incorporated herein by reference.

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

8 **1.4 Failure to Comply with Subpoena.** The Department issued a subpoena to Respondents on
9 April 30, 2014, compelling Respondents to provide information related to their provision of residential
10 mortgage loan modification services to Washington borrowers on property located in Washington no
11 later than May 15, 2014. Respondents have not provided any response to this subpoena as of the date
12 of this Statement of Charges.

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

15 II. GROUNDS FOR ENTRY OF ORDER

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

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

indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker; offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform any of these activities.

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

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

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

2.6 Requirement to Comply with Investigation Authority. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.235 for failing to comply with the investigation authority of the Department.

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

III. AUTHORITY TO IMPOSE SANCTIONS

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

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

5 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
6 restitution against any person subject to the Act for any violation of the Act.

7 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
8 against any person subject to the Act for any violation of the Act.

9 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
10 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
11 to an investigation of any person subject to the Act.

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

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

16 **4.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

17 **4.2** Respondents be prohibited from participation, in any manner, in the conduct of the affairs of
18 any mortgage broker subject to licensure by the Director for a period of five years.

19 **4.3** Respondents jointly and severally pay restitution to the Washington consumers named in
20 Appendix A of this Statement of Charges and to each Washington consumer with whom they
21 entered into a contract for residential mortgage loan modification services related to real
22 property or consumers located in the state of Washington equal to the amount collected from
23 that Washington consumer for those services in an amount to be determined at hearing.

24 **4.4** Respondents jointly and severally pay a fine, which as of the date of this Statement of Charges
totals \$9,000.00.

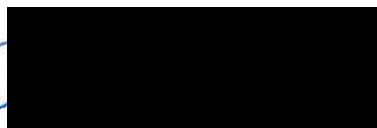
4.5 Respondents jointly and severally pay an investigation fee, which as of the date of this
Statement of Charges totals \$1,068.00.

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V. AUTHORITY AND PROCEDURE

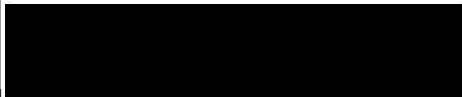
This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE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

Dated this 22nd day of May, 2014.



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

Presented by:



ROBERT E. JONES
Financial Legal Examiner

Approved by:



CHARLES E. CLARK
Enforcement Chief

APPENDIX A

Consumer	FEE
F.G.	\$2,670.00
H.B.	To be determined
R.D.	To be determined