

## ORDER SUMMARY – Case Number: C-13-1353

**Name:** Antonio Alba

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**Order Number:** C-13-1353-14-FO01

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**Effective Date:** March 6, 2014

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

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**License Effect:**

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**Not Apply Until:** March 6, 2019

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**Not Eligible Until:** March 6, 2019

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**Prohibition/Ban Until:** March 6, 2019

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<b>Investigation Costs</b>	\$921.60	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$3,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$3,250	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:		1		

Comments: Cease and desist engaging in business of mortgage broker or loan originator, maintain records

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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 ANTONIO ALBA, Unlicensed Loan Originator,  
8 Respondent.

No.: C-13-1353-14-FO01

9 FINAL ORDER RE:  
10 ANTONIO ALBA

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 December 17,  
15 2013, the Director, through the Director's designee, issued a Statement of Charges and Notice of  
16 Intention to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution,  
17 Impose Fine, and Collect Investigation Fee (Statement of Charges) against Antonio Alba  
18 (Respondent Alba). A copy of the Statement of Charges is attached and incorporated into this order  
19 by this reference. The Statement of Charges was accompanied by a cover letter dated December 18,  
20 2013, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for  
21 Adjudicative Hearing for Respondent Alba (collectively, accompanying documents).

22 On December 12, 2013, the Department received confirmation from the Riverton Heights  
23 Branch Office of the United States Post Office that mail addressed to Respondent was being  
24 delivered to 3610 180<sup>th</sup> Street South #E17-S, SeaTac, Washington, 98188. The Department served  
the Statement of Charges and accompanying documents on Respondent by sending packages  
containing the documents to the aforementioned address by First-Class mail on December 18, 2013,

1 and via ABC Legal Services on December 26, 2013. The documents sent via First-Class mail were  
2 not returned to the Department by the United States Postal Service.

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

6 B. Record Presented. The record presented to the Director's designee for her review and  
7 for entry of a final decision included the following:

- 8 1. Statement of Charges, cover letter dated December 18, 2013, Notice of  
9 Opportunity to Defend and Opportunity for Hearing, and blank Application for  
10 Adjudicative Hearing for Respondent Alba, with documentation for service.
- 11 2. Post Office Address Verification Request form completed by Riverton Heights  
12 Branch Office of the United States Post Office received by the Department on  
13 December 12, 2013.

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

## 16 II. FINAL ORDER

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

19 A. IT IS HEREBY ORDERED, That:

- 20 1. Respondent Antonio Alba cease and desist engaging in the business of a mortgage  
21 broker or loan originator.
- 22 2. Respondent Antonio Alba is prohibited from participation, in any manner, in the  
23 conduct of the affairs of any mortgage broker subject to licensure by the Director  
24 for a period of five years.
3. Respondent Antonio Alba pay restitution to consumers K.W. and V.W. in the  
amount of \$3,250.
4. Respondent Antonio Alba pay a fine of \$3,000.

1 5. Respondent Antonio Alba pay an investigation fee of \$921.60.

2 6. Respondent Antonio Alba maintain records in compliance with the Act and  
3 provide the Department with the location of the books, records and other  
4 information relating to Respondent's provision of residential mortgage loan  
5 modification services in Washington, and the name, address and telephone number  
6 of the individual responsible for maintenance of such records in compliance with  
7 the Act.

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

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

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

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

24 E. Non-compliance with Order. If you do not comply with the terms of this order,  
**including payment of any amounts owed within 30 days of receipt of this order**, the Department  
may seek its enforcement by the Office of the Attorney General to include the collection of the fines,

1 fees, and restitution imposed herein. The Department also may assign the amounts owed to a  
2 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 6<sup>th</sup> day of March, 2014.



8 STATE OF WASHINGTON  
9 DEPARTMENT OF FINANCIAL INSTITUTIONS

10 DEBORAH BORTNER  
11 Director  
12 Division of Consumer Services



1 residential mortgage loan modification services by “Debt Relief Services” and an advance fee of  
2 \$2,250. The consumers paid the advance fee and an additional \$1,000 to Respondent for a total of  
3 \$3,250. The fee was paid in the form of four personal checks payable to the order of “Tony Alba.”  
4 All four checks were endorsed and negotiated. No residential mortgage loan modification services  
5 were provided to the consumers.

6 **1.3 Misrepresentations and Omissions.** Respondent represented that he was licensed to provide  
7 the residential mortgage loan modification services or omitted disclosing that he was not licensed to  
8 provide those services.

9 **1.4 On-Going Investigation.** The Department’s investigation into the alleged violations of the  
10 Act by Respondent continues to date.

## 11 **II. GROUNDS FOR ENTRY OF ORDER**

12 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,  
13 “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of  
14 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan  
15 or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person  
16 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a  
17 person “‘assists a person in obtaining or applying to obtain a residential mortgage loan’ by, among  
18 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages....”

19 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a  
20 natural person who for direct or indirect compensation or gain, or in the expectation of direct or  
21 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;  
22 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform  
23 any of these activities.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is  
2 in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice  
3 toward any person and obtaining property by fraud or misrepresentation.

4 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual  
5 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for  
6 engaging in the business of a mortgage broker for Washington residents or property without first  
7 obtaining a license to do so.

8 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
9 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for  
10 engaging in the business of a loan originator without first obtaining and maintaining a license.

11 **III. AUTHORITY TO IMPOSE SANCTIONS**

12 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
13 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
14 business.

15 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
16 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
17 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or  
18 (13), or RCW 19.146.200.

19 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
20 restitution against any person subject to the Act for any violation of the Act.

21 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
22 against any person subject to the Act for any violation of the Act.

1 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-  
2 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted  
3 to an investigation of any person subject to the Act.

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

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

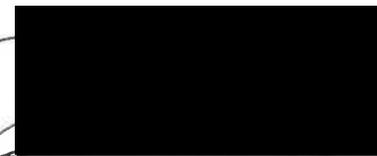
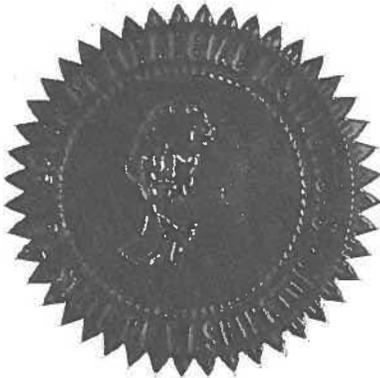
- 8 **4.1** Respondent Antonio Alba cease and desist engaging in the business of a mortgage broker or  
9 loan originator.
- 10 **4.2** Respondent Antonio Alba be prohibited from participation, in any manner, in the conduct of  
11 the affairs of any mortgage broker subject to licensure by the Director for a period of five  
12 years.
- 13 **4.3** Respondent Antonio Alba pay restitution to the consumer identified by the Department in  
14 paragraph 1.2 in the amount set forth therein, and that Respondent pay restitution to each  
15 Washington consumer with whom he entered into a contract for residential mortgage loan  
16 modification services related to real property or consumers located in the state of Washington  
17 equal to the amount collected from that Washington consumer for those services in an amount  
18 to be determined at hearing.
- 19 **4.4** Respondent Antonio Alba pay a fine, which as of the date of this Statement of Charges totals  
20 \$3,000.00.
- 21 **4.5** Respondent Antonio Alba pay an investigation fee, which as of the date of this Statement of  
22 Charges totals \$921.60.
- 23 **4.6** Respondent Antonio Alba maintain records in compliance with the Act and provide the  
24 Department with the location of the books, records and other information relating to  
Respondent's 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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1 **V. AUTHORITY AND PROCEDURE**

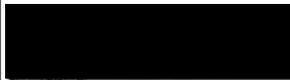
2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW  
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
4 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set  
5 forth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

7  
8 Dated this 17<sup>th</sup> day of December, 2013.



16  
17 **DEBORAH BORTNER**  
18 Director, Division of Consumer Services  
19 Department of Financial Institutions

20 Presented by:



22 **ROBERT E. JONES**  
23 Financial Legal Examiner

24 Approved by:



**CHARLES E. CLARK**  
Enforcement Chief