

**ORDER SUMMARY – Case Number: C-14-1598**

**Name(s):** Universal Consumer Law Group  
William R. Troiani

**Order Number:** C-14-1598-15-FO01

**Effective Date:** August 17, 2015

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

**License Effect:**

**Not Apply Until:** August 17, 2020

**Not Eligible Until:** August 17, 2020

**Prohibition/Ban Until:** August 17, 2020

<b>Investigation Costs</b>	\$500	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>	\$3,641.04	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			
<b>No. of Victims:</b>				

**Comments:** Cease and desist from engaging in the business of a mortgage broker or loan originator

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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:

UNIVERSAL CONSUMER LAW GROUP, and  
WILLIAM R. TROIANI, Principal,

Respondents.

No.: C-14-1598-15-FO01

FINAL ORDER

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 34.05.440(2). On March 23, 2015, the Director, through his designee, Consumer Services Division Director Charles E. Clark, issued a 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 ("Statement of Charges") against Universal Consumer Law Group and William R. Troiani (collectively, "Respondents"). On March 23, 2015, the Department of Financial Institutions ("Department") served Respondents with the Statement of Charges and accompanying documents by first-class mail and Federal Express overnight delivery. The Statement of Charges was accompanied by a cover letter dated March 23, 2015, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing. On March 30, 2015, Respondents filed an Application for Adjudicative Hearing. On June 3, 2015, the Department made a request to the Office of Administrative Hearings ("OAH") to assign an Administrative Law Judge ("ALJ") to schedule and conduct a hearing on the Statement of Charges.

1 On June 10, 2015, ALJ Courtney Beebe issued a Notice of Prehearing Conference scheduling  
2 a prehearing conference on Wednesday, June 24, 2015, at 3:00 p.m. The Notice of Prehearing  
3 Conference included a warning that failure to participate could result in a default order that would  
4 cost the Respondents the opportunity to challenge the action.

5 On June 24, 2015, the prehearing conference was convened by ALJ Courtney Beebe at 3:00  
6 p.m. Respondents failed to appear and the Department moved for an order of default dismissing the  
7 administrative appeal. On June 25, 2015, ALJ Courtney Beebe issued an Initial Order of Dismissal –  
8 Default (“Order of Default”) dismissing Respondents’ administrative appeal. On June 25, 2015, ALJ  
9 Courtney Beebe sent the Order of Default to Respondents by first-class mail.

10 Pursuant to RCW 34.05.440(3), Respondents had seven (7) days from the date of service of  
11 the Order of Default to file a written motion with OAH requesting that the Order of Default be  
12 vacated, and stating the grounds relied upon. Respondents did not make a request to vacate during  
13 the statutory period.

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

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

- 19 1. Statement of Charges, cover letter dated March 23, 2015, and Notice of  
20 Opportunity to Defend and Opportunity for Hearing, with documentation of  
21 service.
- 22 2. Application for Adjudicative Hearing for Universal Consumer Law Group and  
23 William R. Troiani.
- 24 3. Request to OAH for Assignment of Administrative Law Judge.
4. Notice of Prehearing Conference dated June 10, 2015, with documentation of  
service.

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2 5. Initial Order of Dismissal - Default, dated June 25, 2015, with documentation of service.

3 B. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(2), the Director  
4 hereby adopts the Statement of Charges, which is attached hereto.

5 II. FINAL ORDER

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

8 A. IT IS HEREBY ORDERED, That:

- 9 1. Respondents UNIVERSAL CONSUMER LAW GROUP and WILLIAM R.  
10 TROIANI cease and desist from engaging in the business of a mortgage broker or  
loan originator.
- 11 2. Respondents UNIVERSAL CONSUMER LAW GROUP and WILLIAM R.  
12 TROIANI are prohibited from participation, in any manner, in the conduct of the  
affairs of any mortgage broker subject to licensure by the Director for a period of  
13 five (5) years.
- 14 3. Respondents UNIVERSAL CONSUMER LAW GROUP and WILLIAM R.  
15 TROIANI jointly and severally pay restitution to the consumer identified in  
paragraph 1.2 of the Statement of Charges in the amount of Three Thousand Six  
Hundred Forty-One Dollars and Four Cents (\$3,641.04).
- 16 4. Respondents UNIVERSAL CONSUMER LAW GROUP and WILLIAM R.  
17 TROIANI jointly and severally pay to WASHINGTON STATE DEPARTMENT  
OF FINANCIAL INSTITUTIONS a fine in the amount of Three Thousand Dollars  
18 (\$3,000.00).
- 19 5. Respondents UNIVERSAL CONSUMER LAW GROUP and WILLIAM R.  
20 TROIANI jointly and severally pay to WASHINGTON STATE DEPARTMENT  
OF FINANCIAL INSTITUTIONS an investigation fee in the amount of Five  
Hundred Dollars (\$500.00).\*
- 21 6. Respondents UNIVERSAL CONSUMER LAW GROUP and WILLIAM R.  
22 TROIANI maintain records in compliance with chapter 19.146 RCW, the  
Mortgage Broker Practices Act ("Act") and provide the Department with the  
23 location of the books, records and other information relating to Respondents'

24 \* The combined fine and investigation fee may be paid together in the form of a cashier's check in the amount of \$3,500 made payable to the "Washington State Treasurer."

1 provision of residential mortgage loan modification services in Washington, and  
2 the name, address and telephone number of the individual responsible for  
maintenance of such records in compliance with the Act.

3 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have 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 Respondents. The  
8 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 has determined not to consider a Petition to Stay the  
14 effectiveness of this order. Any such requests should be made in connection with a Petition for  
15 Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

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

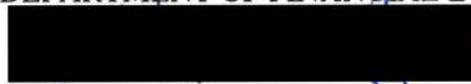
19 E. Non-compliance with Order. If Respondents do not comply with the terms of this  
20 order, including payment of any amounts owed within thirty (30) days of receipt of this order, the  
21 Department may seek its enforcement by the Office of the Attorney General to include the collection  
22 of the restitution, fine, and investigation fee imposed herein. The Department may assign the  
23 amounts owed to a collection agency for collection.

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

DATED this 17<sup>th</sup> day of August, 2015.



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
  
SCOTT JARVIS  
Director

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

4 IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
5 Mortgage Broker Practices Act of Washington by:  
UNIVERSAL CONSUMER LAW GROUP, and  
6 WILLIAM R. TROIANI, Principal,

7 Respondents.

No. C-14-1598-15-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

8 INTRODUCTION

9 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial  
10 Institutions of the State of Washington (Director) is responsible for the administration of chapter  
11 19.146 RCW, the Mortgage Broker Practices Act (Act). After having conducted an investigation  
12 pursuant to RCW 19.146.235, and based upon the facts available as of the date of this Statement of  
13 Charges, the Director, through his designee, Division of Consumer Services Director Charles E. Clark,  
14 institutes this proceeding and finds as follows:

15 I. FACTUAL ALLEGATIONS

16 1.1 Respondents.

17 A. **Universal Consumer Law Group (Respondent Universal)** has never been licensed by  
18 the Department of Financial Institutions of the State of Washington (Department) to conduct business  
19 as a mortgage broker.

20 B. **William R. Troiani (Respondent Troiani)** is a principal of Respondent Universal. During  
21 the relevant time period, Respondent Troiani was not licensed by the Department to conduct business  
22 as a mortgage broker or loan originator.

23 1.2 **Unlicensed Activity.** Between at least March 27, 2014, and the date of this Statement of

24 Charges, Respondents were offering residential mortgage loan modification services to Washington

1 consumers on property located in Washington State. Respondents entered into a contractual  
2 relationship with at least one Washington consumer to provide those services and collected an advance  
3 fee for the provision of those services. The Department has received at least one complaint from a  
4 Washington consumer alleging Respondents provided or offered to provide residential mortgage loan  
5 modification services while not licensed by the Department to provide those services. Consumer W.D.  
6 paid Respondents \$3,641.04 for loan modification services.

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

10 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the  
11 Act by Respondents continues to date.

## 12 II. GROUNDS FOR ENTRY OF ORDER

13 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,  
14 "Mortgage broker" means any person who for direct or indirect compensation or gain, or in the  
15 expectation of direct or indirect compensation or gain assists a person in obtaining or applying to  
16 obtain a residential mortgage loan or performs residential mortgage loan modification services or holds  
17 himself or herself out as being able to assist a person in obtaining or applying to obtain a residential  
18 mortgage loan or provide residential mortgage loan modification services.

19 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11)(b), "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 performs residential mortgage loan modification services or holds  
22 himself or herself out as being able to perform residential mortgage loan modification services.

1 **2.3 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) & (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, Respondents are in apparent violation of RCW 19.146.200(1)  
6 for 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 Troiani is in apparent violation of RCW  
10 19.146.200(1) for engaging in the business of a loan originator without first obtaining and maintaining  
11 a license.

12 **2.6 Prohibition against Taking Advance Fees.** Based on the Factual Allegations set forth in  
13 Section I above, Respondents are in apparent violation of RCE 19.146.0201(11) and 16 CFR 322  
14 (MARS Rule) for taking advance fees for loan modification services.

### 15 III. AUTHORITY TO IMPOSE SANCTIONS

16 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
17 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
18 business.

19 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
20 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
21 any person subject to licensing under the Act for any violation of the Act.

22 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
23 restitution against any person subject to the Act for any violation of the Act.  
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1 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
2 against any person subject to the Act for any violation of the Act.

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

#### 6 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

10 **4.1** Respondents Universal Consumer Law Group and William R. Troiani cease and desist  
11 engaging in the business of a mortgage broker or loan originator.

12 **4.2** Respondents Universal Consumer Law Group and William R. Troiani be prohibited from  
13 participation, in any manner, in the conduct of the affairs of any mortgage broker subject to  
14 licensure by the Director for a period of five years.

15 **4.3** Respondents Universal Consumer Law Group and William R. Troiani jointly and severally pay  
16 restitution to the consumer identified by the Department in paragraph 1.2 in the amount of  
17 \$3,641.04, and that Respondents jointly and severally pay restitution to each Washington  
18 consumer with whom they entered into a contract for residential mortgage loan modification  
19 services related to real property or consumers located in the state of Washington equal to the  
20 amount collected from that Washington consumer for those services in an amount to be  
21 determined at hearing.

22 **4.4** Respondents Universal Consumer Law Group and William R. Troiani jointly and severally pay  
23 a fine, which as of the date of this Statement of Charges totals \$3,000.

24 **4.5** Respondents Universal Consumer Law Group and William R. Troiani jointly and severally pay  
an investigation fee, which as of the date of this Statement of Charges totals \$500.

**4.6** Respondents Universal Consumer Law Group and William R. Troiani 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 23<sup>rd</sup> day of March, 2015.



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CHARLES E. CLARK  
Director, Division of Consumer Services  
Department of Financial Institutions

19 Presented by:

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KENNETH J. SUGIMOTO  
Financial Legal Examiner

23 Approved by:

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STEVEN C. SHERMAN  
Enforcement Chief