

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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

NO. C-09-388-10-CO01

FIRST FINANCIAL & REAL ESTATE
SERVICES INC., d/b/a
WWW.GOFIRSTFINANCIAL.COM, and
MASUD A. SARWARY, Owner, President,
Secretary and Designated Broker, and CASEY J.
LEBLANC, Owner and Vice President,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and First Financial & Real Estate Services Inc. d/b/a www.gofirstfinancial.com (Respondent First Financial), Masud A. Sarwary, owner, president, secretary and designated broker (Respondent Sarwary), and Casey J. Leblanc, Owner and Vice-President (Respondent Leblanc) (collectively Respondents), by and through their attorney Christopher R. Ambrose, 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 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 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-388-09-SC01 (Statement of Charges), entered January 28, 2010, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the

CONSENT ORDER
C-09-388-10-CO01
FIRST FINANCIAL & REAL ESTATE SERVICES INC.,
d/b/a WWW.GOFIRSTFINANCIAL.COM, MASUD A.
SARWARY, and CASEY J. LEBLANC

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order
2 and further agree that the issues raised in the above-captioned matter may be economically and efficiently
3 settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the
4 Statement of Charges and agree that Respondents do not admit any wrongdoing by its entry.
5 Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this
6 Consent Order.

7 Based upon the foregoing:

8
9 **A. Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of
10 the activities discussed herein.

11 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a
12 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all
13 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
14 Accordingly, Respondents, by their signatures and the signature of their representative below, withdraw
15 their appeal to the Office of Administrative Hearings.

16 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the
17 Statement of Charges and agree that Respondents do not admit to any wrongdoing by its entry.

18 **D. License Surrender.**

- 19
20 1. It is AGREED that Respondent First Financial's license to conduct the business of a
21 mortgage broker is surrendered to the Department.
22 2. It is AGREED that Respondent Sarwary's license to conduct the business of a loan
23 originator is surrendered to the Department.

24 **E. Prohibition from Industry.** It is AGREED that:

25

- 1 1. Respondent First Financial is prohibited from participating in the conduct of the affairs of
2 any mortgage broker or consumer loan company licensed by the Department or any
3 person subject to licensure or regulation by the Department for 10 years from the date of
4 entry of this Consent Order in any capacity, including but not limited to: (1) any financial
5 capacity whether active or passive or (2) as an officer, director, principal, designated
6 broker, employee, or loan originator or (3) any management, control, oversight or
7 maintenance of any trust account(s) in any way related to any residential mortgage
8 transaction or (4) receiving, disbursing, managing or controlling in any way, consumer
9 trust funds in any way related to any Washington residential mortgage transaction.
10
- 11 2. Respondents Sarwary and Leblanc are prohibited from participating as an officer, director,
12 owner, or control person of any mortgage broker licensed by the Department, prohibited
13 from originating any loans or taking any action that would otherwise require a license to
14 be issued by the Department, and prohibited from working in any capacity on loans to
15 Washington residents that are subject to the Consumer Loan Act or Mortgage Broker
16 Practices Act for 10 years from the date of entry of this Consent Order.

17 **F. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
18 consent of any person or entity not a party to this Consent Order to take any action concerning their
19 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
20 Order, this Consent Order does not limit or create any private rights or remedies against Respondents,
21 limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.
22

23 **G. Application for License.** It is AGREED that Respondents shall not apply to the Department
24 for any license under the Mortgage Broker Practices Act or the Consumer Loan Act under any name for a
25

1 period of ten years from the date of entry of this Consent Order. It is further AGREED that, should the
 2 Respondents apply to the Department for any license under any name at any time later than ten years
 3 from the entry date of this Consent Order, Respondents shall be required to meet any and all application
 4 requirements in effect at that time.

5 **H. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
 6 investigation fee of \$864, in the form of a cashier's check or money order made payable to the
 7 "Washington State Treasurer," upon entry of this Consent Order.

8 **I. Authority to Execute Order.** It is AGREED that the undersigned have represented and
 9 warranted that they have the full power and right to execute this Consent Order on behalf of the parties
 10 represented.
 11

12 **J. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to
 13 abide by the terms and conditions of this Consent Order may result in further legal action by the
 14 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director
 15 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

16 **K. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily
 17 entered into this Consent Order, which is effective when signed by the Director's designee.

18 **L. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read
 19 this Consent Order in its entirety and fully understand and agree to all of the same.
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25
 CONSENT ORDER
 C-09-388-10-CO01
 FIRST FINANCIAL & REAL ESTATE SERVICES INC.,
 d/b/a WWW.GOFIRSTFINANCIAL.COM, MASUD A.
 SARWARV, and CASEY J. LEBLANC

DEPARTMENT OF FINANCIAL INSTITUTIONS
 Division of Consumer Services
 150 Israel Rd SW
 PO Box 41200
 Olympia, WA 98504-1200
 (360) 902-8703

1 **RESPONDENTS:**
 2 **First Financial & Real Estate Services Inc.**
 3 **d/b/a www.gofirstfinancial.com**

4 By: *C. J. Bl*
 Name and Title **President**

4-25-11
 Date

5
 6 *Masud A. Sarwary*
 Masud A. Sarwary
 Individually

4/25/11
 Date

7
 8 *C. J. Bl*
 Casey J. Leblanc
 Individually

4-25-11
 Date

9
 10 *Christopher R. Ambrose*
 Christopher R. Ambrose, WSBA No. 26237
 Attorney at Law Ambrose Law Group
 Attorney for Respondents

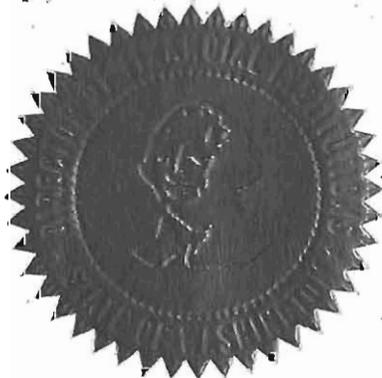
4-25-11
 Date

13 **DO NOT WRITE BELOW THIS LINE**

14 THIS ORDER ENTERED THIS 27th DAY OF April, 2011.

15
 16 *Deborah Bortner*
 DEBORAH BORTNER
 Director
 Division of Consumer Services
 Department of Financial Institutions

17 Presented by:
 18
 19 *Shana L. Oliver*
 SHANA OLIVER
 Financial Legal Examiner



20 Approved by:
 21
 22 *James R. Brusselback*
 JAMES R. BRUSSELBACK
 Enforcement Chief

23
 24
 25 **CONSENT ORDER**
 C-09-388-10-CO01
 FIRST FINANCIAL & REAL ESTATE SERVICES INC.,
 d/b/a WWW.GOFIRSTFINANCIAL.COM, MASUD A.
 SARWARY, and CASEY J. LEBLANC

DEPARTMENT OF FINANCIAL INSTITUTIONS
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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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

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FIRST FINANCIAL & REAL ESTATE SERVICES
INC., d/b/a WWW.GOFIRSTFINANCIAL.COM, and
MASUD A. SARWARY, Owner, President, Secretary
and Designated Broker, and CASEY J. LEBLANC,
Owner and Vice President,

Respondents.

NO. C-09-388-09-SC01

STATEMENT OF CHARGES and NOTICE
OF INTENTION TO ENTER AN ORDER TO
REVOKE LICENSE, PROHIBIT FROM
INDUSTRY, IMPOSE FINE, ORDER
RESTITUTION, 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)¹. After having conducted an investigation pursuant to RCW 19.146.235, and
based upon the facts available as 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. **First Financial & Real Estate Services Inc. (Respondent First)** was licensed by the
Department of Financial Institutions of the State of Washington (Department) to conduct business as a
mortgage broker on June 5, 2006. Respondent First's license expired on December 31, 2008, but was renewed
on February 17, 2009, and Respondent First continues to be licensed to date. Respondent First is licensed to
conduct the business of a mortgage broker at 3131 Camino Del Rio N. Ste. 900, San Diego, California.

B. **Masud A. Sarwary (Respondent Sarwary)** is an Owner, President, Secretary and Designated
Broker of Respondent First. Respondent Sarwary was named Designated Broker of Respondent First on June 5,
2006, and has continued as Designated Broker to date.

¹ RCW 19.146 (2006)

1 C. **Casey J. LeBlanc (Respondent LeBlanc)** is an Owner and Vice-President of Respondent
2 First.

3 **1.2 Examination.** On September 2, 2009, through September 4, 2009, the Department conducted an
4 examination of the records of Respondent First. The Department's examination covered a time frame from
5 February 1, 2007, through March 31, 2009, and included the review of 11 loan files that were taken from a
6 random sample of customer files that were representative of Respondent First's portfolio. As a result of the
7 examination, the Department discovered violations of the Act as outlined below.

8 **1.3 Failure to Properly Display Loan Originator's License Number on Loan Applications.**

9 Respondent First did not include the loan originator license numbers on 11 residential mortgage loan
10 applications.

11 **1.4 Unlicensed Loan Originators.** Respondents originated the following 4 Washington loans through at
12 least 3 loan originators¹ that were not properly licensed with the Department when the mortgage applications
13 were accepted by Respondent First.

Unlicensed Originator	Borrower	Commission Received	Settlement Date
David Pearlman	T.D.	\$2,166.99	6/11/08
Andrew Delmolino	B.N.	\$1,500.00	6/13/08
Sam Aminpour	R.P.	\$555.76	1/21/09
David Pearlman	F.V.	\$1,683.90	6/10/08

18 **1.5 Unlicensed Activity.** Between January 1, 2009, and February 17, 2009, Respondents assisted at least 2
19 borrowers in applying to obtain residential mortgage loans on property located in the State of Washington when
20 not licensed as discussed in paragraph 1.1. The borrowers involved in these residential mortgage loans paid
21 fees to Respondent First totaling \$8,198.75 as follows:

Borrower	Application Date	Settlement Date	Loan Fees
R.D.	1/13/09	3/3/09	\$4,019.50
R.P.	12/5/08	1/21/09	\$4,179.25

25 ¹ The Department has issued Statements of Charges against each of the unlicensed loan originators.

1 **1.6 Failure to Specify Fees Benefiting the Mortgage Broker.** Respondents did not specify, on the Good
 2 Faith Estimate (GFE) that Respondent First was charging the following 11 borrowers, processing, application,
 3 and “doc draw” fees.

Borrower	Type of fee	Amount
L.C.	Processing	\$999.00
	Application	\$599.00
T.D.	Processing	\$999.00
	Application	\$599.00
R.D.	Processing	\$599.00
	Application	\$299.00
R.E.	Processing	\$999.00
	Application	\$599.00
	Doc Prep	\$200.00
A.G.	Processing	\$599.00
	Application	\$299.00
B.N.	Processing	\$999.00
	Application	\$599.00
B.O.	Processing	\$999.00
	Application	\$599.00
R.P.	Processing	\$599.00
	Application	\$299.00
M.T.	Processing	\$999.00
	Application	\$599.00
G.T.	Processing	\$999.00
	Application	\$599.00
	Doc draw	\$200.00
F.V.	Processing	\$999.00
	Application	\$599.00
	Doc draw	\$200.00

18 **1.7 Failure to Properly Disclose the Yield Spread Premium on the Good Faith Estimate.** Respondents
 19 improperly disclosed the Yield Spread Premium (YSP) on GFEs provided to 2 borrowers by not spelling out
 20 “yield spread premium”, listing the YSP somewhere other than the 800 series of the GFE, or by not disclosing
 21 the YSP as a dollar amount or dollar range.

22 **1.8 Failure to Provide a Written Explanation for Increased Fees.** Respondents did not provide
 23 borrowers with a written explanation for fee increases. Four borrowers received initial GFEs from Respondents
 24 outlining its fees. When the fees, in the form of application, processing, broker, document, and YSP, increased,
 25

1 the borrowers listed below were not provided a written explanation for the increase in fees (all of the borrowers
 2 received a subsequent GFE).

Borrower	Initial GFE Fees	Fees on HUD-1	Fee Increase
T.D.	Processing: \$999.00 Application: \$599.00	Processing: \$999.00 Application: \$599.00 Broker fee: \$3,999.03 YSP: \$2,222.61	\$6,221.64
A.G.	Processing: \$599.00 Application: \$299.00	Processing: \$999.00 Application: \$599.00 Doc prep: \$200.00 YSP: \$825.71	\$1,725.71
B.N.	Processing: \$999.00 Application: \$599.00	Processing: \$999.00 Application: \$599.00 YSP: \$5,000.00	\$5,000.00
B.O.	Processing: \$999.00 Application: \$599.00	Processing: \$999.00 Application: \$599.00 Document fee: \$275.00 Broker fee: \$3360.00 YSP: \$3259.20	\$6,894.20
		TOTAL	\$19,841.55

14 **1.9 Failure to Provide Accurate and Complete Truth-In-Lending Disclosures.** Respondents did not
 15 provide accurate or complete Truth-In-Lending (TIL) disclosures to 5 borrowers when it either: a) did not mark
 16 the box identifying a variable rate feature, or b) did not accurately disclose a payment stream.

17 **1.10 Failure To Deliver Rate-Lock Disclosures.** Respondents did not provide a rate-lock disclosure within
 18 3-days of receiving a loan application from 2 borrowers.

19 **1.11 Failure Disclose Variable Rate Mortgage Program Disclosures.** The Respondents were unable to
 20 provide the Department proof, during the examination outlined in paragraph 1.2, that it made disclosures to 5
 21 borrowers identifying the terms of a variable rate mortgage.

22 **1.12 Failure to Deposit Third-Party Fees into a Trust Account.** Respondents did not establish and
 23 maintain a trust account for third-party service fees. Respondents received third-party fees from escrow,
 24 regarding 4 borrowers, which the Respondents deposited into their general account.

1 **1.13 Filing a False Report with the Department.** The Respondents provided the Department false
2 information when it filed a Declaration of Activity report with the Department on February 2, 2009. In their
3 declaration, the Respondents declared it had not conducted any activity that would require licensure in the State
4 of Washington during the period between January 1, 2009 and February 2, 2009. The Respondents also
5 declared they had not received compensation that would require licensure pursuant to the Act. As outlined in
6 paragraph 1.5, the Respondents did conduct activity that required licensure contrary to their declaration.

7 **1.14 Failure to Provide Affiliated Business Arrangement Disclosure.** Respondents did not provide
8 affiliated business arrangement disclosures to 11 borrowers when Respondents used the services of Foundation
9 Escrow. Foundation Escrow is wholly owned by Respondent Sarwary.

10 **1.15 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
11 Respondents continues to date.

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

13 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-010(29),
14 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or
15 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential
16 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a
17 person in obtaining or applying to obtain a residential mortgage loan.

18 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10), "Loan originator" means a natural
19 person who (a) takes a residential mortgage loan application for a mortgage broker, or (b) offers or negotiates
20 terms of a mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect
21 compensation or gain. "Loan originator" also includes a person who holds themselves out to the public as able
22 to perform any of these activities. "Loan originator" does not mean persons performing purely administrative or
23 clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or clerical tasks" means
24 the receipt, collection, and distribution of information common for the processing of a loan in the mortgage
25 industry and communication with a borrower to obtain information necessary for the processing of a loan. A

1 person who holds himself or herself out to the public as able to obtain a loan is not performing administrative or
2 clerical tasks.

3 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a “Borrower” is defined as any person who
4 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information
5 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself
6 or herself, regardless of whether the person actually obtains such a loan.

7 **2.4 Requirement to Display Loan Originator’s Number.** Based on the Factual Allegations set forth in
8 Section I above, Respondents are in apparent violation of WAC 208-660-350 (26) for failing to disclose the
9 loan originator’s license number when taking a residential mortgage loan application.

10 **2.5 Requirement to Exercise Reasonable Care Over Loan Originators.** Based on the Factual
11 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200, WAC 208-
12 660-155(1), and WAC 208-660-155(9) for failing to exercise reasonable care by allowing loan originators to
13 commit violations of the Act.

14 **2.6 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
15 I above, Respondents are in apparent violation of RCW 19.146.200 and WAC 208-660-163(18) for engaging in
16 the business of a mortgage broker without first obtaining and maintaining a license under the Act.

17 **2.7 Requirement to Disclose Residential Mortgage Loan Fees and Terms.** Based on the Factual
18 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.030(1), (2), (4),
19 WAC 208-660-500(5), and Regulation Z, 12 CFR, Section 226.18 for failing to provide borrowers with full
20 written disclosures, containing an itemization and explanation of all fees and costs that the borrowers were
21 required to pay in connection with obtaining a residential mortgage loan, for charging fees inuring to the benefit
22 of a mortgage broker in excess of the fees disclosed on the initial written disclosures where the fees were
23 reasonably foreseeable by the mortgage broker at the time the initial written disclosures were provided to
24 borrowers, and/or where the mortgage broker failed to provide the borrowers, no less than three business days
25 prior to the signing of the loan closing documents, a clear written explanation of the fees and the reason for

1 charging fees exceeding those which were previously disclosed, and for charging a loan discount fee when
2 originating a loan but not making a loan.

3 **2.8 Requirement to Disclose Yield Spread Premiums.** Based on the Factual Allegations set forth in
4 Section I above, Respondents are in apparent violation of WAC 208-660-430(5) and Regulation X, 24 CFR
5 Section 3500, Appendix B, for failing to properly disclose Yield Spread Premiums charged to borrowers on the
6 Good Faith Estimate.

7 **2.9 Requirement to Maintain Third-Party Fees in a Trust Account.** Based on the Factual Allegations
8 set forth in Section I above, Respondents are in apparent violation of RCW 19.146.050(1) and WAC 208-660-
9 410(3) for failing to maintain a trust account for borrower funds received for third-party provider services.

10 **2.10 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in
11 apparent violation of RCW 19.146.0201(1), (2), (3), (6), (7), (10), (11), (13) and (15) for directly or indirectly
12 employing a scheme, device or artifice to defraud or mislead borrowers or lenders or any person, engaging in an
13 unfair or deceptive practice toward any person, obtaining property by fraud or misrepresentation, failing to
14 make disclosures to loan applicants and non-institutional investors as required by RCW 19.146.030 and any
15 other applicable state or federal law, making, in any manner, any false or deceptive statement or representation
16 with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or
17 engaging in bait and switch advertising, negligently making any false statement or knowingly and willfully
18 making any omission of material fact in connection with any reports filed by a mortgage broker or in connection
19 with any investigation conducted by the department, failing to comply with any requirement of the Truth In
20 Lending Act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, and the Real Estate Settlement
21 Procedures Act, 12 U.S.C. Sec. 2601 and Regulation X, 24 C.F.R. Sec. 3500, for collecting, charging,
22 attempting to collect or charge or using or proposing any agreement purporting to collect or charge any fee
23 prohibited by RCW 19.146.030 or RCW 19.146.070, and failing to comply with any provision of RCW 146.030
24 through 19.146.080 or any rule adopted under those sections.

1 **2.11 Requirement to Disclose Affiliated Business Arrangement.** Based on the Factual Allegations set
2 forth in Section I above, Respondents are in apparent violation of Regulation X, 24 C.F.R. Sec. 3500.15(b)(1)
3 for failing to provide borrowers with an Affiliated Business Arrangement Disclosure Statement.

4 **III. AUTHORITY TO IMPOSE SANCTIONS**

5 **3.1 Authority to Revoke.** Pursuant to RCW 19.146.220(2)(b)(i), (ii), (iii) and (iv), and WAC 208-660-
6 160, the Director may revoke a license for any violation of RCW 19.146.050, RCW 19.146.060(3), RCW
7 19.146.0201(1) through (9) or (12), RCW 19.146.205(4), or RCW 19.146.265.

8 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
9 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
10 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
11 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or (13),
12 RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265.

13 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i) and (ii) and WAC 208-660-165, the
14 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to
15 the Act for any violations of RCW 19.146.0201(1) through (9) or (12), RCW 19.146.030 through RCW
16 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265, or failure to comply with a directive
17 or order of the Director.

18 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(e) and WAC 208-660-430(14), the
19 Director may issue orders directing a licensee, its employee or loan originator, or other person subject to the Act to
20 pay restitution for any violation of the Act.

21 **3.5 Authority to Collect Examination and Investigation Fees.** Pursuant to RCW 19.146.228(2), WAC 208-
22 660-510(9), WAC 208-660-520(9), and WAC 208-660-550(4) and (5), upon completion of any examination or
23 investigation of the books and records of a licensee or other person subject to the Act, the Department will furnish
24 to the licensee or other person subject to the Act a billing to cover the cost of the investigation. The investigation
25 charge will be calculated at the rate of \$48 per hour that each staff person devoted to the investigation.

1 **IV. NOTICE OF INTENTION TO ENTER ORDER**

2 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
3 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis
4 for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223. Therefore, it is the
5 Director's intention to ORDER that:

- 6 **4.1** Respondent First Financial & Real Estate Services d/b/a www.gofirstfinancial.com's license to conduct
7 the business of a mortgage broker be revoked;
- 8 **4.2** Respondent First Financial & Real Estate Services d/b/a www.gofirstfinancial.com be prohibited from
9 participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any
10 manner, for a period of 5 years;
- 11 **4.3** Respondent Masud A. Sarwary's license to conduct the business of a loan originator be revoked;
- 12 **4.4** Respondent Masud A. Sarwary be prohibited from participation in the conduct of the affairs of any
13 mortgage broker subject to licensure by the Director, in any manner, for a period of 5 years;
- 14 **4.5** Respondent Casey J. LeBlanc be prohibited from participation in the conduct of the affairs of any
15 mortgage broker subject to licensure by the Director, in any manner, for a period of 5 years;
- 16 **4.6** Respondents First Financial & Real Estate Services d/b/a www.gofirstfinancial.com, Masud A. Sarwary,
17 and Casey J. LeBlanc jointly and severally pay a fine, which at the time of this document, totals \$36,500;
- 18 **4.7** Respondents First Financial & Real Estate Services d/b/a www.gofirstfinancial.com, Masud A. Sarwary,
19 and Casey J. LeBlanc jointly and severally pay restitution to the borrowers outlined in paragraphs 1.4, 1.5,
20 and 1.8, which at the time of this document totals, \$33,946.95;
- 21 **4.8** Respondents First Financial & Real Estate Services d/b/a www.gofirstfinancial.com, Masud A. Sarwary,
22 and Casey J. LeBlanc jointly and severally pay an investigation fee, which at the time of this document
23 totals, \$864 calculated at \$48 for the 18 staff hours devoted to the investigation; and
- 24 **4.9** Respondents First Financial & Real Estate Services d/b/a www.gofirstfinancial.com, Masud A. Sarwary,
25 and Casey J. LeBlanc maintain records in compliance with the Act and provide the Department with the
location of the books, records and other information relating to Respondent First Financial & Real Estate
Services d/b/a www.gofirstfinancial.com's mortgage broker business, 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 and Notice of Intention to Enter an Order to Revoke License, Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (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 28th day of January, 2010.



Deborah Bortner

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

William Halstead

WILLIAM HALSTEAD
Financial Legal Examiner

Approved by:

James R. Brusselback
JAMES R. BRUSSELBACK
Enforcement Chief