

Terms Completed

ORDER SUMMARY – Case Number: C-10-159

Name(s): Sweethome Mortgage Inc.
Mikhael Bassili, Designated Broker

Order Number: C-10-159-10-CO02

Effective Date: September 28, 2010

License Number: DFI: 48081 NMLS ID : 116823 (Sweethome Mortgage)
DFI: 51122 NMLS ID: 120913 (Bassili)

Or NMLS Identifier [U/L]
License Effect: N/A

Not Apply Until: N/A

Not Eligible Until: N/A

Prohibition/Ban Until: N/A

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|--|------|---|--|------------------|
| Investigation Costs | \$48 | Due | Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Date: Sept 28/10 |
| | | | | |
| Fine | \$ | Due | Paid <input type="checkbox"/> Y <input 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 type="checkbox"/> N | | |
| No. of Victims: | | | | |

Comments: Submitted Declaration of Activity and Closure Report

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**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-10-159-10-CO02

SWEETHOME MORTGAGE INC;
MIKHAEL BASSILI, DESIGNATED BROKER,

CONSENT ORDER

Respondents.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and SweetHome Mortgage, Inc. (Respondent SweetHome Mortgage), and Mikhael Bassili, Designated Broker (Respondent Bassili), 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:

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AGREEMENT AND ORDER

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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-10-159-10-SC01 (Statement of Charges), entered May 3, 2010, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges. Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

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CONSENT ORDER
C-10-159-10-CO02
SweetHome Mortgage, Inc. and Mikhael Bassili

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

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Based upon the foregoing:

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

B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing before an administrative law judge, and that they hereby waive their right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

Accordingly, Respondents by their signatures below hereby withdraw their appeal to the Office of Administrative Hearings.

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

D. **Declaration of Activity.** It is AGREED that Respondents have signed and submitted to the Department a Declaration of Activity covering the dates of January 1, 2010, through the date of entry of this Consent Order.

E. **Closure Report.** It is AGREED that Respondents have filed with the Department a Mortgage Broker Closure Report.

F. **Investigation Fee.** It is AGREED that Respondents have paid to the Department an investigation fee of \$48, in the form of a cashier's check made payable to the "Washington State Treasurer."

G. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and warranted that they have the full power and right to execute this Consent Order on behalf of the parties represented.

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

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

3 J. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
4 Consent Order in its entirety and fully understand and agree to all of the same.

5 **RESPONDENTS:**

6 **SweetHome Mortgage, Inc.**

7 By:

8 [Redacted Signature]

9 Mikhael Bassili
President and Designated Broker

9/15/2010
Date

10 [Redacted Signature]

11 Mikhael Bassili
12 Individually

9/15/2010
Date

13 DO NOT WRITE BELOW THIS LINE

14 THIS ORDER ENTERED THIS 28th DAY OF September, 2010.



15 [Redacted Signature]

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

19 Presented by:

20 [Redacted Signature]

21 ROBERT E. JONES
Financial Legal Examiner

22 Approved by:

23 [Redacted Signature]

24 JAMES R. BRUSSELBACK
Enforcement Chief

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**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:

SWEETHOME MORTGAGE INC;
MIKHAEL BASSILI, DESIGNATED BROKER,

Respondents.

NO. C-10-159-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO 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 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. SweetHome Mortgage Inc was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged. At all times relevant to the Statement of Charges, Mikhael Bassili was the Designated Broker for the company.

1.2 Failure to File Mortgage Broker Annual Report. By March 31, 2010, Respondents were required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. As of the date of this Statement of Charges Respondents have not filed the 2009 mortgage broker annual report.

1.3 Failure to File Mortgage Broker Closure Form. Respondents are required to file a completed closure form and submit a surrender request through the NMLSR. As of the date of this Statement of Charges, Respondents have not filed a completed closure form or submitted a surrender request through the NMLSR.

1 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
2 Respondents continues to date.

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

4 **2.1 Requirement to File Mortgage Broker Annual Report.** Based on the Factual Allegations set forth in
5 Section I above, Respondents are in apparent violation of RCW 19.146.290(1), WAC 208-660-250(7) and
6 WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

7 **2.2 Requirement to File Mortgage Broker Closure Form.** Based on the Factual Allegations set forth in
8 Section I above, Respondents are in apparent violation of WAC 208-660-163(18) for failing to submit a
9 surrender request through the NMLSR or failing to submit a completed departmental closure form.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a
12 licensee or other person subject to the Act for any violations of the Act.

13 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC
14 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject
15 to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of
16 the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person
17 devoted to the investigation.

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

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

23 **4.1** Respondents SweetHome Mortgage Inc and Mikhael Bassili jointly and severally pay a fine of
24 \$100 per day beginning April 1, 2010, until the date the 2009 Mortgage Broker Annual Report is
25 filed; and

- 1 4.2 Respondents SweetHome Mortgage Inc and Mikhael Bassili jointly and severally pay an
2 investigation fee, which as of the date of these charges is \$48 calculated at \$48 per hour for one
3 staff hour devoted to the investigation; and
- 4 4.3 Respondents SweetHome Mortgage Inc and Mikhael Bassili file the 2009 annual report of
5 mortgage broker activity.
- 6 4.4 Respondents SweetHome Mortgage Inc and Mikhael Bassili submit a surrender request through
7 NMLSR and submit a completed departmental closure form.
- 8 4.5 Respondents SweetHome Mortgage Inc and Mikhael Bassili maintain records in compliance with
9 the Act and provide the Department with the location of the books, records and other information
10 relating to Respondent SweetHome Mortgage Inc's mortgage broker business, and the name,
11 address and telephone number of the individual responsible for maintenance of such records in
12 compliance with the Act.

V. AUTHORITY AND PROCEDURE

13 This Statement of Charges and Notice of Intention to Enter an Order to Impose Fine and Collect
14 Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220,
15 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05
16 RCW (The Administrative Procedure Act). Respondents may make a written request for a Brief Adjudicative
17 Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF
18 ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

19 Dated this 3rd day of May, 2010.

[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

20 Presented by:

[Redacted Signature]

FATIMA BATIE
Financial Legal Examiner Supervisor

22 Approved by:

[Redacted Signature]

JAMES R. BRUSSELBACK
Enforcement Chief

