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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

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IN THE MATTER OF DETERMINING
whether there has been a violation
of the Securities Act of Washington by:

Order Number S-04-220-08-CO01

CONSENT ORDER

Able Mortgage & Investments, Inc. and Barry A.
Hammer,

Respondents

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INTRODUCTION

On July 13, 2005, the Securities Division of the State of Washington Department of Financial Institutions (“Securities Division”) entered a Summary Order to Cease and Desist and Notice of Intent to Impose Fines and Recover Costs (“Summary Order”), Order Number S-04-220-05-TO01, against Able Mortgage & Investments, Inc. and Barry A. Hammer (“Hammer”).

On May 29, 2008, Hammer pleaded guilty in United States District Court for the Western District of Washington to one count of federal wire fraud in connection with a scheme or plan to deprive a client of honest services. On November 7, 2008, United States District Court Judge Marsha J. Pechman found that Hammer was financially unable and was unlikely to become able to pay a fine. However, Judge Pechman ordered Hammer to pay restitution of \$9,356,018.55.

The Securities Division and Respondents, Able Mortgage & Investments, Inc. and Barry A. Hammer, do hereby enter into this Consent Order in settlement of the above-captioned matter. In its Summary Order, the Securities Division made certain allegations and conclusions, set forth under the headings “Tentative Findings of Fact” and “Conclusions of Law,” which are hereby incorporated by reference into this Consent Order.

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CONSENT ORDER

1 **CONSENT ORDER**

2 Based upon the foregoing and finding it in the public interest:

3 IT IS AGREED AND ORDERED that Respondents, Able Mortgage & Investments, Inc. and Barry
4 A. Hammer, and their agents and employees each shall cease and desist from offering or selling
5 securities in violation of RCW 21.20.140, the securities registration section of the Securities Act of
6 Washington.

7 IT IS FURTHER AGREED AND ORDERED that Respondents, Able Mortgage & Investments,
8 Inc. and Barry A. Hammer, and their agents and employees each shall cease and desist from acting as an
9 unregistered securities broker-dealer or salesperson in violation of RCW 21.20.040, the securities
10 broker-dealer and salesperson registration section of the Securities Act of Washington.

11 IT IS FURTHER AGREED AND ORDERED that Respondents, Able Mortgage & Investments,
12 Inc. and Barry A. Hammer, and their agents and employees each shall cease and desist from violating
13 RCW 21.20.010, the anti-fraud section of the Securities Act of Washington.

14 IT IS FURTHER AGREED that the Securities Division has jurisdiction to enter this Order.

15 IT IS FURTHER AGREED that in consideration of the foregoing Respondents, Able Mortgage &
16 Investments, Inc. and Barry A. Hammer, each waive their rights to a hearing in this matter and to judicial
17 review of this order.

18 **WILLFUL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.**

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20 SIGNED this 25th day of November, 2008

21 Approved by:

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23 CONSENT ORDER

