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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:

SATHIANE LAKKHAM aka BRUCE SANTANA,

Respondent.

NO. C-04-192-08-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On May 2, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, and Collect Investigation Fee (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated May 5, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Sathiane Lakkham. The Department served the Statement of Charges, cover letter dated May 5, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Sathiane Lakkham on Respondent on May 5, 2008 by first class mail and Federal Express overnight delivery. On May 6, 2008, the documents sent via Federal Express overnight delivery were delivered. The documents sent via first class mail were not returned to the Department by the United States Post Office.

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

4 B. Record Presented. The record presented to the Director's designee for her review and
5 for entry of a final decision included the following: Statement of Charges, cover letter dated May 5,
6 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for
7 Adjudicative Hearing for Sathiane Lakkham, with documentation of service.

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

11 II. FINAL ORDER

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

14 A. IT IS HEREBY ORDERED, That:

- 15 1. Respondent Sathiane Lakkham pay a fine of \$10,000; and
- 16 2. Respondent Sathiane Lakkham is banned from participation in the conduct of the
17 affairs of any mortgage broker subject to licensure by the Director, in any manner, for
18 a period of ten (10) years; and
- 19 3. Respondent Sathiane Lakkham pay an investigation fee of \$1,328.28.

20 B. Effectiveness of Order. Upon deposit in the U.S. mail, this order is effective and any
21 monetary amounts are due.

22 C. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
23 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
24 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150

1 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
2 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
3 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
4 Reconsideration a prerequisite for seeking judicial review in this matter.

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

8
9 D. Stay of Order. The Director's designee has determined not to consider a Petition
10 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition
11 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

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

15 F. Non-compliance with Order. If you do not comply with the terms of this order, the
16 Department may seek its enforcement by the Office of Attorney General to include the collection of the
17 fines, fees and restitution imposed herein.

18 G. Service. For purposes of filing a Petition for Reconsideration or a Petition for
19 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service
20 attached hereto.
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1 DATED this 3rd day of July, 2008.

2 STATE OF WASHINGTON
3 DEPARTMENT OF FINANCIAL INSTITUTIONS

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5 DEBORAH BORTNER
6 DIRECTOR
7 DIVISION OF CONSUMER SERVICES



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

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

Sathiane Lakkham aka Bruce Santana

Respondent.

NO. C-04-192-08-SC05

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO PROHIBIT FROM INDUSTRY,
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)¹. After having conducted an
investigation pursuant to RCW 19.146.235, and based upon the facts available as of the date of this
Statement of Charges, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent Sathiane Lakkham aka Bruce Santana (Lakkham) was a loan officer with
Country Home Finance, Inc. a former mortgage broker licensee at the time of the alleged violations.
Lakkham is known to have conducted business at the following location:

Country Home Finance, Inc.
5404 W. Tucannon Ave.
Kennewick, WA

1.2 Investigation: Lakkham convinced a borrower to borrow approximately \$30,000 more than
the borrower was seeking in a mortgage loan refinance. Lakkham told the borrower he could then loan
out the additional monies and make a profit.

¹ As effective through December 31, 2006.

1 Lakkham convinced the borrower to make eight personal loans to Lakkham and individuals
2 who Lakkham said were his friends. Lakkham repaid four of the loans but defaulted on the other four.
3 Lakkham admitted to making up the names of at least two of the borrowers, forging the promissory
4 notes, and keeping the proceeds of the borrower's loans for his own use.

5 On July 13, 2005, the Department referred the case to the Washington State Attorney General's
6 Office, Criminal Justice Division, to review for criminal charges. Lakkham was indicted in Benton
7 County Superior Court on March 29, 2006. Lakkham plead guilty on April 26, 2006.

8 **1.3 Criminal Conviction of Felony:** On May 25, 2006, in the Superior Court of Benton County,
9 in Cause No. 06-1-00411-0, Lakkham was convicted of two counts of Theft in the First Degree in
10 violation of RCW 9A.56.020(1)(b) and RCW 9A.56.030(1)(a). Lakkham was also convicted of two
11 counts of Forgery in violation of RCW 9A.060.020(1)(a).

12 **1.4 Sentence:** As a result of Lakkham's conviction of the felonies described in Paragraph 1.3
13 above, a Judgment and Sentence was ordered against Lakkham ordering him to pay a fine of \$1,145,
14 restitution to the victim of \$13,500 and confining him to 180 days at the Benton County Jail.

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

16 **2.1 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a "Borrower" is defined as any
17 person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek
18 advice or information on obtaining or applying to obtain a residential mortgage loan for himself,
19 herself, or persons including himself or herself, regardless of whether the person actually obtains such
20 a loan.

21 **2.2 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is
22 in apparent violation of RCW 19.146.0201(1), (2), and (3), directly or indirectly employing a scheme,
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1 device or artifice to defraud or mislead borrowers or lenders or any person or engaging in an unfair or
2 deceptive practice toward any person or obtaining property by fraud or misrepresentation.

3 III. AUTHORITY TO IMPOSE SANCTIONS

4 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e) , the Director
5 may prohibit from participation in the conduct of the affairs of a licensed mortgage broker, any officer,
6 principal, employee, or loan originator of any licensed mortgage broker or any person subject to
7 licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or (12), RCW
8 19.146.030 through RCW 19.146.080, or RCW 19.146.200, or RCW 19.146.205(4), or RCW
9 19.146.265, or for conviction of a gross misdemeanor involving dishonesty or financial misconduct or
10 a felony after obtaining a license.
11

12 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i) and (ii) and WAC 208-660-
13 165, the Director may impose fines on a licensee, employee or loan originator of the licensee, or other
14 person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (12).

15 **3.3 Authority to Collect Investigation Fee:** Pursuant to RCW 19.146.228(2), WAC 208-660-060(4)
16 and WAC 208-660-061, upon completion of any investigation of the books and records of a licensee or
17 other person subject to the Act, the Department will furnish to the licensee or other person subject to the
18 Act a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate
19 of \$47.78 per hour that each staff person devoted to the investigation.
20

21 IV. NOTICE OF INTENTION TO ENTER ORDER

22 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as
23 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions
24 constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221 and RCW
25 19.146.223. Therefore, it is the Director's intention to ORDER that:
26

- 1 4.1 Respondent Sathiane Lakkham be prohibited from participation in the conduct of
2 the affairs of any licensed mortgage broker, in any manner, for a period of ten (10)
3 years; and
4 4.2 Respondent Sathiane Lakkham pay a fine in the amount of \$10,000.
5 4.3 Respondent Sathiane Lakkham pay an investigation fee in the amount of
6 \$1,328.28 calculated at \$47.78 per hour for 27.80 staff hours devoted to the
7 investigation.

8 **V . AUTHORITY AND PROCEDURE**

9 This Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry,
10 Impose Fine, and Collect Investigation Fee is entered pursuant to the provisions of RCW 19.146.220,
11 RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter
12 34.05 RCW (The Administrative Procedure Act). Respondent may make a written request for a
13 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
14 HEARING accompanying this Statement of Charges and Notice of Intention to Enter an Order to
15 Prohibit from Industry, Impose Fine, and Collect Investigation Fee.

16 Dated this 2nd day of May 2008.


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18 DEBORAH BORTNER
19 Director
20 Division of Consumer Services
21 Department of Financial Institutions

22 Presented by:

23 
24 FATIMA BATIE
25 Financial Legal Examiner Supervisor

26 Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief

