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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:

NO. C-06-031-09-CO01

JET CITY MORTGAGE, LLC, and  
TAN MY DOAN, President, Owner, and  
Designated Broker, and  
HOLLY DUYEN LE, aka HA DUYEN LE,  
Owner

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 Jet City Mortgage, LLC (hereinafter Respondent Jet City), Tan My Doan, President, Owner, and Designated Broker (hereinafter Respondent Doan), by and through their attorney Mark D. Mestel, and Holly Duyen Le, aka Ha Duyen Le, Owner (hereinafter Respondent Le), by and through her attorney Robert M. Leen, and finding that the issues raised in the 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-06-031-08-SC01 (Statement of Charges), entered July 8, 2008, (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.

CONSENT ORDER  
C-06-031-09-CO01  
Jet City Mortgage, LLC, Tan My Doan, and  
Holly Duyen Le aka Ha Duyen Le

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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

1 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing  
5 before an administrative law judge, and that they hereby waive their right to a hearing and any and all  
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.  
7 Accordingly, Respondents agree to withdraw their appeal and to inform the Office of Administrative Hearings in  
8 writing of their withdrawal.

9 C. **License Revocation.** It is AGREED that Respondent Jet City Mortgage, LLC's license to conduct  
10 the business of a mortgage broker is revoked. It is further AGREED that Respondent Tan My Doan's license to  
11 conduct the business of a designated broker and loan originator is revoked.

12 D. **Prohibition from Industry.** It is AGREED that Respondents are prohibited from participating in the  
13 conduct of the affairs of any mortgage broker licensed by the Department or any person subject to licensure or  
14 regulation by the Department or any mortgage broker exempt from Washington law under RCW 19.146.020(1)(e)  
15 or (g) for fifteen years from the date of entry of this Consent Order in any capacity, including but not limited to:  
16 (1) any financial capacity whether active or passive or (2) as an officer, director, principal, designated broker,  
17 employee, or loan originator or (3) any management, control, oversight or maintenance of any trust account(s) in  
18 any way related to any residential mortgage transaction or (4) receiving, disbursing, managing or controlling in  
19 any way, consumer trust funds in any way related to any residential mortgage transaction.

20 E. **Application for License.** It is AGREED that Respondents shall not apply to the Department for any  
21 license under any name for a period of fifteen years from the date of entry of this Consent Order. It is further  
22 AGREED that, should any or all Respondents apply to the Department for any license under any name at any time  
23 after fifteen years from the date of entry of this Consent Order, such applying Respondents shall be required to  
24 meet any and all application requirements in effect at that time.

25

1           **F. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee  
2 of \$2,396.17, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of  
3 this Consent Order.

4           **G. Records Retention.** It is AGREED that Respondents shall maintain records in compliance with the  
5 Act and provide the Department with the location of the books, records and other information relating to  
6 Respondent Jet City's mortgage broker business, and the name, address, and telephone number of the individual  
7 responsible for maintenance of such records in compliance with the Act.

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

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

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

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1 **RESPONDENTS:**

2 **Jet City Mortgage, LLC**

3 By:

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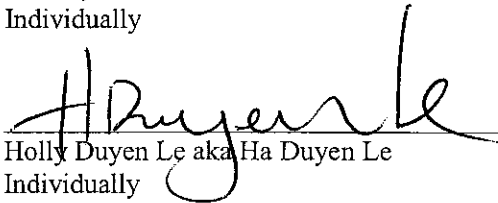
Tan My Doan  
President, Owner, and Designated Broker

4/13/09  
Date

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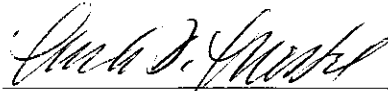
Tan My Doan  
Individually

4/13/09  
Date

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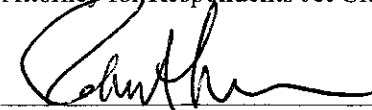
Holly Duyen Le aka Ha Duyen Le  
Individually

4/13/09  
Date

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12 Mark D. Mestel, WSBA No. 8350  
13 Attorney at Law  
14 Attorney for Respondents Jet City and Doan

\_\_\_\_\_  
Date

14 

15 Robert M. Leen, WSBA No. 14208  
16 Attorney at Law  
17 Attorney for Respondent Le

4/13/09  
Date

18 **DO NOT WRITE BELOW THIS LINE**

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25 CONSENT ORDER  
C-06-031-09-CO01  
Jet City Mortgage, LLC, Tan My Doan, and  
Holly Duyen Le aka Ha Duyen Le

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THIS ORDER ENTERED THIS 16<sup>th</sup> DAY OF April, 2009.

  
\_\_\_\_\_

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:



MARK T. OLSON  
Financial Examiner



Approved by:



JAMES R. BRUSSELBACK  
Enforcement Chief

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
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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-06-031-08-SC01

JET CITY MORTGAGE, LLC, and  
TAN MY DOAN, President, Owner and  
Designated Broker, and  
HOLLY DUYEN LE, aka HA DUYEN LE,  
Owner

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO REVOKE LICENSE,  
IMPOSE FINE, PROHIBIT FROM INDUSTRY,  
AND COLLECT INVESTIGATION FEE

Respondents.

**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)<sup>1</sup>. 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, through his designee, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Jet City Mortgage, LLC (Jet City)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on November 25, 2003, and has continued to be licensed to date. Respondent Jet City is licensed to conduct the business of a mortgage broker at 18119 East Valley Hwy SE, Bldg C #103, Kent, WA 98032.

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<sup>1</sup> RCW 19.146 (1994)

1           B.     **Tan My Doan (Doan)** is President and 60% owner of Respondent Jet City. Respondent Doan  
2 was named Designated Broker of Respondent Jet City on November 25, 2003, and has continued as Designated  
3 Broker to date.

4           C.     **Holly Duyen Le, aka Ha Duyen Le (Le)** is 40% owner of Respondent Jet City.

5 **1.2 Prohibited Acts.** During at least the period from November 2004 through March 2005, Respondents  
6 provided falsified income and employment information and documentation to lenders while originating  
7 residential mortgage loans for borrowers in at least five transactions. Such information included false income  
8 and employment information listed on Form 1003 Uniform Residential Mortgage Loan Applications (Form  
9 1003) prepared by Respondents and submitted by Respondents to lenders. Such documentation included  
10 falsified W-2 forms and pay stubs submitted by Respondents to lenders. Respondents collected over \$26,000 in  
11 mortgage broker fees at the close of these five transactions.

12 **1.3 Trust Funds.** In or around September 2003 Respondent Jet City provided the Department with a  
13 notarized "Washington Mortgage Broker Trust Monies Alternative Certificate of Compliance" in which  
14 Respondent Doan certified that he understood that any violation of RCW 19.146.050 was a class C felony and  
15 warranted that Respondent Jet City and its principals, mortgage brokers, employees, loan originators, and  
16 independent contractors would not, at any time, up to and including the closing of a loan and disbursement of  
17 any monies associated with the loan, accept monies from a borrower, or from a third-party (such as an escrow  
18 agent) on behalf of a borrower, for the purposes of payment for services (such as a credit report) provided by  
19 third parties. The Department has no record of Respondent Jet City seeking approval to open and operate a  
20 trust account. During at least the period from November 2004 through October 2006, Respondents collected  
21 third-party credit report fees at the closing of at least 17 residential mortgage loans.

22 **1.4 Failure to Fully Respond to Subpoena.** On July 28, 2005, the Department issued Subpoena to  
23 Produce Records C-04-218-05-SB11 (Subpoena) to Respondent Jet City, attention Respondent Doan. The  
24 Subpoena commanded Respondent Jet City to produce any and all records, documents or information regarding  
25 any residential mortgage loans originated from July 27, 2003 through the date of the Subpoena for two specific

1 borrowers on six specific properties located in the State of Washington. On August 3, 2005, the Department  
2 received Respondent Jet City's response to the Subpoena consisting of documents related to loans on five of the  
3 specific properties identified in the Subpoena and a cover letter stating "Attached are all the loan documents for  
4 [specific borrowers]." On August 4, 2005, the Department discussed the Subpoena response with Respondent  
5 Le. Respondent Le stated that the Subpoena response consisted of copies of all of the loan documents related to  
6 the transactions specified in the Subpoena. Respondents' Subpoena Response to the Department contains  
7 numerous documents that were not actually provided by Respondents to the lenders and closing agent in the  
8 origination of these five transactions. Respondents' Subpoena Response to the Department does not contain  
9 numerous documents that were provided by Respondents to the lenders and closing agent in the origination of  
10 these five transactions.

11 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
12 Respondents continues to date.

## 14 II. GROUNDS FOR ENTRY OF ORDER

15 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
16 apparent violation of:

- 17 • RCW 19.146.0201(1) for directly or indirectly employing a scheme, device or artifice to defraud or  
18 mislead borrowers or lenders or to defraud any person;
- 19 • RCW 19.146.0201(2) for engaging in an unfair or deceptive practice toward any person;
- 20 • RCW 19.146.0201(3) for obtaining property by fraud or misrepresentation; and
- 21 • RCW 19.146.0201(8) for negligently making a false statement or knowingly and willfully making an  
22 omission of material fact in connection with any reports filed by a mortgage broker or in connection  
23 with an investigation conducted by the Department.

24 **2.2 Requirement to Maintain Funds From Borrower for Payment of Third-Party Providers in Trust.**

25 Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW



1 19.146.050, WAC 208-660-08010, WAC 208-660-08015, WAC 208-660-08020, WAC 208-660-08025, WAC  
2 208-660-08030 and WAC 208-660-08032 for failing to deposit funds received from a borrower or on behalf of  
3 a borrower for payment of third-party provider services in a trust account of a federally insured financial  
4 institution located in this state, prior to the end of the third business day following receipt of such monies, and  
5 for commingling operating funds with trust account funds.

6 **2.3 Requirement to Maintain Accurate and Current Books and Records.** Based on the Factual  
7 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.060 and WAC  
8 208-660-140 for failing to maintain accurate and current books and records until at least twenty-five months  
9 have elapsed following the effective period to which the books and records relate and failing to make such  
10 books and records readily available to the Department during that period.

### 11 III. AUTHORITY TO IMPOSE SANCTIONS

12 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2)(b)(iii) and (iv), and WAC 208-660-  
13 160, the Director may revoke a license for failure to comply with any directive or order of the Director, or any  
14 violation of RCW 19.146.050 or RCW 19.146.0201(1) through (9) or (12).

15 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i) and (ii) and WAC 208-660-165, the  
16 Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to  
17 the Act for any violations of RCW 19.146.0201(1) through (9) or (12) or RCW 19.146.030 through RCW  
18 19.146.080, or failure to comply with a directive or order of the Director.

19 **3.3 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e)(i) and (iv), the Director  
20 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a  
21 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage  
22 broker or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or  
23 (12) or RCW 19.146.030 through RCW 19.146.080, or failure to comply with a directive or order of the  
24 Director.

25

1 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-060 and WAC  
2 208-660-061, upon completion of any examination or investigation of the books and records of a licensee or other  
3 person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to  
4 cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-seven dollars and  
5 seventy-eight cents (\$47.78) per hour that each staff person devoted to the investigation.

6  
7 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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


- 12 **4.1** Respondent Jet City Mortgage, LLC's license to conduct the business of a mortgage broker be revoked;  
13 **4.2** Respondent Tan My Doan' loan originator license be revoked;  
14 **4.3** Respondents Jet City Mortgage, LLC, Tan My Doan, and Holly Duyen Le, aka Ha Duyen Le jointly and  
15 severally pay a fine which as of the date of this document totals \$50,000;  
16 **4.4** Respondent Jet City Mortgage, LLC be prohibited from participation in the conduct of the affairs of any  
17 mortgage broker subject to licensure by the Director, in any manner, for a period of ten (10) years; and  
18 **4.5** Respondent Tan My Doan be prohibited from participation in the conduct of the affairs of any mortgage  
19 broker subject to licensure by the Director, in any manner, for a period of ten (10) years; and  
20 **4.6** Respondent Holly Duyen Le, aka Ha Duyen Le be prohibited from participation in the conduct of the  
21 affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of ten (10)  
22 years; and  
23 **4.7** Respondents Jet City Mortgage, LLC, Tan My Doan, and Holly Duyen Le, aka Ha Duyen Le jointly and  
24 severally pay an investigation fee which as of the date of this document totals \$2,396.17; and  
25 **4.8** Respondents Jet City Mortgage, LLC, Tan My Doan, and Holly Duyen Le, aka Ha Duyen Le maintain  
records in compliance with the Act and provide the Department with the location of the books, records and  
other information relating to Respondent Jet City Mortgage, LLC'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.

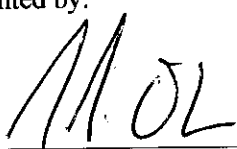
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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Revoke License, Impose Fine,  
3 Prohibit from Industry, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the  
4 provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and RCW 19.146.230 of the 1994 Act,  
5 and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may  
6 make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND  
7 OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

8  
9 Dated this 8<sup>th</sup> day of July, 2008.

10  
11   
12 DEBORAH BORTNER  
13 Director  
14 Division of Consumer Services  
15 Department of Financial Institutions

16 Presented by:  
17   
18 MARK T. OLSON  
19 Financial Examiner

20 Approved by:  
21   
22 JAMES R. BRUSSELBACK  
23 Enforcement Chief