



STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

IN THE MATTER OF INVESTIGATING  
the Loan Originator License Application and  
Determining Whether there has been a violation under  
the Mortgage Broker Practices Act of Washington by:

HAMED SEPEHRI (Loan Originator Applicant),  
SEATTLE EQUITY GROUP, INC., AND  
EVERGREEN PACIFIC SERVICES, INC.,

Respondents.

NO. C-07-336-10-FO01

FINAL ORDER FOR EVERGREEN  
PACIFIC SERVICES, INC.

I. DIRECTOR'S CONSIDERATION

A. Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.464. On July 18, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Deny License Application, Prohibit from Industry, Order Restitution, Impose a Fine, and Collect Investigation Fees (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 July 22, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Evergreen Pacific Services, Inc. (Respondent). The Department of Financial Institutions (Department) served the Statement of Charges, cover letter dated July 22, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for Evergreen Pacific Services, Inc. on Respondent on July 25, 2008, by First-Class aml and by Federal Express overnight delivery.

On August 11, 2008, Respondent filed an Application for Adjudicative Hearing. On August 14, 2008, the Department made a request to the Office of Administrative Hearings (OAH) to assign an Administrative

1 Law Judge (ALJ) to schedule and conduct a hearing on the Statement of Charges. OAH issued a Notice of  
2 Assignment of Administrative Law Judge assigning ALJ Ronald C. Fleck (ALJ Fleck) to preside over  
3 prehearing and hearing proceedings and issue an Initial Decision. On August 25, 2008, the Attorney General of  
4 Washington, through Assistant Attorney General Charles E. Clark, filed a Notice of Appearance on behalf of  
5 the Department. On October 1, 2008, the Attorney General of Washington, through Assistant Attorney General  
6 Kate Reynolds, filed a Notice of Substitution of Counsel on behalf of the Department. Attorney John Long  
7 filed a Notice of Appearance on behalf of Respondent.

8 On October 12, 2009, all parties, being represented by their respective counsel, attended a telephonic  
9 prehearing conference. On January 5, 2010, ALJ Fleck issued a Prehearing Conference Order and Notice of  
10 Hearing scheduling a hearing on March 1, 2, and 3, 2010, at 9 a.m., each day. On February 23, 2010,  
11 Respondent's attorney, John Long, filed a Notice of Intent to Withdraw from the case.

12 On March 1, 2010, Assistant Attorney General Kate Reynolds, attorney for the Department, attended  
13 the hearing. Respondent did not appear at the hearing. On March 19, 2010, ALJ Fleck issued an Order of  
14 Dismissal Based Upon Default. On March 19, 2010, OAH mailed the Order of Dismissal Based Upon Default  
15 to Respondent and attorney John Long.

16 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondents had twenty (20) days from the date of  
17 service of the Order of Dismissal Based Upon Default to file a Petition for Review of the Order of Dismissal  
18 Based Upon Default. Respondent did not file a Petition for Review during the statutory period.

19 B. Record Presented. The record presented to the Director for his review and for entry of a final  
20 decision included the following:

- 21 1. Statement of Charges, cover letter dated July 22, 2008, and Notice of Opportunity to Defend  
22 and Opportunity for Hearing, with documentation of service;
- 23 2. Completed Application for Adjudicative Hearing for Evergreen Pacific Services, Inc.;
- 24 3. Request to OAH for Assignment of Administrative Law Judge;

- 1 4. Prehearing Conference Order and Notice of Hearing dated January 5, 2010, with  
2 documentation of service; and  
3 5. Order of Dismissal Based Upon Default dated March 19, 2010, with documentation of  
4 service.

5 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director hereby adopts  
6 the Statement of Charges, which is attached hereto.

7 **II. FINAL ORDER**

8 Based upon the foregoing, and the Director having considered the record and being otherwise fully  
9 advised, NOW, THEREFORE

10 A. IT IS HEREBY ORDERED, That:

- 11 1. Respondent Evergreen Pacific Services, Inc. pay a fine of \$8,000; and  
12 2. Respondent Evergreen Pacific Services, Inc. pay an investigation fee of \$1,920.

13 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a Petition for  
14 Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the  
15 Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road SW, Tumwater,  
16 Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days of  
17 service of the Final Order upon Respondent. The Petition for Reconsideration shall not stay the effectiveness of  
18 this order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

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

22 C. Stay of Order. The Director has determined not to consider a Petition to Stay the effectiveness of  
23 this order. Any such requests should be made in connection with a Petition for Judicial Review made under  
24 chapter 34.05 RCW and RCW 34.05.550.

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

4 E. Non-compliance with Order. If you do not comply with the terms of this order, the Department  
5 may seek its enforcement by the Office of Attorney General to include the collection of the fines and fees imposed  
6 herein.

7 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial Review,  
8 service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

9 DATED this 13<sup>th</sup> day of May, 2010.



10 STATE OF WASHINGTON  
11 DEPARTMENT OF FINANCIAL INSTITUTIONS

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

IN THE MATTER OF INVESTIGATING  
the Loan Originator License Application and  
Determining Whether there has been a violation  
under the Mortgage Broker Practices Act of  
Washington by:

HAMED SEPEHRI (Loan Originator Applicant),  
SEATTLE EQUITY GROUP, INC. AND  
EVERGREEN PACIFIC SERVICES, INC.,

Respondents.

NO. C-07-336-08-SC01

STATEMENT OF CHARGES and NOTICE  
OF INTENTION TO ENTER AN ORDER TO  
DENY LICENSE APPLICATION, PROHIBIT  
FROM INDUSTRY, ORDER RESTITUTION,  
IMPOSE A FINE, AND COLLECT  
INVESTIGATION FEES

**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 19.146.210, RCW 19.146.235 and RCW 19.146.310, 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. Respondent Hamed Sepehri (Respondent Sepehri)** submitted an application to the Department of Financial Institutions of the State of Washington (Department) for a loan originator license under Seattle Equity Group, Inc., a mortgage broker licensed under the Act. The on-line application was received by the Department on or about February 16, 2007. On November 15, 2007,

<sup>1</sup> RCW 19.146 (1994 and 2006).

1 the Department sent a letter to Respondent Sepehri rejecting his application as incomplete because he  
2 did not provide proof to the Department that he was eligible to work in the United States. On  
3 November 27, 2007, Respondent Sepehri re-applied for his loan originator license under Nationwide  
4 Home Lending LLC, a mortgage broker licensed under the Act. Respondent Sepehri provided the  
5 Department with proof of his ability to work in the United States. On December 19, 2007, Respondent  
6 Sepehri established an additional relationship with Quality Express Mortgage Processing Center. As  
7 of the date of this Statement of Charges, Respondent Sepehri has not been issued a loan originator  
8 license.

9  
10 **B. Respondent Seattle Equity Group, Inc. (Respondent Seattle Equity)** was licensed  
11 by the Department to conduct business as a mortgage broker on August 2, 2006, and continues to be  
12 licensed to date.

13 **C. Respondent Evergreen Pacific Services, Inc. (Respondent Evergreen)** was licensed  
14 by the Department to conduct business as a mortgage broker on March 21, 2001, and continues to be  
15 licensed to date.

16 **1.2 Borrower FR.** In May of 2006, Borrower FR was introduced to Respondent Sepehri through  
17 a third-party. Borrower FR informed Respondent Sepehri that he was interested in purchasing an  
18 apartment. Respondent Sepehri told Borrower FR that he should purchase a house rather than an  
19 apartment as he would make more money in the long term. Borrower FR informed Respondent  
20 Sepehri that he made roughly \$1,500 a month. Respondent Sepehri told Borrower FR that he could  
21 buy a house and rent it to someone else to cover the cost of the mortgage.

22  
23 **A. Purchase #1.** Borrower FR located a home to purchase in Bothell, Washington.  
24 Borrower FR applied for a loan (#32001842) with Respondent Sepehri on or about May 16, 2006.  
25 Borrower FR informed Respondent Sepehri he was not a U.S. Citizen, worked for the University of

1 Washington, was purchasing the home as an investment, and made roughly \$1,500 per month.  
2 Despite having this information, Respondent Sepehri falsely reported Borrower FR as the Marketing  
3 and Sales Manager for Abracadabra Carpet Cleaning (for the previous 4 years) making \$7,900 per  
4 month, was a U.S. Citizen, and was going to occupy the home (owner-occupied) as his primary  
5 residence. Respondent Sepehri falsely reported these items on the loan application to facilitate the  
6 approval of the loan knowing Borrower FR would not otherwise qualify.

7           When Borrower FR applied for the loan, Respondent Sepehri provided him with a Truth In  
8 Lending (TIL) statement that did not have the "Variable Rate Feature" box checked even though the  
9 loan applied for and eventually received by Borrower FR was an adjustable rate loan (ARM).

10           Respondent Sepehri was working for Respondent Evergreen as a loan originator at the time of  
11 this loan transaction. The loan funded on or about May 30, 2006, in the amount of \$360,000.

12           **B. Purchase #2.** After Borrower FR completed purchase #1, he inquired of Respondent  
13 Sepehri if he knew of an apartment he could rent for himself. Respondent Sepehri again told  
14 Borrower FR that he should not rent, but purchase a second home to live in. Borrower FR told  
15 Respondent Sepehri he could not afford to make payments on another home because he was already  
16 supplementing the mortgage payment for purchase #1. Respondent Sepehri informed Borrower FR  
17 that he could refinance purchase #1 which would lower the monthly payment as well as get him  
18 \$15,000 "cash-out" to facilitate the purchase of a second home.

19           On or about August 25, 2006, Borrower FR found a second home he wished to purchase  
20 located in Bothell, Washington and applied for a second residential home loan (#320035871) from  
21 Respondent Sepehri. Respondent Sepehri again falsely reported on the loan application that Borrower  
22 FR was the owner of Abracadabra Carpet Cleaning (for the previous 2.5 years), made \$9,500 (up from  
23 \$7,900) per month, and was a U.S. Citizen. Respondent Sepehri falsely reported these items on the  
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1 loan application to facilitate the approval of the loan knowing Borrower FR would not otherwise  
2 qualify.

3 When Borrower FR applied for the loan, Respondent Sepehri provided him with a Truth In  
4 Lending (TIL) statement that did not have the "Variable Rate Feature" box checked even though the  
5 loan applied for and eventually received by Borrower FR was an adjustable rate loan (ARM).

6 Respondent Sepehri was working for Respondent Evergreen as a loan originator at the time of  
7 this loan transaction. This loan funded on or about September 20, 2006, in the amount of \$365,000.  
8 Borrower FR did not refinance the loan for purchase #1 and never received the \$15,000 "cash-out" as  
9 promised by Respondent Sepehri.  
10

11 **C. Purchase #3.** In September of 2006, Borrower FR was approached by Respondent  
12 Sepehri for the purpose of purchasing a third home. Respondent Sepehri knew Borrower FR had a  
13 fiancée and her parents wished to purchase a home of their own, but could not due to their credit.  
14 Respondent Sepehri told Borrower FR that if he purchased the home (a third-party purchaser), his  
15 fiancée's parents would make the mortgage payments. Respondent Sepehri assured Borrower FR that  
16 this situation would not cause him any problems and he would not have to worry about making any  
17 payments.

18 On or about September 26, 2006, Borrower FR found a third home he wished to purchase  
19 located in Bellevue, Washington and applied for a third residential home loan (#320038301) from  
20 Respondent Sepehri. Respondent Sepehri again falsely reported Borrower FR was the owner of  
21 Abracadabra Carpet Cleaning in Seattle (for the previous 4 years), Washington, made \$20,000 (up  
22 from \$9,500 one month prior) per month in salary, and was a U.S. Citizen. Respondent Sepehri  
23 falsely reported these items on the loan application to facilitate the approval of the loan knowing  
24 Borrower FR would not otherwise qualify.  
25



1 Respondent Sepehri was working for Respondent Seattle Equity as a loan originator at the time  
2 of this loan transaction. The loan funded on or about October 6, 2006, in the amount of \$486,000.

3 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the  
4 Act by Respondents continues to date.

5  
6 **II. GROUNDS FOR ENTRY OF ORDER**

7 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
8 are in apparent violation of RCW 19.146.0201(1), (2), (3), (6), and (14) for directly or indirectly  
9 employing a scheme, device or artifice to defraud or mislead borrowers or lenders or any person,  
10 engaging in an unfair or deceptive practice toward any person, obtaining property by fraud or  
11 misrepresentation, failing to make disclosures to loan applicants and noninstitutional investors as  
12 required by RCW 19.146.030 and any other applicable state or federal law or failing to comply with  
13 any provision of RCW 19.146.030 through 19.146.080 or any rule adopted under those sections.

14  
15 **2.2 Requirement to Disclose Variable Rate Feature.** Based on the Factual Allegations set forth  
16 in Section I above, Respondent Sepehri fails to meet the requirements of RCW 19.146.030(2) by  
17 failing to disclose the variable rate feature.

18 **2.3 Requirement to Demonstrate Character and General Fitness.** Based on the Factual  
19 Allegations set forth in Section I above, Respondent Sepehri fails to meet the requirements of RCW  
20 19.146.310(1)(g) and WAC 208-660-350(2)(a) by failing to demonstrate character and general fitness  
21 such as to command the confidence of the community and to warrant a belief that the business will be  
22 operated honestly and fairly within the purposes of the Act.

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1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW

3 19.146.220(1), the Director may deny licenses to loan originators. Pursuant to RCW 19.146.310(2)  
4 and WAC 208-660-350(7), the Director shall not issue a loan originator license if the conditions of  
5 RCW 19.146.310(1) have not been met by the applicant, and shall notify the loan originator applicant  
6 and any mortgage brokers listed on the application of the denial.

7 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(2)(e)(i), the Director  
8 may issue orders removing from office or prohibiting from participation in the conduct of the affairs of  
9 a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any  
10 licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW  
11 19.146.0201(1) through (9) or (12), RCW 19.146.030, RCW 19.146.050, or RCW 19.146.200.

12 **3.3 Authority to Impose Liability Upon Mortgage Broker.** Pursuant to RCW 19.146.245, a  
13 licensed mortgage broker is liable for any conduct violating the Act by a loan originator while employed  
14 or engaged by the licensed mortgage broker.

15 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(c)(i) (1994) and RCW 19.146.220  
16 (3) (2006), the Director may impose fines on a licensee, employee or loan originator of the licensee, or  
17 other person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (12), RCW  
18 19.146.030, or RCW 19.146.050.

19 **3.5 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(d)(ii) (1994) the Director may  
20 order licensees or other persons subject to the Act to pay restitution to injured borrowers for any violation  
21 of the Act.

22 **3.6 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) (2006), WAC 208-  
23 660-520 and WAC 208-660-550(5)(a) (2006), the Department is entitled to collect the costs of any  
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1 investigation of alleged violations of the Act. The investigation charge will be calculated at the rate of  
2 forty-eight (\$48) per hour that each staff person devoted to the investigation.

#### 3 **IV. NOTICE OF INTENTION TO ENTER ORDER**

4 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as  
5 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
6 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, RCW  
7 19.146.223 and RCW 19.146.310. Therefore, it is the Director's intention to ORDER that:

- 8 **4.1** Respondent Hamed Sepehri's application for a loan originator license be denied;
- 9 **4.2** Respondent Hamed Sepehri be prohibited from participation in the conduct of the affairs of any  
10 mortgage broker subject to licensure by the Director, in any manner, for a period of 5 years;
- 11 **4.3** Respondent Hamed Sepehri and Respondent Evergreen Pacific Services Inc. jointly and severally  
12 pay restitution in an amount to be determined at hearing;
- 13 **4.4** Respondent Hamed Sepehri and Respondent Seattle Equity Group Inc. jointly and severally pay  
14 restitution in an amount to be determined at hearing;
- 15 **4.5** Respondent Hamed Sepehri and Respondent Evergreen Pacific Services Inc. jointly and severally  
16 pay a fine which as of the date of these charges is \$8,000;
- 17 **4.6** Respondent Hamed Sepehri and Respondent Seattle Equity Group Inc. jointly and severally pay a  
18 fine which as of the date of these charges is \$4,000;
- 19 **4.7** Respondent Hamed Sepehri, Respondent Seattle Equity Group Inc. and Respondent Evergreen  
20 Pacific Services Inc. jointly and severally pay an investigation fee which as of the date of these  
21 charges is \$1,920 calculated at \$48 per hour for 40 staff hours devoted to the investigation; and
- 22 **4.8** Respondents maintain records in compliance with the Act and provide the Department with the  
23 location of the books, records and other information relating to Respondent Hamed Sepehri,  
24 Respondent Seattle Equity Group Inc. and Respondent Evergreen Pacific Securities Inc.'s  
25 mortgage broker business, and the name, address and telephone number of the individual  
responsible for maintenance of such records in compliance with the Act.

1 **V. AUTHORITY AND PROCEDURE**

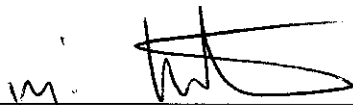
2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License  
3 Application, Prohibit from Industry, Order Restitution, Impose Fine and Collect Investigation Fees  
4 (Statement of Charges) is entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221,  
5 RCW 19.146.223 and RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The  
6 Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in  
7 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
8 accompanying this Statement of Charges.  
9

10 Dated this 19<sup>th</sup> day of July, 2008.

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

16 Presented by:

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18 WILLIAM HALSTEAD  
19 Financial Legal Examiner



20 Approved by:

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22 JAMES R. BRUSSELBACK  
23 Enforcement Chief  
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