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3 **STATE OF WASHINGTON**
4 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
5 **DIVISION OF CONSUMER SERVICES**

6 IN THE MATTER OF DETERMINING
7 Whether there has been a violation of the
8 Consumer Loan Act of Washington by:

NO. C-08-292-08-CO01

9 UNITED PACIFIC MORTGAGE,
10 RANDALL LEVINE, CEO, and
11 DARYL B. WIZELMAN, President,

CONSENT ORDER

12 Respondents.

13 COMES NOW the Director of the Department of Financial Institutions (Director), through his
14 designee Deborah Bortner, Division Director, Division of Consumer Services, and United Pacific
15 Mortgage (hereinafter Respondent United Pacific), Randall Levine, CEO (hereinafter Respondent
16 Levine), and Daryl B. Wizelman, President (hereinafter Respondent Wizelman), and finding that the
17 issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this
18 Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of
19 Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

20 **AGREEMENT AND ORDER**

21 The Department of Financial Institutions, Division of Consumer Services (Department) and
22 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No.
23 C-08-292-08-SC01 (Statement of Charges), entered October 6, 2008 (copy attached hereto). Pursuant to
24 chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of the
25 Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order

CONSENT ORDER
C-08-292-08-CO01
United Pacific Mortgage,
Randall Levine, and
Daryl B. Wizelman

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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 and further agree that the issues raised in the above captioned matter may be economically and efficiently
2 settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the
3 Statement of Charges. Respondents are agreeing not to contest the Statement of Charges in consideration
4 of the terms of this Consent Order.

5 Based upon the foregoing:

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

8 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a
9 hearing before an administrative law judge, and that they have waived their right to a hearing and any and
10 all administrative and judicial review of the issues raised in this matter, or of the resolution reached
11 herein.
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13 C. **License Surrender.** It is AGREED that the Department will accept the voluntary surrender
14 of Respondents' license to conduct business as a consumer loan company. It is further AGREED that the
15 Department will accept the voluntary surrender of Respondents Levine and Wizelman's consumer loan
16 license for Mandalay Mortgage under complaint 24277.

17 D. **Agreement not to Apply.** It is AGREED that Respondents will not apply for a Washington
18 Mortgage Broker license or Consumer Loan license for a period of five years from the date of this
19 Consent Order.
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21 E. **Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$2,500, in the
22 form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent
23 Order.
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1 F. **Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
2 investigation fee of \$1,104.16, in the form of a cashier's check made payable to the "Washington State
3 Treasurer," upon entry of this Consent Order. Both the fine and investigation fee may be paid in the
4 same cashier's check made payable to the "Washington State Treasurer."

5 G. **Records Retention.** It is AGREED that Respondents will retain records as required by the
6 Act.

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


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

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

15 **RESPONDENTS:**

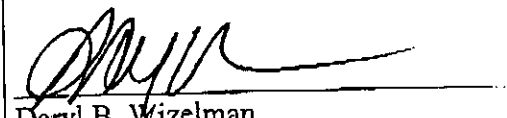
16 **United Pacific Mortgage**

17 By:

18 
19 _____
20 Randal Levine
21 CEO

12/12/08

Date

22 
23 _____
24 Daryl B. Wizelman
25 President

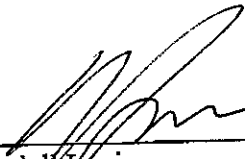
12/12/08

Date

CONSENT ORDER
C-08-292-08-CO01
United Pacific Mortgage,
Randal Levine, and
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Randall Levine
Individually

Date

12/12/08

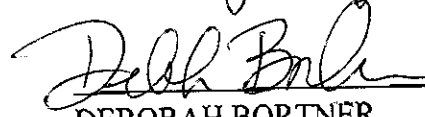

Daryl B. Wizelman
Individually

Date

12/12/08

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 6th DAY OF January, 2009. ^{DB}



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



STEVEN C. SHERMAN
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK
Enforcement Chief

CONSENT ORDER
C-08-292-08-CO01
United Pacific Mortgage,
Randall Levine, and
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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Consumer Loan Act of Washington by:

NO. C-08-292-08-SC01

UNITED PACIFIC MORTGAGE,
RANDALL LEVINE, CEO, and
DARYL B. WIZELMAN, President,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, IMPOSE
FINE, COLLECT ANNUAL ASSESSMENT
FEE, AND COLLECT INVESTIGATION FEE

Respondents.

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INTRODUCTION

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, 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:

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I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. United Pacific Mortgage (Respondent United Pacific) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a Consumer Loan Company on January 30, 2004. Respondent continues to be licensed to date at the following locations:

Main Office:

21600 Oxnard St., Suite 1900, Woodland Hills, CA 91367

1 Branch Offices:

2 10780 Santa Monica Blvd, Ste. 400, Los Angeles, CA
3 27202 Turnberry Lane, Ste. 270, Valencia, CA
4 200 South Los Robles, Ste 415, Pasadena, CA
5 2815 Townsgate Road, Ste. 225, Westlake, CA
6 3200 Telegraph Road, Ste. 205, Ventura, CA

7 **B. Randall Levine (Respondent Levine)** is known to be the CEO of Respondent United
8 Pacific.

9 **C. Daryl B. Wizelman (Respondent Wizelman)** is known to be the President of Respondent
10 United Pacific.

11 **1.2 Failure to Notify the Department of Significant Developments.** At some time between July
12 10, 2007, and September 13, 2007, Respondent United Pacific appears to have been purchased by
13 Countrywide Home Loans, Inc. (Countrywide). Respondents, however, did not notify the Department
14 of this significant development.

15 **1.3 Failure to Submit Closure Form and Surrender Licenses.** As indicated above, Respondents
16 appear to have ceased conducting the business of a consumer loan company in Washington sometime
17 between July 10, 2007, and September 13, 2007. To date, however, Respondents have not filed the
18 required closure forms and have not surrendered their licenses.

19 **1.4 Failure to Submit 2007 Consolidated Annual Reports and Pay Annual Assessment Fee.**
20 As indicated above, Respondents appear to have ceased conducting the business of a consumer loan
21 company in Washington sometime between July 10, 2007, and September 13, 2007. To date,
22 however, Respondents have not filed the required closing annual assessment report or paid the
23 associated annual assessment fee.

24 **1.5 Failure to Maintain Surety Bond.** On or about August 20, 2007, the Department received a
25 notice from the issuer of Respondents' surety bond (The Hartford) that the bond would be cancelled

1 effective October 11, 2007. Respondents failed to provide a replacement bond at least ten days prior
2 to the expiration of the Hartford surety bond.

3 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the
4 Act by Respondents continues to date.

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

6 **2.1 Requirement to Submit Closure Form.** Based on the Factual Allegations set forth in Section
7 I above, Respondents are in apparent violation of WAC 208-620-475 for failure to notify the
8 Department of the purchase of Respondent United Pacific by Countrywide, for failure to submit the
9 required closure form, and for failure to surrender Respondents' licenses.

10 **2.2 Requirement to Calculate and Pay 2007 Annual Assessment.** Based on the Factual
11 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 31.04.085 and
12 WAC 208-620-460 for failing to file a 2007 consolidated annual report and pay the annual assessment
13 fee within thirty days of closure. In the alternative, Respondents are in apparent violation of RCW
14 31.04.085 and WAC 208-620-430 for failing to file a 2007 consolidated annual report and pay the
15 annual assessment fee on or before March 1, 2008.

16 **2.3 Requirement to Maintain Adequate Surety Bond.** Based on the Factual Allegations set
17 forth in Section I above, Respondent is in apparent violation of RCW 31.04.045(3) for failure to
18 maintain a surety bond in the required amount.

19 **III. AUTHORITY TO IMPOSE SANCTIONS**

20 **3.1 Authority to Revoke License.** Pursuant to RCW 31.04.093(3)(a) and (b), the Director may
21 revoke a license for failure to pay any fee due to the state of Washington, failure to maintain the
22 required surety bond, or violating any provision of the Act or the rules adopted thereunder.
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1 **3.2 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of
2 up to one hundred dollars per day upon the licensee, its employee, or any other person subject to the
3 Act for any violation of the Act or the rules adopted thereunder.

4 **3.3 Authority to Collect Annual Assessment Fee.** Pursuant to RCW 31.04.085, WAC 208-620-
5 430, WAC 208-620-440, and WAC 208-620-460, the Director may collect an annual assessment fee from
6 all licensees and an annual assessment late fee of \$100 per day for late annual assessments.

7 **3.4 Authority to Charge Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-
8 590, every licensee investigated by the Director or the Director's designee shall pay for the cost of the
9 investigation, calculated at the rate of \$69.01 per staff hour devoted to the investigation.
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11 **IV. NOTICE OF INTENTION TO ENTER ORDER**

12 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as
13 set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
14 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.093, RCW 31.04.165, and RCW
15 31.04.205. Therefore, it is the Director's intention to ORDER that:

- 16 **4.1** Respondent United Pacific Mortgage's license to conduct the business of a consumer loan
17 company be revoked; and
- 18 **4.2** Respondents United Pacific Mortgage, Randall Levine, and Daryl B. Wizelman jointly and
19 severally pay a fine which as of the date of these charges totals \$5,000 for the violations set
20 forth above; and
- 21 **4.3** Respondents United Pacific Mortgage, Randall Levine and Daryl B. Wizelman jointly and
22 severally pay \$9,369.16 for the unpaid 2007 Annual Assessment fee; and
- 23 **4.4** Respondents United Pacific Mortgage, Randall Levine, and Daryl B. Wizelman jointly and
24 severally pay a late fee for the 2007 consolidated annual report which as of the date of these
25 charges totals \$20,500, calculated at \$100 per day for 205 days past due; and
- 4.5** Respondents United Pacific Mortgage, Randall Levine, and Daryl B. Wizelman jointly and
severally pay an investigation fee which as of the date of these charges totals \$1,104.16,
calculated at \$69.01 per hour for sixteen staff hours devoted to the investigation to date; and

