

Terms Completed

ORDER SUMMARY – Case Number: C-09-219

Name(s): North American Relief; North American Acceptance Corporation;
 Marco J. Rasic;

Order Number: C-09-219-13-CO01

Effective Date: April 11, 2013

License Number: North American Relief – NMLS #2951, Marco Rasic – NMLS #21345
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
 If applicable, you must specifically note the ending dates of terms.

License Effect: None

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: n/a

Investigation Costs	\$336	Due: now	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 04/11/13
Fine	\$35,316.75	Due:now	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 04/11/13
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: C-09-219-10-FO01 is withdrawn

RECEIVED

MAY 01 2013

CONSUMER SERVICES DIVISION
DEPT OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

FILED

APR 30 2013

SUPERIOR COURT
BETTY J. GOULD
THURSTON COUNTY CLERK

EXPEDITE
 No Hearing is Set
 Hearing is Set
Date:
Time:

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
DEPARTMENT OF FINANCIAL
INSTITUTIONS,

Petitioner,

v.

NORTH AMERICAN ACCEPTANCE
CORP., d/b/a NORTH AMERICAN
RELIEF, NMLS #2951, and MARCO
J. RASIC, PRESIDENT, CEO AND
OWNER, NMLS #21345,

Respondents.

NO. 11-2-01987-7

SATISFACTION OF JUDGMENT

(CLERK'S ACTION REQUIRED)

JUDGMENT SUMMARY

Judgment Creditor:	State of Washington, Department of Financial Institutions
Attorney for Judgment Creditor:	Suzanne M. Becker Assistant Attorney General WSBA #40546
Judgment Debtor:	North American Acceptance Corp. and Marco J. Rasic
Amount of Judgment:	\$60,881.00
Post-Judgment Interest (Per Annum):	12%
Total Judgment:	<u>\$60,881.00</u>

SATISFACTION OF JUDGMENT

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ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

COPY

1 IT IS HEREBY ACKNOWLEDGED THAT the State of Washington, Department of
2 Financial Institutions, the judgment creditor in the above-described action in the Superior
3 Court of the State of Washington for the County of Thurston, wherein the Department of
4 Financial Institutions was petitioner and North American Acceptance Corp. and Marco J. Rasic
5 were respondents, hereby acknowledges full satisfaction of the judgment recovered against
6 the respondents North American Acceptance Corp. and Marco J. Rasic on December 16,
7 2011, under cause number 11-2-01987-7, pursuant to a settlement agreement reached
8 between the parties under the Department's case number C-09-219-13-CO01.

9
10 Dated this 23rd day of April, 2013.

11 [Redacted Signature]

12
13 Charles E. Clark
14 Enforcement Program Manager
15 Division of Consumer Services
16 Department of Financial Institutions
17 Judgment Creditor

16 STATE OF WASHINGTON)
17) ss.
18 COUNTY OF THURSTON)

19 I certify that I know or have satisfactory evidence that _____
20 signed this instrument, on oath and stated that he was authorized to execute the instrument and
21 acknowledged it pursuant to his authority delegated from the Director of the Division of
22 Consumer Services of the Washington State Department of Financial Institutions.

23 GIVEN under my hand and official seal this 23rd day of April, 2013.



27 [Redacted Signature]

28 NOTARY PUBLIC, My Commission
29 Expires: 7/4/16

EXPEDITE
 No Hearing is Set
 Hearing is Set
 Date:
 Time:
 The Honorable



STATE OF WASHINGTON
 THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
 DEPARTMENT OF FINANCIAL
 INSTITUTIONS,

 Petitioner,

 v.

 NORTH AMERICAN ACCEPTANCE
 CORP d/b/a NORTH AMERICAN
 RELIEF and MARCO J. RASIC,

 Respondents.

NO. 11-2-01429-8

JUDGMENT
~~[PROPOSED]~~

JUDGMENT SUMMARY

Judgment Creditor:	State of Washington, Department of Financial Institutions
Attorneys for Department of Financial Institutions:	Robert M. McKenna Attorney General Deborah Taellious Special Assistant Attorney General
Judgment Debtors:	North American Acceptance Relief and Marco J. Rasic
Amount of Judgment:	<u>\$ 60,881.00</u>
Post-Judgment Interest (Per Annum):	12%
Total Judgment:	<u>\$ 60,881.00</u>

1 THIS MATTER having come for hearing before the undersigned Judge of the above-
2 entitled Court, Petitioner, State of Washington, Department of Financial Institutions, being
3 represented by ROBERT M. MCKENNA, Attorney General and DEBORAH TAELLIIOUS,
4 Special Assistant Attorney General, and Respondents, North American Acceptance Corp. and
5 Marco J. Rasic, and the court having considered the argument of counsel and records and files
6 herein, NOW, THEREFORE,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

8 1. That Respondents North American Acceptance Corp. and Marco J. Rasic
9 comply with the Final Order issued on or about May 21, 2010, by the Petitioner, State of
10 Washington, Department of Financial Institutions, identified as Final Order No. C-09-219-10-
11 FO01; and,

12 2. That the Petitioner, State of Washington, Department of Financial Institutions,
13 is awarded judgment against Respondents North American Acceptance Corp. and Marco J.
14 Rasic in the amount of \$60,881.00, representing a fine of \$60,000.00, statutory attorney's fees
15 of \$200.00, a filing fee of \$230.00, a service of process charge of \$115.00, and \$336.00 for an
16 investigation fee as imposed in the Department's Final Order No. C-09-219-10-FO01.

17 DONE IN OPEN COURT this 16th day of December, 2011.

18 
19
20 SUPERIOR COURT JUDGE

21 *Paula Casey*

22 //

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JUDGMENT

DEBORAH TAELLIIOUS
SPECIAL ASSISTANT ATTORNEY GENERAL
150 ISRAEL RD SW
TUMWATER, WA 98502
PO Box 41200
Olympia, WA 98504-1200
PHONE (360) 725-7821

1 Presented by:
2 ROBERT M. MCKENNA
3 Attorney General



4
5 DEBORAH TAEILLIOUS, WSBA# 39052
6 Special Assistant Attorney General
7 Attorneys for the State of Washington,
8 Department of Financial Institutions
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JUDGMENT

DEBORAH TAEILLIOUS
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150 ISRAEL RD SW
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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:

No.: C-09-219-13-CO01

CONSENT ORDER WITHDRAWING
FINAL ORDER C-09-219-10-FO01

NORTH AMERICAN ACCEPTANCE CORP.,
d/b/a NORTH AMERICAN RELIEF, NMLS
#2951, and
MARCO J. RASIC, President, CEO, and Owner,
NMLS #21345,
Respondent(s).

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COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and North American Acceptance Corp., d/b/a North American Relief and Marco J. Rasic, President, CEO, and Owner (Respondents), and finding that the issues raised in the above-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 the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

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AGREEMENT AND ORDER

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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-09-219-10-SC01 (Statement of Charges), entered January 15, 2010, (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

1 Order to fully resolve the Statement of Charges. Respondents are agreeing not to contest the
2 Statement of Charges in consideration of the terms of this Consent Order.

3 Based upon the foregoing:

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

6 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to
7 a hearing before an administrative law judge, and waived their right to a hearing and any and all
8 administrative and judicial review of the issues raised in this matter by failing to timely request a
9 hearing.

10 **C. Withdrawal of Final Order.** It is AGREED that Final Order C-09-219-10-FO01 is
11 withdrawn; and the prohibition from participating in the conduct of the affairs of any mortgage
12 broker subject to licensure by the Director is hereby immediately lifted.

13 **D. Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount
14 of \$35,316.75. Respondents shall pay \$23,433.69 of this fine in the form of a cashier's check made
15 payable to the "Washington State Treasurer" upon entry of this Consent Order. Respondents shall
16 pay \$11,883.06 of this fine in the form of a cashier's check made payable to "AllianceOne" upon
17 entry of this Consent Order and provide a copy to the Department.

18 **E. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
19 investigation fee of \$336 in the form of a cashier's check made payable to the "Washington State
20 Treasurer" upon entry of this Consent Order. The Fine owed to the Department and Investigation
21 Fee may be paid together in one \$23,769.69 cashier's check made payable to the "Washington State
22 Treasurer" upon entry of this Consent Order.

1 F. **Satisfaction of Judgment.** It is AGREED that following receipt of the above-referenced
2 financial obligations and entry of this Consent Order, the Department will cause to be entered a
3 Satisfaction of Judgment for the judgment entered in the Thurston County, Washington, Superior
4 Court on December 16, 2011, under cause number 11-2-01429-8.

5 G. **Authority to Execute Order.** It is AGREED that the undersigned have represented and
6 warranted that they have the full power and right to execute this Consent Order on behalf of the
7 parties represented.

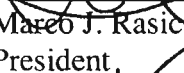
8 H. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily
9 entered into this Consent Order, which is effective when signed by the Director's designee.

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

12 **RESPONDENTS:**

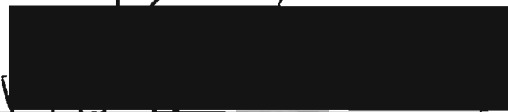
13 **North American Acceptance Corp.**

14 By: 

15 
16 Marco J. Rasic
17 President


4/9/13

Date

18 
19 Marco J. Rasic
20 Individually

4/9/13

Date

21 Approved for Entry:
22 

23 William L. Cates
24 Attorney at Law
Cates Peterson, LLP
Attorney for Respondents

4/9/13

Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 11th DAY OF April, 2013



DEBORAH BÖRTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



Steven C. Sherman
Financial Legal Examiner Supervisor

Approved by:



Charles E. Clark
Enforcement Chief

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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:

NO. C-09-219-09-SC01

NORTH AMERICAN ACCEPTANCE CORP.,
D/B/A NORTH AMERICAN RELIEF, and
MARCO J. RASIC, President, CEO, and Owner,

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

Respondents.

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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, 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. **North American Acceptance Corp., d/b/a North American Relief (North American)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker.

B. **Marco J. Rasic (Rasic)** is known to be President, CEO, and Owner of Respondent North American.

¹ RCW 19.146 (2006)

1 **1.2 Unlicensed Activity.** Between February 12, 2009, and September 30, 2009, Respondents
2 assisted at least 21 borrowers in applying to obtain residential mortgage loan modifications on
3 property located in the State of Washington without being licensed by the Department or exempt from
4 such licensing. Respondents received fees for the modification services of approximately \$59,895.

5 **1.3 On Going Investigation.** The Department's investigation into the alleged violations of the
6 Act by Respondents continues to date.

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

8 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12)(2006), "Mortgage
9 Broker" means any person who, for compensation or gain, or in the expectation of compensation or
10 gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds
11 himself or herself out as being able to assist a person in obtaining or applying to obtain a residential
12 mortgage loan. Pursuant to WAC 208-660-006(2006), a person assists a person in applying to obtain a
13 residential mortgage loan by, among other things, counseling on loan terms, preparing loan packages,
14 or collecting information on behalf of a consumer to anticipate a credit decision. Also pursuant to
15 WAC 208-660-006(2006), a person holds themselves out as being able to assist by advertising or
16 otherwise informing the public that they engage in any of the activities of a mortgage broker.

17 **2.2 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in
18 Section I above, Respondents are in apparent violation of RCW 19.146.200 for engaging in the
19 business of a mortgage broker without first obtaining and maintaining a license under the Act.
20
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22 **III. AUTHORITY TO IMPOSE SANCTIONS**

23 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5), the Director may
24 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker,
25

1 any officer, principal, employee, or loan originator of any person subject to licensing under the Act for
2 any violation of RCW 19.146.200.

3 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e)(2006), the Director may impose
4 fines on a person subject to the Act for any violation of the Act.

5 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-
6 550(5), the Director may collect an investigation fee to cover the costs of any investigation of the books
7 and records of any person subject to the Act. The investigation charge will be calculated at the rate of \$48
8 per hour that each examiner devoted to the investigation.
9

10 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

15 **4.1** Respondents North American Acceptance Corp., d/b/a North American Relief, and Marco J.
16 Rasic be prohibited from participation in the conduct of the affairs of any mortgage broker subject
17 to licensure by the Director, in any manner, for a period of five years;

18 **4.2** Respondents North American Acceptance Corp., d/b/a North American Relief, and Marco J.
19 Rasic jointly and severally pay a fine which as of the date of these charges totals \$60,000;

20 **4.3** Respondents North American Acceptance Corp., d/b/a North American Relief, and Marco J.
21 Rasic jointly and severally pay an investigation fee which as of the date of these charges totals
22 \$336, calculated at \$48 per hour for the seven examiner hours devoted to the investigation; and

23 **4.4** Respondents North American Acceptance Corp., d/b/a North American Relief, and Marco J.
24 Rasic maintain records in compliance with the Act and provide the Department with the location
25 of the books, records and other information relating to Respondent'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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V. AUTHORITY AND PROCEDURE

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

Dated this 15th day of January, 2010.



[Redacted signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted signature]

STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:

[Redacted signature]

JAMES R. BRUSSELBACK
Enforcement Chief