### Terms Completed

### **ORDER SUMMARY – Case Number: C-09-255**

Name(s):	A3A Financial	Group Inc.		
Order Number:	C-09-255-09-CO01			
<b>Effective Date</b> :	February 11, 2	011		
License Number: Or NMLS Identifier [U/L] License Effect:	DFI: 46205 [NMLS: 3284]  (Revoked, suspended, stayed, application denied or withdrawn) If applicable, you must specifically note the ending dates of terms.  n/a			
Not Apply Until:	n/a			
Not Eligible Until:				
Prohibition/Ban Until:	n/a			
<b>Investigation Costs</b>	\$96	Due	Paid ⊠ Y □ N	Date
Fine	\$229	Due	Paid ⊠ Y □ N	Date
Assessment(s)	\$	Due	Paid N N	Date
Restitution	\$	Due	Paid N	Date
Judgment	\$	Due	Paid N N	Date
Satisfaction of Judgment F	□ Y □ N			
Comments:	Victims:			

RECEIVED
FEB 0.7 2011

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

ENFORCEMENT UNIT DIVISION OF CONSUMER SERVICES DEPT OF FINANCIAL INSTITUTIONS

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

NO. C-09-255-09-CO01

A3A FINANCIAL GROUP INC.,

CONSENT ORDER

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and A3A Financial Group Inc. (hereinafter Respondent) 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 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 Respondent have agreed upon a basis for resolution of the matters alleged in the Statement of Charges entered on September 9, 2009 (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, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees 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. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

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

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CONSENT ORDER
A3A FINANCIAL GROUP INC.
C-09-255-09-C001

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

CONSENT ORDER

CONSENT ORDER
A3A FINANCIAL GROUP INC.
C-09-255-09-C001

B. Waiver of Hearing. It is AGREED that Respondent has been informed of its right to a Brief Adjudicative Proceeding (BAP), and that it hereby waives its right to a BAP and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent, by the signature of its representative below, hereby withdraws its Request for Brief Adjudicative Proceeding.

C. Fine. It is AGREED that Respondent shall pay to the Department a fine of \$229 in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

D. Investigation Fee. It is AGREED that Respondent shall pay to the Department an investigation fee of \$96, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order. The fine and investigation fee may be paid together in one cashier's check made payable to the "Washington State Treasurer."

E. Assurance of Compliance. Respondent acknowledges and understands that RCW 19.146.290 and WAC 208-660-400 require that an annual report of mortgage broker activity be provided to the Department by March 31st of each year. Respondent, by the signatures of its representative below, assures that it will fully comply with these above provisions.

F. Authority to Execute Order. It is AGREED that the undersigned Respondent has represented and warranted that it has the full power and right to execute this Consent Order on behalf of the parties represented.

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

H. Voluntarily Entered. It is AGREED that the undersigned Respondent has voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

Completely Read, Understood, and Agreed. It is AGREED that Respondent has read this Consent
 Order in its entirety and fully understands and agrees to all of the same.

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2	RESPONDENT:
3	A3A Financial Group Inc.
4	By:
5	Seda Khalatians, President and Designated Broker  C/-3/-// Date
6	Seda Khalatians, President and Designated Broker Date
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8	DO NOT WRITE BELOW THIS LINE
9	$+ \Lambda \Lambda$
10	THIS ORDER ENTERED THIS // DAY OF Jebruay, 20/.
11	A Company of the comp
12	DEBORAH BORTNER
13	Director Division of Consumer Services
14	Department of Financial Institutions
15	Presented by:
16	Merce -
17	MARISA E. BROGGEL Financial Legal Examiner
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19	Approved by:
20	Tan S
21	FATIMA BATIE Financial Legal Examiner Supervisor
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CONSENT ORDER A3A FINANCIAL GROUP INC. C-09-255-09-C001

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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

# 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:

A3A FINANCIAL GROUP INC.

Respondent.

NO. C-09-255-09-SC01

STATEMENT OF CHARGES and NOTICE OF INTENTION TO ENTER AN ORDER TO 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). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as 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 Respondent A3A Financial Group Inc (Respondent) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker at all times relevant to the conduct alleged.
- 1.2 Failure to File Mortgage Broker Annual Report. By March 31, 2009, Respondent was required to file an annual report of mortgage broker activity to include the total number of closed loans originated and the total volume of closed loans originated. As of the date of this Statement of Charges Respondent has not filed the 2008 mortgage broker annual report.
- 1.3 On-Going Investigation. The Department's investigation into the alleged violations of the Act by Respondent continues to date.

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STATEMENT OF CHARGES A3A Financial Group Inc C-09-255-09-SC01 DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

#### II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement to File Mortgage Broker Annual Report. Based on the Factual Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.290(1) and WAC 208-660-400(1), (2), (3), and (4) for failing to file the mortgage broker annual report.

#### III. AUTHORITY TO IMPOSE SANCTIONS

- 3.1 Authority to Impose Fine. Pursuant to RCW 19.146.220(2)(e) the Director may impose fines on a licensee or other person subject to the Act for any violations of the Act.
- 3.2 Authority to Collect Investigation Fee. Pursuant to RCW 19.146.228(2), WAC 208-660-520, and WAC 208-660-550(4), upon completion of any investigation of the books and records of a licensee or other person subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff person devoted to the investigation.

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

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

- 4.1 Respondent A3A Financial Group Inc pay a fine of \$3,000; and
- 4.2 Respondent A3A Financial Group Inc pay an investigation fee, which as of the date of these charges is \$96 calculated at \$48 per hour for two staff hours devoted to the investigation; and
- 4.3 Respondent A3A Financial Group Inc file the 2008 annual report of mortgage broker activity.

STATEMENT OF CHARGES A3A Financial Group Inc C-09-255-09-SC01

DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 150 Israel Rd SW PO Box 41200 Olympia, WA 98504-1200

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#### V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to 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). Respondent may make a written request for a Brief Adjudicative Proceeding as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING accompanying this Statement of Charges.

Dated this 9th day of September, 2009.

Director

**Division of Consumer Services** Department of Financial Institutions

Presented by:

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FATIMA BATIE

Financial Legal Examiner Supervisor

Approved by:

IES R. BRUSSELBACK

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nforcement 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-09-255-09-SC01

A3A FINANCIAL GROUP INC,

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NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING

A3A Financial Group Inc

THE STATE OF WASHINGTON TO:

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been issued by the Department of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

Respondent.

YOU ARE HEREBY NOTIFIED that you may file a Request for Brief Adjudicative Proceeding before the Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is deemed complete upon deposit in the United States mail. YOUR REQUEST MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. If you request a Brief Adjudicative Proceeding, you will be notified of the schedule and oral argument, if any, at least seven (7) days in advance.

The Brief Adjudicative Proceeding will be as informal as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). If you are limited English- speaking or hearing impaired, you have the right to have an interpreter appointed at no cost to you, as discussed below.

INTERPRETER AVAILABILITY. If you are a person who, because of non-English-speaking cultural background, cannot readily speak or understand the English language, or if you are a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN INTERPRETER, then a qualified interpreter will be appointed at no cost to you. You may request the appointment of a qualified interpreter by indicating your request on the attached Request for Brief Adjudicative Proceeding form.

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NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR BRIEF ADJUDICATIVE PROCEEDING DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

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YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not <u>RECEIVE</u> the Request for Brief Adjudicative Proceeding form within twenty (20) days from the date you received this notice, this will constitute a waiver of your right to a Brief Adjudicative Proceeding and the Director will find that you do not contest the allegations of the Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of this matter as described in the Statement of Charges. If you desire a Brief Adjudicative Proceeding in this matter, please return the attached Request for Brief Adjudicative Proceeding to:

Department of Financial Institutions Division of Consumer Services Attn: Fatima Batie PO Box 41200 Olympia, Washington 98504-1200

Dated this 9<sup>th</sup> day of September 2009.

DEBORAH BORTNER

Director

Division of Consumer Services

Department of Financial Institutions

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