

# Terms Completed

## ORDER SUMMARY – Case Number: C-09-261

**Name(s):** Nancy Karvounis

**Order Number:** C-09-261-10-CO03

**Effective Date:** June 9, 2009

**License Number:** n/a

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)

**License Effect:** n/a  
If applicable, you must specifically note the ending dates of terms.

**Not Apply Until:** \_\_\_\_\_

**Not Eligible Until:** \_\_\_\_\_

**Prohibition/Ban Until:** \_\_\_\_\_

<b>Investigation Costs</b>	\$300	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$300	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments: Testify & provide evidence**

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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-09-261-10-CO03

AMERICAN PREMIER FUNDING INC, ERIC  
VACA, President, Owner, Designated Broker,  
QUARTEZ WYNN, Loan Originator, DREW  
GREENE, Loan Originator, DANIEL PISANI,  
Loan Originator, MICHELLE KARVOUNIS, Loan  
Originator, IRENE GUEVARA, Loan Originator,  
and NANCY KARVOUNIS, Loan Originator,

CONSENT ORDER

NANCY KARVOUNIS

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee  
Deborah Bortner, Division Director, Division of Consumer Services, and Nancy Karvounis (hereinafter  
Respondent ), Loan Originator, and finding that the issues raised in the above-captioned matter as related to  
Respondent 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 as related to Respondent alleged in Statement of Charges  
No. C-09-261-09-SC01 (Statement of Charges), entered December 7, 2009, (copy attached hereto). Pursuant to  
chapter 19.146 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 as related to Respondent 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 as related to  
Respondent.

CONSENT ORDER  
C-09-261-10-CO03  
NANCY KARVOUNIS

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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 Respondent has been informed of the right to a hearing  
5 before an administrative law judge, and that Respondent hereby waives her 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 C. **Complete Cooperation with the Department and the Office of the Attorney General.** It is  
8 AGREED that Respondent shall cooperate fully, truthfully and completely with the Department and the Office  
9 of Attorney General and provide any and all information known to her relating in any manner to American  
10 Premier Funding Inc, Eric Vaca, Quartez Wynn, Daniel Pisani, Michelle Karvounis, Irene Guevara, and Drew  
11 Greene, regarding any and all allegations alleged in the Statement of Charges or any amended form thereof. It is  
12 further AGREED that Respondent shall provide any and all documents, writings, materials, objects, information  
13 or evidence of any kind in her possession or under her care, custody, or control that she is authorized to possess,  
14 obtain, or distribute relating directly or indirectly to all areas of inquiry and investigation. A failure to cooperate  
15 fully, truthfully and completely is a breach of this Consent Order. It is further AGREED that Respondent shall  
16 testify fully, truthfully, and completely at any proceeding related to the Department's investigation and  
17 enforcement actions related to American Premier Funding Inc, Eric Vaca, Quartez Wynn, Daniel Pisani,  
18 Michelle Karvounis, Irene Guevara, and Drew Greene.

19 D. **Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$300, in the form of a  
20 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

21 E. **Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
22 of \$300, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
23 Consent Order.

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

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

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

9 **RESPONDENT:**

10 **NANCY KARVOUNIS**  
11 By:   
12 \_\_\_\_\_  
13 **NANCY KARVOUNIS**

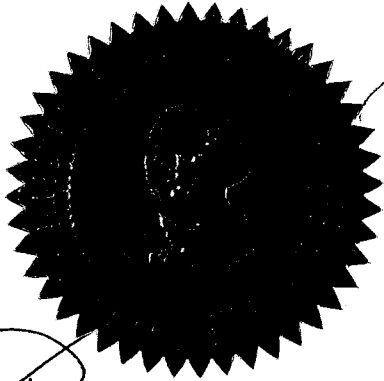
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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 9<sup>th</sup> DAY OF June, 2009.



*Deborah Bortner*

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

*Marnie Sheeran*

MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

*James R. Brusselback*

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-09-261-09-SC01

AMERICAN PREMIER FUNDING INC, ERIC  
VACA, President, Owner, Designated Broker,  
QUARTEZ WYNN, Loan Originator, DREW  
GREENE, Loan Originator, DANIEL PISANI,  
Loan Originator, MICHELLE KARVOUNIS,  
Loan Originator, IRENE GUEVARA, Loan  
Originator, and NANCY KARVOUNIS, Loan  
Originator,

STATEMENT OF CHARGES AND NOTICE OF  
INTENTION REVOKE OR SUSPEND MORTGAGE  
BROKER LICENSE AND LOAN ORIGINATOR  
LICENSE, PROHIBIT FROM INDUSTRY, IMPOSE  
FINE, ORDER RESTITUTION, AND COLLECT  
INVESTIGATION AND TRAVEL RECOVERY  
COSTS

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 19.146.210, RCW 19.146.310 and 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. American Premier Funding Inc. (Respondent American Premier) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on September 9, 2008, and continues to be licensed to date. Respondent American Premier is licensed to conduct the business of a mortgage broker at one location: 6150 Mission Gorge Road, Suite 140, San Diego, California, 92120.

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<sup>1</sup> RCW 19.146 (2007)

1 B. Eric Vaca (Respondent Vaca) is the President, Owner, and Designated Broker of Respondent  
2 American Premier. Respondent Vaca became the Designated Broker of Respondent American Premier on or  
3 about September 9, 2008, and continues as the Designated Broker to date.

4 C. Quartez Wynn (Respondent Wynn) acted as a loan originator for Respondent American Premier  
5 between at least October 1, 2006, and December 18, 2008.

6 D. Drew Greene (Respondent Greene) acted as a loan originator for Respondent American Premier  
7 between at least November 1, 2008, and December 13, 2008.

8 E. Daniel Pisani (Respondent Pisani) acted as a loan originator for Respondent American Premier  
9 between at least October 1, 2008, and November 30, 2008.

10 F. Michelle Karvounis (Respondent Michelle Karvounis) acted as a loan originator for Respondent  
11 American Premier between at least September 1, 2008, and November 30, 2008.

12 G. Irene Guevara (Respondent Guevara) acted as a loan originator for Respondent American Premier  
13 between at least October 1, 2008, and July 30, 2009.

14 H. Nancy Karvounis (Respondent Nancy Karvounis) acted as a loan originator for Respondent  
15 American Premier between at September 1, 2008, and December 30, 2008.

16 **1.2 Examination.** In or around March 2009, the Department conducted an examination of the books and  
17 records of Respondents for the period of September 9, 2008, through March 31, 2008. The Department  
18 reviewed nine loan files provided as part of its examination. The Department found violations of the Act as  
19 outlined below.

20 **1.3 Unlicensed Activity.** Respondent Wynn conducted the business of a loan originator for Respondent  
21 American Premier between at least October 1, 2008, and December 18, 2008. To date, the Department has not  
22 issued a license to Respondent Wynn to conduct the business of a loan originator from any location.

23 **1.4** Between October 1, 2008, and December 18, 2008, Respondent Wynn assisted at least one borrower in  
24 applying to obtain or obtaining residential mortgage loans on property located in the State of Washington from  
25 Respondent American Premier's office.

- 1 **1.5** Respondent Greene conducted the business of a loan originator for Respondent American Premier  
2 between at least November 1, 2008, and December 15, 2008. To date, the Department has not issued a license to  
3 Respondent Greene to conduct the business of a loan originator from any location.
- 4 **1.6** Between November 1, 2008, and December 15, 2008, Respondent Greene assisted at least one  
5 borrower in applying to obtain or obtaining residential mortgage loans on property located in the State of  
6 Washington from Respondent American Premier's office.
- 7 **1.7** Respondent Pisani conducted the business of a loan originator for Respondent American Premier  
8 between at least October 1, 2008, and November 30, 2008. To date, the Department has not issued a license to  
9 Respondent Pisani to conduct the business of a loan originator from any location.
- 10 **1.8** Between October 1, 2008, and November 30, 2008, Respondent Pisani assisted at least one borrower in  
11 applying to obtain or obtaining residential mortgage loans on property located in the State of Washington from  
12 Respondent American Premier's office.
- 13 **1.9** Respondent Michelle Karvounis conducted the business of a loan originator for Respondent American  
14 Premier between at least September 1, 2008, and November 30, 2008. To date, the Department has not issued a  
15 license to Respondent Michelle Karvounis to conduct the business of a loan originator from any location.
- 16 **1.10** Between September 1, 2008, and November 30, 2008, Respondent Michelle Karvounis assisted at least two  
17 borrowers in applying to obtain or obtaining a residential mortgage loan on property located in the State of  
18 Washington from Respondent American Premier's office.
- 19 **1.11** Respondent Guevara conducted the business of a loan originator for Respondent American Premier  
20 between at least October 1, 2008, and July 30, 2009. To date, the Department has not issued a license to  
21 Respondent Guevara to conduct the business of a loan originator from any location.
- 22 **1.12** Between October 1, 2008, and July 30, 2009, Respondent Guevara assisted at least two borrowers in  
23 applying to obtain or obtaining a residential mortgage loan on property located in the State of Washington from  
24 Respondent American Premier's office.

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1 **1.13** Respondent Nancy Karvounis conducted the business of a loan originator for Respondent American  
2 Premier between at least September 1, 2008, and December 30, 2008. To date, the Department has not issued a  
3 license to Respondent Nancy Karvounis to conduct the business of a loan originator from any location.

4 **1.14** Between September 1, 2008, and December 30, 2008, Respondent Nancy Karvounis assisted at least  
5 one borrower in applying to obtain or obtaining residential mortgage loans on property located in the State of  
6 Washington from Respondent American Premier's office.

7 **1.15 Failure to Provide Affiliated Business Disclosures.** In each of the nine loan files reviewed,  
8 Respondents used an escrow company that was not licensed in Washington. In eight of the nine loan files  
9 reviewed, the escrow company used the same address as Respondent American Premier's address: 6150  
10 Mission Gorge Road, Suite 140, San Diego, California, 92120. Respondents did not maintain evidence  
11 sufficient to establish that affiliated business disclosures were provide to the borrowers or Respondents did not  
12 provide affiliated business disclosures.

13 **1.16 Failure to Disclose Loan Originator License Number on Loan Applications.** In each of the nine  
14 loan files reviewed, Respondents did not disclose the loan originator's license number on the borrowers'  
15 residential mortgage loan applications.

16 **1.17 Failure to Provide Rate Lock Disclosure or Agreement.** In each of the nine loan files reviewed,  
17 Respondents did not maintain evidence sufficient to establish that rate lock disclosures or rate lock agreements  
18 were provided to borrowers within three business days of the borrowers' loan application or Respondents did  
19 not provide rate lock disclosures or rate lock agreements to borrowers within three days of the borrowers' loan  
20 application.

21 **1.18 Failure to Provide "If the Borrower is Unable to Obtain a Loan" Disclosure.** In each of the nine  
22 loan files reviewed, Respondents did not maintain records sufficient to establish that "if a borrower is unable to  
23 obtain a loan" disclosures were provided to borrowers within three business days of the borrowers' loan  
24 application, or Respondents did not provide the disclosures to borrowers within three business days of the  
25 borrowers' loan application.

1 **1.19 Failure to Correctly Disclose Fees in the GFE that Inure to Respondents' Benefit.** In each of the  
2 nine loan files reviewed, Respondents did not maintain evidence sufficient to establish that Respondents  
3 correctly disclosed fees that inured to the mortgage broker's benefit on the Good Faith Estimate (GFE)  
4 disclosure in that Respondents did not specifically identify in the GFE each fee that inured to Respondents'  
5 benefit, or Respondents did not correctly disclose fees that inured to the mortgage broker's benefit.

6 **1.20 Failure to Provide a Complete or Accurate TIL Disclosure.** In eight of the nine loan files reviewed,  
7 Respondents did not maintain evidence sufficient to establish that Respondent provided a complete or accurate  
8 truth in lending (TIL) disclosure to borrowers, specifically, Respondents did not complete the bottom section of  
9 the TIL disclosures identifying the existence of a prepayment penalty, security interest, assumption policy, or  
10 late payment fee or Respondents did not include items associated with the finance charge in the Annual  
11 Percentage Rate or Respondents did not provide a complete or accurate TIL disclosure to borrowers.

12 **1.21 Failure to Deposit All Monies Received for Third Party Fees into Trust Account.** Respondents did  
13 not provide evidence to the Department sufficient to establish that Respondents maintained a trust account for  
14 third party fees received by Respondent American Premier from escrow. In the alternative, in five of the nine  
15 loan files reviewed, Respondents did not maintain evidence sufficient to establish that Respondents deposited  
16 escrow checks that included the borrowers' third party credit report fees into a trust account. Instead,  
17 Respondents deposited these funds into a general account held by Respondent American Premier, thereby  
18 commingling trust funds with operating funds.

19 **1.22 Untimely Provision of GFE or TIL Disclosures.** In at least five of the nine loan files reviewed,  
20 Respondents did not maintain records sufficient to establish that GFE or TIL disclosures were provided to  
21 borrowers within three business days of receipt of a loan application, or Respondents did not provide GFE or  
22 TIL disclosures to borrowers within three business days of receipt of a loan application.

23 **1.23 Unlawful or Unearned Fees.** In at least five of the nine loan files reviewed, Respondents charged  
24 underwriting fees on loans in which it acted as a non-delegated correspondent or on loans it used an automated  
25 underwriting system on or Respondents charged both a loan origination and a mortgage broker fee.

1 **1.24 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by  
2 Respondents continues to date.

## 3 **II. GROUNDS FOR ENTRY OF ORDER**

4 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(12) and WAC 208-660-006,  
5 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of compensation or  
6 gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential  
7 mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a  
8 person in obtaining or applying to obtain a residential mortgage loan.

9 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(10) and WAC 208-660-006, "Loan  
10 Originator" means a natural person who (a) takes a residential mortgage loan application for a mortgage broker,  
11 or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in  
12 expectation of direct or indirect compensation or gain. "Loan Originator" also includes a person who holds  
13 themselves out to the public as able to perform any of these activities.

14 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010(2), a "Borrower" is defined as any person who  
15 consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information  
16 on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself  
17 or herself, regardless of whether the person actually obtains such a loan.

18 **2.4 Requirement to Obtain or Maintain Loan Originator License.** Based on the Factual Allegations set  
19 forth in Section I above, Respondents are in apparent violation of RCW 19.146.0201(2) and (3), RCW  
20 19.146.200(1), and WAC 208-660-350(3) for engaging in the business of a loan originator without first  
21 obtaining and maintaining a license under the Act.

22 **2.5 Responsibility for Conduct of Loan Originators.** Pursuant to RCW 19.146.245 and WAC 208-660-  
23 155(3), a licensed mortgage broker is liable for any conduct violating the Act by the designated broker or loan  
24 originator employed or engaged by the licensed mortgage broker. Pursuant to RCW 19.146.200(4)(a) and (b), a  
25 designated broker or principal of a licensed mortgage broker is liable for an employee's violations of the act if

1 the designated broker or principal directs or instructs the conduct or with knowledge of the specific conduct  
2 approves or allows the conduct, or knows or by the exercise of reasonable care and inquiry should have known  
3 of the conduct at the time when its consequences can be avoided or mitigated and fails to take reasonable  
4 remedial action.

5 **2.6 Affiliated Business Disclosures.** Based on the Factual Allegations set forth in Section I above,  
6 Respondents are in apparent violation of RCW 19.146.0201(6) and (11), and Regulation X, 24 C.F.R. Section  
7 3500.15(1996) for failure to provide affiliated business disclosures.

8 **2.7 Loan Originator License Number Disclosure.** Based on the Factual Allegations set forth in Section I  
9 above, Respondents are in apparent violation of WAC 208-660-350(27) and (28) for failure to disclose the loan  
10 originator's license number on residential mortgage loan applications.

11 **2.8 Disclosures Other than GFE and TIL.** Based on the Factual Allegations set forth in Section I above,  
12 Respondents are in apparent violation of RCW 19.146.0201(6) and (11), RCW 19.146.030(1)(2)(c)(d) and (3),  
13 WAC 208-660-430(3)(c) and (e), and Regulation X, 24 C.F.R. Section 3500.21(b)(1) (1996), for failure to  
14 provide rate lock disclosures, or "if borrower is unable to obtain a loan for any reason" disclosure or loan  
15 servicing disclosures.

16 **2.9 GFE and TIL Disclosures.** Based on the Factual Allegations set forth in Section I above, Respondents  
17 are in apparent violation of RCW 19.146.0201(6) and (11), RCW 19.146.030(1) and (2), and WAC 208-660-  
18 430, and Regulations X, 24 C.F.R. Section 3500.21(b)(1) (1996), Regulation Z, 12 C.F.R Section 226.18(d)(1)  
19 (2001), and Regulation Z, 12 C.F.R. Section 226.5(b) and 226.22(a) (2001) for failure to provide required GFE  
20 and TIL disclosures within three business days of receiving a loan application or failure to specifically identify  
21 fees that inure to the benefit of the mortgage broker or for failure to provide a complete or accurate TIL  
22 disclosures to consumers.

23 **2.10 Trust Account Violations.** Based on the Factual Allegations set forth in Section I above, Respondents  
24 are in apparent violation of RCW 19.146.050(1) for failing to deposit into a trust account, prior to the end of the  
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1 third business day following receipt of such funds, all monies received by a mortgage broker from a borrower  
2 for payment of third-party provider services.

3 **2.11 Unlawful or Unearned Fee Violations.** Based on the Factual Allegations set forth in Section I above,  
4 Respondents are in apparent violation of RCW 19.146.0201(6) and (11), WAC 208-660-006 and Regulation X,  
5 24 C.F.R. Section 3500.14(1996) for charging an underwriting fee as a non delegated correspondent or when  
6 using an automated underwriting system, or charging both a loan origination and a mortgage broker fee.

7 **2.12 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
8 apparent violation of RCW 19.146.0201(1), (2) and (3) for directly or indirectly employing any scheme, device  
9 or artifice to defraud or mislead any borrower or any person or engaging in any unfair or deceptive practice  
10 toward any person or directly or indirectly obtaining property by fraud or misrepresentation.

11 **2.13 Record Keeping.** Based on the Factual Allegations set forth in Section I above, Respondents are in  
12 apparent violation of RCW 19.146.060 and WAC 208-660-450 for failing to maintain sufficient records to  
13 enable the Director to determine whether the licensee is complying with the Act.

### 14 III. AUTHORITY TO IMPOSE SANCTIONS

15 **3.1 Authority to Revoke or Suspend License.** Pursuant to RCW 19.146.220(2)(b),(d), and (e), the  
16 Director may revoke or suspend a license for false statements or omission of material information on the  
17 application that, if known, would have allowed the director to deny the application for the original license,  
18 failure to comply with any directive or order of the Director, or any violation of chapter 19.146 RCW.

19 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a),(b) and (d), 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 (13), RCW 19.146.030 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), or RCW 19.146.265,  
24 false statements or omission of material information on the application that, if known, would have allowed the  
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1 Director to deny the application for the original license, or failure to comply with a directive or order of the  
2 Director.

3 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(b),(d) and (e) and RCW 19.146.220(3) (a)  
4 and (b), the Director may impose fines on a licensee, employee or loan originator of the licensee, or other  
5 person subject to the Act for any violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030  
6 through RCW 19.146.080, RCW 19.146.200, RCW 19.146.205(4), RCW 19.146.265, failure to comply with a  
7 directive or order of the Director or any violation of Chapter 19.146 RCW.

8 **3.4 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2)(b),(d) and (e), the Director may issue  
9 orders directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution.

10 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-550(5),  
11 upon completion of any investigation of the books and records of a licensee or other person subject to the Act,  
12 the Department will furnish to the licensee or other person subject to the Act a billing to cover the cost of the  
13 investigation. The investigation charge will be calculated at the rate of forty-eight dollars (\$48) per hour that  
14 each staff person devoted to the investigation.

15 **3.6 Authority to Collect Travel Costs.** Pursuant to RCW 19.146.228(2) and WAC 208-660-550(6), the  
16 Department, if the mortgage business is out-of-state, will charge the business the travel costs associated with the  
17 investigation, including but not limited to transportation, meals and lodging.

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

19 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth  
20 in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose Sanctions, constitute a basis  
21 for the entry of an Order under RCW 19.146.210, RCW 19.146.220, RCW 19.146.221 and RCW 19.146.223.

22 Therefore, it is the Director's intention to ORDER that:

23 **4.1** Respondent American Premier Funding Inc.'s license to conduct the business of a mortgage broker be  
24 revoked or suspended; and

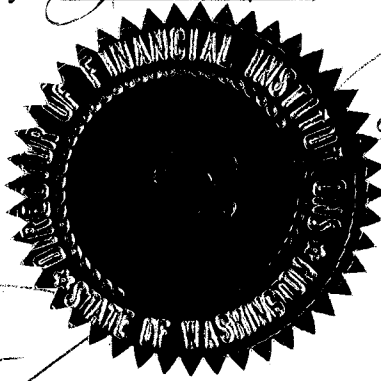
25 **4.2** Respondent Eric Vaca's license to conduct the business of a loan originator and designated broker be  
revoked or suspended; and

- 1 **4.3** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
2 Michelle Karvounis, Irene Guevara, and Nancy Karvounis be prohibited from participation in the conduct  
3 of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of  
4 five (5) years; and
- 5 **4.4** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
6 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally pay a fine, which as of the  
7 date of these charges totals \$35,000; and
- 8 **4.5** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
9 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally refund all fees that inured  
10 to Respondents' benefit to the borrowers listed in paragraphs 1.3 through 1.22, and 1.24 through 1.25; and
- 11 **4.6** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
12 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally refund all third party fees  
13 received from escrow on all loans referred to in paragraph 1.23 above; and
- 14 **4.7** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
15 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally pay an investigation fee in  
16 the amount of \$4,848 calculated at \$48 per hour for the one hundred one (101) staff hours, as of the date of  
17 this Statement of Charges, devoted to the investigation; and
- 18 **4.8** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
19 Michelle Karvounis, Irene Guevara, and Nancy Karvounis jointly and severally pay travel recovery costs  
20 which as of the date of this Statement of Charges, totals \$1,159.65 (interest accruing); and
- 21 **4.9** Respondents American Premier Funding Inc, Eric Vaca, Quartez Wynn, Drew Greene, Daniel Pisani,  
22 Michelle Karvounis, Irene Guevara, and Nancy Karvounis maintain records in compliance with the Act  
23 and provide the Department with the location of the books, records and other information relating to  
24 Respondent American Premier Funding Inc's mortgage broker business, and the name, address and  
25 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 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 7<sup>th</sup> day of December, 2009.



*Deborah Bortner*

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

*Marnie Sheeran*  
MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

*James R. Brusselback*  
JAMES R. BRUSSELBACK  
Enforcement Chief