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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-09-266-10-FO01

FHA ALL DAY.COM, INC., and
JASON A. VITULANO, Owner,

FINAL ORDER

Respondents.

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I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On April 30, 2010, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Order Restitution, and Collect Investigation Fee (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 May 3, 2010, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for FHA All Day.Com, Inc. and Jason A. Vitulano. The Department served the Statement of Charges, cover letter dated May 3, 2010, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for FHA All Day.Com, Inc. and Jason A. Vitulano on Respondents on or about August 3, 2010, by First-Class mail and certified mail addressed to Respondent Vitulano at the Federal Detention Center in Miami, Florida (FDC Miami) where Respondent Vitulano was being held. On August 9, 2010, the documents sent via

1 certified mail were signed for by the mailroom at FDC Miami, and the documents sent by First-Class
2 mail were not returned to the Department by the United States Postal Service as undeliverable.

3 Respondents did not request an adjudicative hearing within 20 calendar days after the
4 Department served them with the Notice of Opportunity to Defend and Opportunity for Hearing, as
5 provided for in WAC 208-08-050(2).

6 B. Record Presented. The record presented to the Director's designee for her review and
7 for entry of a final decision included the Statement of Charges, cover letter dated May 3, 2010, Notice of
8 Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for
9 FHA All Day.Com, Inc. and Jason A. Vitulano, with documentation of service.

10 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
11 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

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13 II. FINAL ORDER

14 Based upon the foregoing, and the Director's designee having considered the record and
15 being otherwise fully advised, NOW, THEREFORE:

16 A. IT IS HEREBY ORDERED, that:

- 17 1. Respondent FHA All Day.com, Inc. is prohibited from participation in the conduct of the
18 affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of
19 five years;
- 20 2. Respondent Jason A. Vitulano is prohibited from participation in the conduct of the
21 affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of
22 five years;
- 23 3. Respondents FHA All Day.com, Inc. and Jason A. Vitulano shall jointly and severally pay
24 a fine in the amount of \$10,000;
- 25 4. Respondents FHA All Day.com, Inc. and Jason A. Vitulano shall jointly and severally pay
restitution to borrowers W.S. and P.S. in the amount of \$2,900 and to borrowers S.H. and D.H.
in the amount of \$3,100;

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5. Respondents FHA All Day.com, Inc. and Jason A. Vitulano shall jointly and severally pay an investigation fee in the amount of \$384, calculated at \$48 per hour for the eight examiner hours devoted to the investigation; and

6. Respondents FHA All Day.com, Inc. and Jason A. Vitulano shall maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

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

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

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

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

1 E. Non-compliance with Order. If you do not comply with the financial terms of this order
2 within 30 days of service, the Department may seek its enforcement by the Office of Attorney General to
3 include the collection of the fines, fees, and restitution imposed herein.


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

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8 DATED this 7th day of January, 2011.



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STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS


DEBORAH BORTNER
DIRECTOR
DIVISION OF CONSUMER SERVICES

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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:

FHA ALL DAY.COM, INC., and
JASON A. VITULANO, Owner,

Respondents.

NO. C-09-266-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO PROHIBIT FROM INDUSTRY,
IMPOSE FINE, ORDER RESTITUTION, 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 of the date of these 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. **FHA All Day.com, Inc., (FHA All Day)** is a Florida Corporation with a registered principal place of business at 1625 S. Congress Avenue, Suite 100, Delray Beach, Florida. Respondent FHA All Day has never been licensed by the Department to conduct business as a mortgage broker.

B. **Jason A. Vitulano (Vitulano)** is alleged to be Owner and Incorporator of Respondent FHA All Day.

1.2 Unlicensed Activity.

A. On or about March 4, 2009, Respondents entered in to an agreement to provide loan modification services to borrowers W.S. and P.S. for a residential mortgage loan on property located in Washington. Respondents received \$2,900 for these services.

1 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2) and WAC 208-660-550, the
2 Department may collect the costs of investigation. The investigation charge will be calculated at the rate of \$48 per
3 hour that each examiner devoted to the investigation.

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

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

- 9 **4.1** Respondent FHA All Day.com, Inc. 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 five years;
- 11 **4.2** Respondent Jason A. Vitulano be prohibited from participation in the conduct of the affairs of any
12 mortgage broker subject to licensure by the Director, in any manner, for a period of five years;
- 13 **4.3** Respondents FHA All Day.com, Inc. and Jason A. Vitulano jointly and severally pay a fine which as of the
14 date of these charges totals \$10,000;
- 15 **4.4** Respondents FHA All Day.com, Inc. and Jason A. Vitulano jointly and severally pay restitution to
16 borrowers W.S. and P.S. in the amount of \$2,900 and to borrowers S.H. and D.H. in the amount of
17 \$3,100;
- 18 **4.5** Respondents FHA All Day.com, Inc. and Jason A. Vitulano jointly and severally pay an investigation fee
19 which as of the date of these charges totals \$384, calculated at \$48 per hour for the eight examiner hours
20 devoted to the investigation; and
- 21 **4.6** Respondents FHA All Day.com, Inc. and Jason A. Vitulano maintain records in compliance with the Act
22 and provide the Department with the location of the books, records and other information relating to
23 Respondents' mortgage broker business, and the name, address and telephone number of the individual
24 responsible for maintenance of such records in compliance with the Act.

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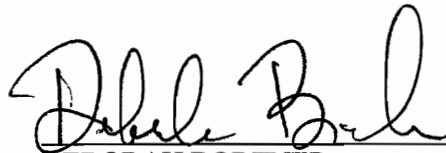
1 **V. AUTHORITY AND PROCEDURE**

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

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9 Dated this 30th day of April, 2010.




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DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

19 Presented by:


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STEVEN C. SHERMAN
Financial Legal Examiner

23 Approved by:

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JAMES R. BRUSSELBACK
Enforcement Chief