

CONSENT ORDER SUMMARY - Case Number: C-09-500

Name(s) Andrew Delmolino

Order Number C-09-500-10-CO01

Effective Date December 22, 2010

License Number U/L

License Effect N/A

Not Apply until December 23, 2015

Prohibition/Ban until December 23, 2015

Investigation Costs	\$240	Due:	Paid: Yes	Date: 12/16/2010
Fine	\$250	Due:	Paid: Yes	Date: 12/16/2010
Assessment(s)	\$	Due	Paid Y N	Date
Restitution	\$	Due	Paid Y N	Date
	No. of Victims:			

Other

Special Instructions

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

NO. C-09-500-10-CO01
15 12:37

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

NO. C-09-500-10-CO01

ANDREW DELMOLINO, Unlicensed Loan
Originator,

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 Andrew Delmolino (Respondent), by and through his attorney Christopher R. Ambrose, 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 Statement of Charges No. C-09-500-09-SC01 (Statement of Charges), entered January 28, 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, 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

CONSENT ORDER
C-09-500-10-FO01
ANDREW DELMOLINO

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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 the Statement of Charges and agree that Respondent does not admit any wrongdoing by its entry.
2 Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this
3 Consent Order.

4 Based upon the foregoing:

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

7 B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
8 hearing before an administrative law judge, and hereby waives his right to a hearing and any and all
9 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
10 Accordingly, Respondent, by his signature and the signature of his representative below, withdraws his
11 appeal to the Office of Administrative Hearings.
12

13 C. **No Admission of Liability.** The parties intend this Consent Order to fully resolve the
14 Statement of Charges and agree that Respondent does not admit to any wrongdoing by its entry.

15 D. **Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$250, in the form
16 of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

17 E. **Prohibition from Industry.** It is AGREED that Respondent is prohibited from participating
18 as an officer, director, owner, or control person of any mortgage broker licensed by the Department, or
19 originating any loans or taking any action that would otherwise require a license to be issued by the
20 Department, for five years from the date of entry of this Consent Order.
21

22 F. **Agreement Not to Apply.** It is AGREED that Respondent will not apply with the
23 Department for a license to conduct business as a loan originator, mortgage broker, consumer loan
24 company, check casher or seller, escrow agent, escrow officer, or any other license the Department issues.
25

1 under any name or on behalf of any person or entity, for a period of five years following the entry of this
2 Consent Order.

3 **G. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
4 investigation fee of \$240, in the form of a cashier's check made payable to the "Washington State
5 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together in
6 one cashier's check made payable to the "Washington State Treasurer."

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


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


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

17 **K. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this
18 Consent Order in its entirety and fully understands and agrees to all of the same.
19

20 **RESPONDENT:**

21 By:

22 
23 Andrew Delmolino
24 Individually

25 
Date 11/29/2010

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[Redacted]

12/14/10
Date

Christopher R. Ambrose, WSBA No. 26237
Attorney at Law Ambrose Law Group
Attorney for Respondent

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 22nd DAY OF December, 2010.



[Redacted]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

[Redacted]

WILLIAM HALSTED
Financial Legal Examiner

Approved by:

[Redacted]

JAMES R. BRUSSELBACK
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:

ANDREW DELMOLINO, Unlicensed Loan
Originator,

Respondent.

NO. C-09-500-09-SC01

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

8
9

INTRODUCTION

10 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
11 Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the
12 Mortgage Broker Practices Act (Act)¹. After having conducted an investigation pursuant to RCW 19.146.235 and
13 .310, and based upon the facts available as of this Statement of Charges, the Director, through his designee,
14 Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

15
16

I. FACTUAL ALLEGATIONS

17 **1.1 Respondent Andrew Delmolino (Respondent)** worked for First Financial & Real Estate Services Inc.
18 d/b/a www.gofirstfinancial.com² as a loan originator at all times relevant to this Statement of Charges.

19 Respondent has never applied for a loan originator license with the Department.

20 **1.2 Loan Originator License.** In order to conduct business as a loan originator in 2008, Respondent was
21 required to obtain and maintain a loan originator license before January 1, 2008. Respondent did not obtain a
22 loan originator license and as a result could not conduct the business of a loan originator.

23 **1.3 Unlicensed Loan Originator Activity.** Respondent conducted the business of a loan originator when
24 he originated at least 1 residential mortgage loan between January 1, 2008, and June 13, 2008, for borrowers

25
¹ RCW 19.146 (2006).

² The Department has issued a Statement of Charges (C-09-388-09-SC01) against First Financial & Real Estate Services Inc. d/b/a www.gofirstfinancial.com that includes an allegation that Respondent originated at least one loan while not licensed.

1 with property located in the state of Washington. The Respondent was paid a commission fee in the amount of
2 \$1,500.

3 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
4 Respondent continues to date.

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

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

11 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010 (10), "Loan Originator" means a natural
12 person who (a) takes a residential mortgage loan application for a mortgage broker, or (b) offers or negotiates
13 terms of a mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect
14 compensation or gain.

15 **2.3 Definition of Borrower.** Pursuant to RCW 19.146.010 (3) and WAC 208-660-006, a "Borrower" is
16 defined as any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or
17 seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or
18 persons including himself or herself, regardless of whether the person actually obtains such a loan.

19 **2.4 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent is in
20 apparent violation of RCW 19.146.0201(1), (2), and (3) for directly or indirectly employing a scheme, device or
21 artifice to defraud or mislead borrowers or lenders or any person, for engaging in an unfair or deceptive practice
22 toward any person, and for obtaining property by fraud or misrepresentation.

23 **2.5 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section
24 I above, Respondent is in apparent violation of RCW 19.146.200 for engaging in the business of a loan
25 originator without first obtaining and maintaining a license under the Act.

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Prohibit from the Industry.** Pursuant to RCW 19.146.220(5)(a), the Director may issue
3 orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed
4 mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker
5 or any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) and
6 RCW 19.146.200.

7 **3.2 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2)(e), and (3)(a), the Director may impose
8 fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any
9 violations of RCW 19.146.0201(1) through (9) or (13), RCW 19.146.030 through RCW 19.146.080, RCW
10 19.146.200, RCW 19.146.205(4), or RCW 19.146.265, or any violation of the Act.

11 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220 (2)(e), the Director may issue orders
12 directing a licensee, its employee or loan originator, or other person subject to the Act to pay restitution for any
13 violation of the Act.

14 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228 (2), WAC 208-660-520, and
15 WAC 208-660-550(5), upon completion of any investigation of the books and records of a licensee or other person
16 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to cover
17 the cost of the investigation. The investigation charge will be calculated at the rate of \$48 per hour that each staff
18 person devoted to the investigation.

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

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

24 **4.1** Respondent Andrew Delmolino be prohibited from participation in the conduct of the affairs of any
25 mortgage broker subject to licensure by the Director, in any manner, for a period of five years;

4.2 Respondent Andrew Delmolino pay a fine which, as of the date of these charges, totals \$500;

1 4.3 Respondent Andrew Delmolino pay restitution to the borrowers outlined in paragraph 1.3, which at the
2 time of this document totals, \$1,500; and

3 4.4 Respondent Andrew Delmolino pay an investigation fee, which as of the date of these charges is \$240
4 calculated at \$48 per hour for 5 staff hours devoted to the investigation.

5
6 **V. AUTHORITY AND PROCEDURE**

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

13 Dated this 28th day of January, 2010.

14 [Redacted Signature]
15 DEBORAH BORTNER
16 Director Division of Consumer Services
17 Department of Financial Institutions

18 Presented by:

19 [Redacted Signature]
20 WILLIAM HALSTEAD
21 Financial Legal Examiner

22 Approved by:

23 [Redacted Signature]
24 JAMES R. BRUSSELBACK
25 Enforcement Chief

