

**ORDER SUMMARY – Case Number: C-10-094**

**Name(s):** Certified Financial Protection Group LLC

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**Order Number:** C-10-094-12-FO01

**Effective Date:** November 30, 2012

**License Number:** N/A

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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

**Not Apply Until:** N/A

**Not Eligible Until:** 11/30/17

**Prohibition/Ban Until:** 11/30/17

<b>Investigation Costs</b>	\$432	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$6,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$6,200	Due	Paid <input type="checkbox"/> Y <input checked="" 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:** \_\_\_\_\_

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1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

4 IN THE MATTER OF DETERMINING:  
5 Whether there has been a violation of the  
6 Mortgage Broker Practices Act of Washington by:  
7  
8 CERTIFIED FINANCIAL PROTECTION  
9 GROUP,  
10  
11 Respondent.

No.: C-10-094-12-FO01

FINAL ORDER

12 I. DIRECTOR'S CONSIDERATION

13 A. Default. This matter has come before the Director of the Department of Financial  
14 Institutions of the State of Washington (Director), through his designee, Consumer Services Division  
15 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On September 27,  
16 2012, the Director, through the Director's designee, issued a Statement of Charges and Notice of  
17 Intention to Enter an Order to Produce Records, Cease and Desist Business, Prohibit from Industry,  
18 Order Restitution, Impose Fine, and Collect Investigation Fee (Statement of Charges) against  
19 Certified Financial Protection Group (Respondent). A copy of the Statement of Charges is attached  
20 and incorporated into this order by this reference. The Statement of Charges was accompanied by a  
21 cover letter, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application  
22 for Adjudicative Hearing for Respondent.

23 On September 27, 2012, the Department served Respondent with the Statement of Charges  
24 and accompanying documents by First-Class mail and Federal Express overnight delivery. On  
October 3, 2012, the Department received notice from Federal Express that the documents were  
undeliverable. The documents sent by First-Class mail were not returned to the Department by the  
United States Postal Service.

1 On October 17, 2012, the Department served Respondent with the Statement of Charges and  
2 accompanying documents by First-Class mail and Federal Express overnight delivery at an additional  
3 address. On October 18, 2012, the documents sent via Federal Express were delivered. The  
4 documents sent by First-Class mail were not returned to the Department by the United States Postal  
5 Service.

6 Respondent did not request an adjudicative hearing within twenty calendar days after the  
7 Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided for  
8 in WAC 208-08-050(2).

9 B. Record Presented. The record presented to the Director's designee for her review and  
10 for entry of a final decision included the following:

- 11 1. Statement of Charges;
- 12 2. Cover letter dated September 27, 2012;
- 13 3. Cover letter dated October 17, 2012;
- 14 4. Notice of Opportunity to Defend and Opportunity for Hearing; and
- 15 5. Blank Application for Adjudicative Hearing for Respondent, with documentation  
16 for service.

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

## 19 II. FINAL ORDER

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

22 A. IT IS HEREBY ORDERED, That:

- 23 1. Respondent Certified Financial Protection Group cease and desist engaging in the  
24 business of a mortgage broker or loan originator.

2. Respondent Certified Financial Protection Group provide the Department with a list detailing all residential mortgage loan modification services transactions with Washington consumers, including the name, address, and phone numbers of the consumers, the transaction date, and fees collected by Respondents for the provision of those services.
3. Respondent Certified Financial Protection Group is prohibited from participation in the conduct of the affairs of any mortgage broker subject to licensure by the Director, in any manner, for a period of five years.
4. Respondent Certified Financial Protection Group pay restitution to the six consumers identified by the Department in paragraph 1.3 and Appendix A of the Statement of Charges as having paid \$6,200 to Respondents.
5. Respondent Certified Financial Protection Group pay a fine of \$6,000.
6. Respondent Certified Financial Protection Group jointly and severally pay an investigation fee of \$432.
7. Respondent Certified Financial Protection Group maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondents' provision of residential mortgage loan modification services in Washington, 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, Respondent has 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 (10) 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 twenty (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.

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

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

7 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
8 Department may seek its enforcement by the Office of the Attorney General to include the collection  
9 of the fines, fees, and restitution imposed herein. The Department also may assign the amounts owed  
10 to a collection agency for collection.

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

14 DATED this 30<sup>th</sup> day of November, 2012



17 STATE OF WASHINGTON  
18 DEPARTMENT OF FINANCIAL INSTITUTIONS



19 DEBORAH BORTNER  
20 Director  
21 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:  
  
CERTIFIED FINANCIAL PROTECTION  
GROUP,  
  
Respondent.

No. C-10-094-12-SC01  
  
STATEMENT OF CHARGES and  
NOTICE OF INTENT TO ENTER AN  
ORDER TO PRODUCE RECORDS,  
CEASE AND DESIST BUSINESS,  
PROHIBIT FROM INDUSTRY, ORDER  
RESTITUTION, 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). 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:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondent Certified Financial Protection Group (Respondent Certified Financial)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or loan originator.

**1.2 Unlicensed Activity.** On or about December 2009 through at least September 2010 Respondent Certified Financial was offering residential mortgage loan modification services to Washington consumers on property located in Washington State. Respondent entered into a contractual relationship with at least one Washington consumer to provide those services and collected an advance fee for the provision of those services. The Department has received at least one complaint from a Washington consumer alleging Respondent provided or offered to provide

1 residential mortgage loan modification services while not licensed by the Department to provide those  
2 services. A list of Washington consumers with whom Respondent conducted business as a mortgage  
3 broker or loan originator, and the amount paid by each is appended hereto and incorporated herein by  
4 reference.

5 **1.3 Misrepresentations and Omissions.** Respondent represented that they were licensed to  
6 provide the residential mortgage loan modification services or omitted disclosing that they were not  
7 licensed to provide those services.

8 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the  
9 Act by Respondent continues to date.

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

11 **2.1 Mortgage Broker Defined** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,  
12 "Mortgage Broker" means any person who, for compensation or gain, or in the expectation of  
13 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan  
14 or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person  
15 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a  
16 person "'assists a person in obtaining or applying to obtain a residential mortgage loan' by, among  
17 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages...."

18 **2.2 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent  
19 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice  
20 toward any person and obtaining property by fraud or misrepresentation.

21 **2.3 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual  
22 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for  
23 engaging in the business of a mortgage broker for Washington residents or property without first  
24 obtaining a license to do so.

1 **2.4 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
2 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 19.146.200(1) for  
3 engaging in the business of a loan originator without first obtaining and maintaining a license.

4 **2.5 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW  
5 19.146.060 and WAC 208-660-450, Respondent is required to keep all books and records in a location  
6 that is on file with and readily available to the Department until at least twenty-five months have  
7 elapsed following the effective period to which the books and records relate.

### 8 **III. AUTHORITY TO ORDER PRODUCTION OF RECORDS**

9 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.  
10 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,  
11 accounts, records, files, and any other documents the director or designated person deems relevant to  
12 an investigation.

### 13 **IV. AUTHORITY TO IMPOSE SANCTIONS**

14 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
15 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
16 business.

17 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
18 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
19 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or  
20 (13), or RCW 19.146.200.

21 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
22 restitution against any person subject to the Act for any violation of the Act.

23 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
24 against any person subject to the Act for any violation of the Act.



1 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-  
2 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted  
3 to an investigation of any person subject to the Act.

4 **V. NOTICE OF INTENT TO ENTER ORDER**

5 Respondent's violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set  
6 forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and  
7 RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

8 **5.1** Respondent cease and desist engaging in the business of a mortgage broker or loan originator.

9 **5.2** Respondent provide the Department with a list detailing all residential mortgage loan  
10 modification services transactions with Washington consumers, including the name, address,  
11 and phone numbers of the consumers, the transaction date, and fees collected by Respondent  
12 for the provision of those services.

13 **5.3** Respondent be prohibited from participation in the conduct of the affairs of any mortgage  
14 broker subject to licensure by the Director, in any manner, for a period of five years.

15 **5.4** Respondent jointly and severally pay restitution to the two consumers identified by the  
16 Department in paragraph 1.3 as having paid \$6,200 to Respondent, and that Respondent jointly  
17 and severally pay restitution to each Washington consumer with whom they entered into a  
18 contract for residential mortgage loan modification services related to real property or  
19 consumers located in the state of Washington equal to the amount collected from that  
20 Washington consumer for those services in an amount to be determined at hearing.

21 **5.5** Respondent jointly and severally pay a fine of \$3,000 for each residential loan modification  
22 transaction entered into with Washington consumers. As of the date of this Statement of  
23 Charges, the fine totals \$6,000.

24 **5.6** Respondent jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of  
the date of this Statement of Charges, the investigation fee totals \$432.

**5.7** Respondent maintain records in compliance with the Act and provide the Department with the  
location of the books, records and other information relating to Respondent's provision of  
residential mortgage loan modification services in Washington, 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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1 **VI. AUTHORITY AND PROCEDURE**

2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW  
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
4 RCW (The Administrative Procedure Act). Respondent may make a written request for a hearing as set  
5 forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING  
6 accompanying this Statement of Charges.

7 Dated this 27<sup>th</sup> day of September, 2012.

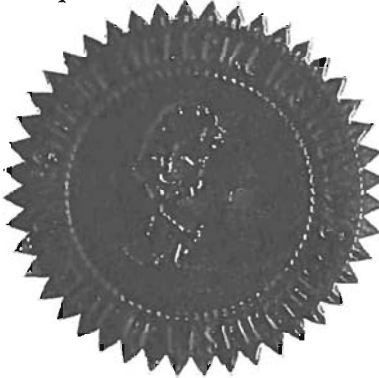


8  
9 **DEBORAH BORTNER**  
10 Director, Division of Consumer Services  
Department of Financial Institutions

11 Presented by:



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13 **DEBORAH TAELEIUS**  
14 Financial Legal Examiner



15 Approved by:



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17 **CHARLES E. CLARK**  
18 Enforcement Chief

**RESTITUTION**

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**Borrower**                      **Amount**



TOTAL                      \$6,200