

ORDER SUMMARY – Case Number: C-10-300

Name(s): Tripoli Associates Inc., a/k/a Tripoli and Associates, Inc.;
Dale L. Willes; Candice M. Willes; Kalpesh P. Patel

Order Number: C-10-300-12-FO01

Effective Date: July 19, 2012

License Number: N/A Patel NMLS #210070

Or NMLS Identifier [U/L] NMLS ID: 954120 -Tripoli

NMLS ID: 954131 –Candice Willes

NMLS ID: 954132 –Dale Willes

(Revoked, suspended, stayed, application denied or withdrawn)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: N/A

Prohibition/Ban Until: July 19, 2017

Investigation Costs	\$528	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$7,500	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$2,500	Due: 30 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?	<input type="checkbox"/> Y <input type="checkbox"/> N N/A			
No. of Victims:	2			

Comments: _____

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:

No.: C-10-300-12-FO01

7 TRIPOLI AND ASSOCIATES, INC.,
8 CANDICE M. WILLES, Director and Secretary,
9 DALE L. WILLES, Director and Agent, and
10 KALPESH P. PATEL, Unlicensed Loan
11 Originator,

FINAL ORDER

12 Respondents.

13 I. DIRECTOR'S CONSIDERATION

14 A. Default. This matter has come before the Director of the Department of Financial
15 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
16 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On December 9,
17 2011, the Director, through the Director's designee, issued a Statement of Charges and Notice of
18 Intention to Enter an Order to (Statement of Charges) against Tripoli and Associates, Inc.
19 (Respondent Tripoli), Candice M. Willes (Respondent C. Willes), Dale L. Willes, (Respondent D.
20 Willes), and Kalpesh P. Patel (Respondent Patel). A copy of the Statement of Charges is attached
21 and incorporated into this order by this reference. The Statement of Charges was accompanied by a
22 cover letter dated December 9, 2011, a Notice of Opportunity to Defend and Opportunity for
23 Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively,
24 accompanying documents).

On December 9, 2011, the Department served Respondents with the Statement of Charges and
accompanying documents by First-Class mail and Federal Express overnight delivery. On December
12, 2011, the documents sent by Federal Express overnight delivery to Respondent Patel were

1 delivered. On December 15, 2011, the documents sent to Respondents Tripoli, C. Willes, and D.
2 Willes were delivered. The documents sent by First-Class mail were not returned to the Department
3 as undeliverable.

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

7 B. Record Presented. The record presented to the Director's designee for her review and
8 for entry of a final decision included the Statement of Charges, cover letter dated December 9, 2011,
9 Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for
10 Adjudicative Hearing for each Respondent, with documentation of service.

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

13 II. FINAL ORDER

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

16 A. IT IS HEREBY ORDERED, That:

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- 18 1. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
19 Kalpesh P. Patel are 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.
 - 20 2. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
21 Kalpesh P. Patel shall jointly and severally pay a fine which as of the date of this
Statement of Charges totals \$7,500.
 - 22 3. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
23 Kalpesh P. Patel shall jointly and severally pay restitution totaling \$2,500 to
Borrowers C.B. and T.B..

- 1 4. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
2 Kalpesh P. Patel shall jointly and severally pay an investigation fee of \$528.
- 3 5. Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and
4 Kalpesh P. Patel shall maintain records in compliance with the Act and provide the
5 Department with the location of the books, records, and other information relating
6 to Respondents' mortgage broker business, and the name, address, and telephone
7 number of the individual responsible for maintenance of such records in
8 compliance with the Act.

9 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
10 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
11 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
12 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
13 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
14 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
15 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

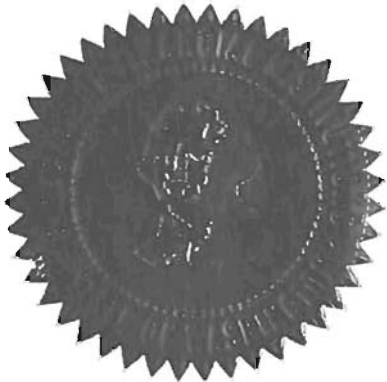
22 D. Judicial Review. Respondents have the right to petition the superior court for judicial
23 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for
24 filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

E. Non-compliance with Order. If you do not comply with the terms of this order, the
Department may seek its enforcement by the Office of the Attorney General to include the collection

1 of the fine, fee, and restitution imposed herein. The Department also may assign the amounts owed
2 to a collection agency for collection.

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

6 DATED this 17th day of July, 2012.



8 STATE OF WASHINGTON
9 DEPARTMENT OF FINANCIAL INSTITUTIONS

11 
12 DEBORAH BORTNER
13 Director
14 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:

TRIPOLI ASSOCIATES, INC.,
a/k/a TRIPOLI AND ASSOCIATES, INC.,
CANDICE M. WILLES, Director and Secretary,
DALE L. WILLES, Director and Agent, and
KALPESH P. PATEL, Unlicensed Loan
Originator,

Respondents.

No. C-10-300-11-SC01

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

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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)¹. After having conducted an investigation
pursuant to RCW 19.146.235, and based upon the facts available as of 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:

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I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Tripoli and Associates, Inc. (Tripoli)** has never been licensed by the Department of
Financial Institutions of the State of Washington (Department) to conduct business as a mortgage
broker or consumer loan company. Respondent Tripoli is known to be a for-profit corporation

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¹ RCW 19.146 (1994) OR (2006) OR both

1 formed in the state of Wyoming, with its principal office located at 6056 Rutland Drive, Suite 8,
2 Carmichael, California.²

3 **B. Candice M. Willes (C. Willes)** is listed in the records of the Wyoming Secretary of
4 State as the Director and Secretary for Respondent Tripoli. Respondent C. Willes has never been
5 licensed by the Department for any purpose.

6 **C. Dale L. Willes (D. Willes)** is listed in the records of the California Secretary of State
7 as Director and Agent for Service for Respondent Tripoli, with a registered address of 6056 Rutland
8 Drive, Suite G, Carmichael, California. Respondent D. Willes has never been licensed by the
9 Department for any purpose.

10 **D. Kalpesh P. Patel (Patel)** has never been licensed by the Department to conduct
11 business as a loan originator or mortgage loan originator. At all times relevant to this Statement of
12 Charges, Respondent Patel represented himself as an employee of Respondent Tripoli.

13 **1.2 Unlicensed Activity.** On or about October 31, 2008, Respondents entered into a contract
14 with Borrowers C.B. and T.B. to assist the borrowers with the modification of a residential mortgage
15 loan for property located in the State of Washington. Respondent Patel directly assisted the
16 borrowers and instructed them on information and documentation the borrowers needed to provide
17 for the modification. On or about December 11, 2008, the borrowers paid Respondents \$2,000 as a
18 fee for the loan modification services. On or about January 8, 2009, the borrowers paid Respondents
19 an additional \$500 for the loan modification services. No loan modification services, however, were
20 provided to the borrowers.

21 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the
22 Act by Respondents continues to date.

23 ² This address was taken from the Wyoming Secretary of State web site. The California Secretary of State's web site lists
24 the location as Suite G at the same address, and documents provided by the borrowers state the location as Suite 9 at the
same address.

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

2 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
3 “Mortgage broker” means any person who, for compensation or gain, or in the expectation of
4 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage
5 loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to
6 obtain a residential mortgage loan. A person "assists a person in obtaining or applying to obtain a
7 residential mortgage loan" by, among other things, counseling on loan terms (rates, fees, other costs),
8 preparing loan packages, or collecting enough information on behalf of the consumer to anticipate a
9 credit decision under Regulation X, 24 CFR Part 3500, Section 3500 (2)(b).

10 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11) and WAC 208-660-006,
11 “Loan originator” includes a natural person who for direct or indirect compensation or gain or in the
12 expectation of direct or indirect compensation or gain performs residential mortgage loan
13 modification services.

14 **2.3 Definition of Residential Mortgage Loan Modification Services.** Pursuant to RCW
15 19.146.010(21) and WAC 208-660-006, “Residential mortgage loan modification services” includes
16 negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to
17 perform a residential mortgage loan modification. “Residential mortgage loan modification services”
18 also includes the collection of data for submission to any entity performing mortgage loan
19 modification services.

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

1 **2.5 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
2 Allegations set forth in Section I above, Respondents Tripoli, C. Willes, and D. Willes are in apparent
3 violation of RCW 19.146.200(1) and WAC 208-660-155 for engaging in the business of a mortgage
4 broker without first obtaining and maintaining a license under the Act.

5 **2.6 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
6 Allegations set forth in Section I above, Respondent Patel is in apparent violation of RCW
7 19.146.200(1) and WAC 208-660-155 for engaging in the business of a loan originator without first
8 obtaining and maintaining a license under the Act.

9 **III. AUTHORITY TO IMPOSE SANCTIONS**

10 **3.1 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
11 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
12 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
13 mortgage broker or any person subject to licensing under the Act for: any violation of RCW
14 19.146.0201(1) through (9).

15 **3.2 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
16 restitution against any persons subject to the Act for any violation of the Act.

17 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
18 against any persons subject to the Act for any violation of the Act.

19 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
20 520(9) & (11), and WAC 208-660-550(4)(a), the Department may collect the cost of investigation.
21 The Department will charge \$48 per hour for an examiner's time devoted to an investigation of a
22 person subject to the Act.

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

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

6 **4.1** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
7 Patel be prohibited from participation in the conduct of the affairs of any mortgage broker subject to
8 licensure by the Director, in any manner, for a period of five years.

8 **4.2** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
9 Patel jointly and severally pay a fine which as of the date of this Statement of Charges totals \$7,500.

10 **4.3** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
11 Patel jointly and severally pay restitution totaling \$2,500 to the borrowers identified in paragraph 1.3
12 of this Statement of Charges.

13 **4.4** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
14 Patel jointly and severally pay an investigation fee. As of the date of this Statement of Charges, the
15 investigation fee totals \$528.

16 **4.5** Respondents Tripoli and Associates, Inc., Candice M. Willes, Dale L. Willes, and Kalpesh P.
17 Patel maintain records in compliance with the Act and provide the Department with the location of
18 the books, records, and other information relating to Respondents' mortgage broker business, and the
19 name, address, and telephone number of the individual responsible for maintenance of such records
20 in compliance with the Act.

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1 **V. 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
4 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a
5 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
6 HEARING accompanying this Statement of Charges.

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8 Dated this 9th day of December, 2011.



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DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:

JAMES R. BRUSSELBACK
Enforcement Chief