

ORDER SUMMARY – Case Number: C-10-334

Name(s): Dynamic Consulting Enterprises LLC a/k/a Ventura Loan Modifications
Michael J. Sichenzia

Order Number: C-10-334-14-FO01

Effective Date: October 8, 2014

License Number: Unlicensed
Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: October 8, 2019

Not Eligible Until: October 8, 2019

Prohibition/Ban Until: October 8, 2019

Investigation Costs	\$398	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$3,000	Due	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	\$1,250	Due	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			
No. of Victims:	1			



STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

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

DYNAMIC CONSULTING ENTERPRISES, LLC
A/K/A VENTURA LOAN MODIFICATIONS, and
MICHAEL J. SICHENZIA, President,

Respondents.

No.: C-10-334-14-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

Procedural History. This matter has come before the Director of the Department of Financial Institutions of the State of Washington ("Director"), pursuant to RCW 34.05.440(2). On September 27, 2012, the Director, through his designee, Consumer Services Division Director Deborah Bortner, issued a Statement of Charges and Notice of Intention to Enter an Order to Produce Records, Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, and Collect Investigation Fee ("Statement of Charges") against Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan Modifications and Michael J. Sichenzia ("Respondents"). On October 2, 2012, the Department of Financial Institution ("Department") served Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan Modifications and Michael J. Sichenzia with the Statement of Charges and accompanying documents, sent by First-Class mail and Federal Express overnight delivery. The Statement of Charges was accompanied by a cover letter dated September 27, 2012, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents.

1 On October 22, 2012, Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura
2 Loan Modifications and Michael J. Sichenzia filed an Application for Adjudicative Hearing. On
3 January 11, 2013, Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
4 Modifications and Michael J. Sichenzia signed a waiver of right to commence adjudicative
5 proceeding within 90 days in order to attempt to reach a settlement.

6 On April 15, 2013, the Department made a request to the Office of Administrative Hearings
7 (“OAH”) to assign an Administrative Law Judge (“ALJ”) to schedule and conduct a hearing on the
8 Statement of Charges. On May 2, 2013, OAH issued a Notice of Conference assigning ALJ Steven
9 C. Smith (“ALJ Smith”) to preside over prehearing and hearing proceedings and issue an Initial
10 Decision. The Notice of Conference also set a prehearing date of May 30, 2013, at 1:00 p.m.

11 On May 30, 2013, all parties attended a telephonic prehearing conference. On May 31, 2013,
12 ALJ Smith issued a Notice of Hearing; and, Order Following Telephonic Prehearing Conference of
13 May 30, 2013, scheduling a hearing on October 10, 2013, at 9:00 a.m. That Order stated: **“If you do
14 not participate in any stage of the proceedings or if you fail to appear at your hearing, you may
15 be held in default. This means you lose the right to a hearing and the decision made by the
16 agency remains in effect. RCW 34.05.440.”**

17 On September 5, 2013, ALJ Smith issued an Order and Notice: Postponing all Case Activities
18 and Setting Status Conference for October 10, 2013, at 9:00 a.m. as the parties had reached a full
19 settlement in principle but needed to finalize their settlement documentation.

20 On October 10, 2013, the prehearing conference was convened by ALJ Smith at 9:00 a.m.
21 Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan Modifications and Michael
22 J. Sichenzia failed to appear and the Department moved for an order of default dismissing the
23 administrative appeal. On January 10, 2014, ALJ Smith issued an Order of Default (“Order of
24 Default”) dismissing Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan

1 Modifications's and Michael J. Sichenzia's administrative appeal. On January 10, 2014, ALJ Smith
2 sent the Order of Default to Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
3 Modifications and Michael J. Sichenzia via First-Class mail.

4 Pursuant to RCW 34.05.440(3), Respondents Dynamic Consulting Enterprises, LLC a/k/a
5 Ventura Loan Modifications and Michael J. Sichenzia had seven (7) days from the date of service of
6 the Order of Default to file a written motion with OAH requesting that the Order of Default be
7 vacated, and stating the grounds relied upon. Respondents Dynamic Consulting Enterprises, LLC
8 a/k/a Ventura Loan Modifications and Michael J. Sichenzia did not make a request to vacate during
9 the statutory period.

10 Pursuant to RCW 34.05.464 and WAC 10-08-211, Respondents Dynamic Consulting
11 Enterprises, LLC a/k/a Ventura Loan Modifications and Michael J. Sichenzia had twenty (20) days
12 from the date of service of the Order of Default to file a Petition for Review of the Order of Default.
13 Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan Modifications and Michael
14 J. Sichenzia did not file a Petition for Review during the statutory period.

15 A. Record Presented. The record presented to the Director for his review and for entry of
16 a final decision included the following:

- 17 1. Statement of Charges, cover letter dated September 27, 2012, and Notice of
18 Opportunity to Defend and Opportunity for Hearing, with documentation of
19 service.
- 20 2. Applications for Adjudicative Hearing for Dynamic Consulting Enterprises, LLC
21 a/k/a Ventura Loan Modifications and Michael J. Sichenzia.
- 22 3. Request to OAH for Assignment of Administrative Law Judge.
- 23 4. Notice of Conference dated May 2, 2013, with documentation of service.
- 24 5. Notice of Hearing; and, Order Following Telephonic Prehearing Conference of
May 30, 2013, dated May 31, 2013, with documentation of service.

1 6. Order and Notice: Postponing all Case Activities and Setting Status Conference
2 dated September 5, 2013, with documentation of service.

3 7. Order of Default, dated January 10, 2014, with documentation of service.

4 B. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(2), the Director
5 hereby adopts the Statement of Charges, which is attached hereto.

6 II. FINAL ORDER

7 Based upon the foregoing, and the Director having considered the record and being otherwise
8 fully advised, NOW, THEREFORE:

9 A. IT IS HEREBY ORDERED, That:

- 10 1. Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
11 Modifications and Michael J. Sichenzia cease and desist engaging in the business
12 of a mortgage broker or loan originator.
- 13 2. Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
14 Modifications and Michael J. Sichenzia be prohibited from participation, in any
15 manner, in the conduct of the affairs of any mortgage broker subject to licensure
16 by the Director for a period of five (5) years.
- 17 3. Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
18 Modifications and Michael J. Sichenzia jointly and severally pay restitution to
19 consumer L.D. in the amount of One Thousand Two Hundred Fifty Dollars
20 (\$1,250.00) to Respondents.
- 21 4. Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
22 Modifications and Michael J. Sichenzia shall jointly and severally pay to the
23 Washington State Department of Financial Institutions, within thirty (30) days of
receipt of this order, a fine of Three Thousand Dollars (\$3,000.00).
- 24 5. Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
Modifications and Michael J. Sichenzia shall jointly and severally pay to the
Washington State Department of Financial Institutions, within thirty (30) days of
receipt of this order, an investigation fee of Three Hundred Ninety-Eight Dollars
(\$398.00).*
6. Respondent Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
Modifications, its officers, employees, and agents maintain records in compliance

* The combined fine and investigation fee may be paid together in the form of a cashier's check in the amount of \$3,398 made payable to the "Washington State Treasurer."

1 with chapter 19.146 RCW, the Mortgage Broker Practices Act (“Act”) and provide
2 the Director with the location of the books, records and other information relating
3 to Respondent Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan
4 Modifications’ provision of residential mortgage loan modification services in
5 Washington, and the name, address and telephone number of the individual
6 responsible for maintenance of such records in compliance with the Act.

7 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents Dynamic Consulting
8 Enterprises, LLC a/k/a Ventura Loan Modifications and Michael J. Sichenzia have the right to file a
9 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
10 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
11 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
12 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents
13 Dynamic Consulting Enterprises, LLC a/k/a Ventura Loan Modifications and Michael J. Sichenzia.
14 The 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 twenty (20) days from the
17 date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a
18 written notice specifying the date by which it will act on a petition.

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

22 D. Judicial Review. Respondents Dynamic Consulting Enterprises, LLC a/k/a Ventura
23 Loan Modifications and Michael J. Sichenzia have the right to petition the superior court for judicial
24 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 Respondents Dynamic Consulting Enterprises, LLC
2 a/k/a Ventura Loan Modifications and Michael J. Sichenzia do not comply with the terms of this
3 order, **including payment of any amounts owed within thirty (30) days of receipt of this order,**
4 the Department may seek its enforcement by the Office of the Attorney General to include the
5 collection of the fines, fees, and restitution imposed herein. The Department also may assign the
6 amounts owed to a collection agency for collection.

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

10 DATED this 8th day of October, 2014.



11 STATE OF WASHINGTON
12 DEPARTMENT OF FINANCIAL INSTITUTIONS
13 [Redacted Signature]
14 SCOTT JARVIS
15 Director

1 relationship with at least one Washington consumer to provide those services and collected an advance
2 fee for the provision of those services. The Department has received at least one complaint from a
3 Washington consumer alleging Respondents provided or offered to provide residential mortgage loan
4 modification services while not licensed by the Department to provide those services. Consumer L.D.
5 paid Respondents a fee of \$1,250.

6 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to
7 provide the residential mortgage loan modification services or omitted disclosing that they were not
8 licensed to provide those services.

9 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the
10 Act by Respondents continues to date.

11 II. GROUNDS FOR ENTRY OF ORDER

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

19 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a
20 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
21 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
22 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform
23 any of these activities.

1 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
2 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
3 toward any person and obtaining property by fraud or misrepresentation.

4 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
5 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
6 for engaging in the business of a mortgage broker for Washington residents or property without first
7 obtaining a license to do so.

8 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual
9 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
10 for engaging in the business of a loan originator without first obtaining and maintaining a license.

11 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
12 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
13 location that is on file with and readily available to the Department until at least twenty-five months
14 have elapsed following the effective period to which the books and records relate.

15 III. AUTHORITY TO ORDER PRODUCTION OF RECORDS

16 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
17 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,
18 accounts, records, files, and any other documents the director or designated person deems relevant to
19 an investigation.

20 IV. AUTHORITY TO IMPOSE SANCTIONS

21 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
22 Director may issue orders directing any person subject to the Act to cease and desist from conducting
23 business.
24

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

5 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
6 restitution against any person subject to the Act for any violation of the Act.

7 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
8 against any person subject to the Act for any violation of the Act.

9 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
10 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
11 to an investigation of any person subject to the Act.

12 V. NOTICE OF INTENT TO ENTER ORDER

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

16 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

17 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
18 modification services transactions with Washington consumers, including the name, address,
19 and phone numbers of the consumers, the transaction date, and fees collected by Respondents
20 for the provision of those services.

21 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage
22 broker subject to licensure by the Director, in any manner, for a period of five years.

23 **5.4** Respondents jointly and severally pay restitution to the consumer identified by the Department
24 in paragraph 1.3 as having paid \$1,250 to Respondents, and that Respondents jointly and
severally pay restitution to each Washington consumer with whom they entered into a contract
for residential mortgage loan modification services related to real property or consumers
located in the state of Washington equal to the amount collected from that Washington
consumer for those services in an amount to be determined at hearing.

1 5.5 Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
2 transaction entered into with Washington consumers. As of the date of this Statement of
Charges, the fine totals \$3,000.

3 5.6 Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of
4 the date of this Statement of Charges, the investigation fee totals \$398.

5 5.7 Respondents maintain records in compliance with the Act and provide the Department with the
6 location of the books, records and other information relating to Respondents' provision of
7 residential mortgage loan modification services in Washington, and the name, address and
8 telephone number of the individual responsible for maintenance of such records in compliance
9 with the Act.

VI. AUTHORITY AND PROCEDURE

10 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
11 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
12 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
13 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
14 accompanying this Statement of Charges.

15 Dated this 27th day of September, 2012.

16 [REDACTED]
17 DEBORAH BORTNER
18 Director, Division of Consumer Services
19 Department of Financial Institutions

20 Presented by:

21 [REDACTED]
22 DEVON P. PHELPS
23 Financial Legal Examiner

24 Approved by:

[REDACTED]
CHARLES E. CLARK
Enforcement Chief

