

Terms Completed

ORDER SUMMARY – Case Number: C-10-412

Name(s): Power Mark Group LLC
Leonard Ujkic

Order Number: C-10-412-12-CO01

Effective Date: April 18, 2012

License Number: DFI: U/L NMLS ID: 940214 Power Mark
DFI: U/L NMLS ID: 320736 Ujkic

Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: April 18, 2017

Not Eligible Until: April 18, 2017

Prohibition/Ban Until: April 18, 2017

Investigation Costs	\$1,440	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 4/16/2012
Fine	\$2,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 4/16/2012
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$1,250	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date: 4/18/2012
Satisfaction of Judgment Filed?	<input type="checkbox"/> Y <input type="checkbox"/> N			
No. of Victims:	1			

Comments:

RECEIVED

APR 16 2012

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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-10-412-12-CO01

CONSENT ORDER

THE POWER MARK GROUP, LLC and
LEONARD UJKIC, President and Unlicensed
Loan Originator,

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and The Power Mark Group, LLC (Respondent Power Mark) and Leonard Ujkic, President (Respondent Ujkic), 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 the 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 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-412-12-SC01 (Statement of Charges), entered March 6, 2012, (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, Respondents hereby agree to the Department's entry of this Consent Order and further agree 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 the Statement of Charges. Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

CONSENT ORDER
C-10-412-12-CO01
The Power Mark Group, LLC
Leonard Ujkic

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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 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to
5 a hearing before an administrative law judge, and hereby waive their right to a hearing and any and
6 all administrative and judicial review of the issues raised in this matter, or of the resolution reached
7 herein. Accordingly, Respondents, by their signatures below, withdraw their appeal to the Office of
8 Administrative Hearings.

9 C. **Agreement Regarding Unlicensed Activity:** It is AGREED that Respondents will not
10 conduct any business in the State of Washington requiring licensure by the Department without first
11 applying for and obtaining the required license.

12 D. **Application for License.** It is AGREED that, for a period of 5 years from the date of
13 entry of this Consent Order, Respondents shall not apply to the Department for any license under
14 any name. It is further AGREED that, should Respondents apply to the Department for any license
15 under any name at any time later than 5 years from the date of entry of this Consent Order, such
16 applying Respondents shall be required to meet any and all application requirements in effect at that
17 time.

18 E. **Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount
19 of \$2,000 in the form of a cashier's check made payable to the "Washington State Treasurer" upon
20 entry of this Consent Order.

21 F. **Restitution.** It is AGREED that Respondents have paid restitution of \$1,250 to the
22 borrowers identified in the Statement of Charges.

1 **G. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
2 investigation fee of \$1,440 in the form of a cashier's check made payable to the "Washington State
3 Treasurer" upon entry of this Consent Order. The Fine and Investigation Fee may be paid together
4 in one \$3,440 cashier's check made payable to the "Washington State Treasurer."

5 **H. Non-Compliance with Order.** It is AGREED that Respondents understand that failure
6 to abide by the terms and conditions of this Consent Order may result in further legal action by the
7 Director. In the event of such legal action, Respondents may be responsible to reimburse the
8 Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.

9 **I. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily
10 entered into this Consent Order, which is effective when signed by the Director's designee.

11 **J. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have
12 read this Consent Order in its entirety and fully understand and agree to all of the same.

13 **RESPONDENTS:**

14 **The Power Mark Group, LLC**

15 By:

16 

17 Leonard Ujkic
18 President

18 

19 Leonard Ujkic
20 Individually

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Date

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Date

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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 18th DAY OF APRIL, 2012



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:



CHARLES E. CLARK
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:

THE POWER MARK GROUP, LLC and
LEONARD UJKIC, President and Unlicensed
Loan Originator,

Respondents.

No. C-10-412-12-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO 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).¹ 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 Respondents.

A. **The Power Mark Group, LLC (Power Mark)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or for any other purpose.

B. **Leonard Ujkic (Ujkic)** was President of Respondent Power Mark at all times relevant to this Statement of Charges. Respondent Ujkic has never been licensed by the Department to conduct business as a mortgage broker, loan originator, or for any other purpose.

¹ All references to the Act are to that version in effect at the time of the alleged violations.

1 **1.2 Unlicensed Activity.** On or about July 9, 2009, Respondent Ujkic entered into an agreement
2 with borrowers S.S. and V.S. to assist them with a modification of a residential mortgage loan for
3 property located in the State of Washington. Although Respondent Ujkic was employed at that time
4 by United Residential Lending, LLC (UR Lending) and provided the borrowers with at least one
5 form letter on UR Lending's letterhead, Respondent Ujkic instructed the borrowers write a check to
6 Respondent Power Mark for the loan modification. On or about July 23, 2009, the borrowers wrote a
7 check to "Power Mark Group" for \$1,250. The check was subsequently cashed, but no loan
8 modification services were performed.

9 **1.3 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 Definition of Mortgage Broker.** 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
15 loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to
16 obtain a residential mortgage loan. "[A]ssists a person in obtaining or applying to obtain a residential
17 mortgage loan" includes any counseling on loan terms.

18 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11) and WAC 208-660-006,
19 "Loan originator" means a natural person who for direct or indirect compensation or gain, or in the
20 expectation of direct or indirect compensation or gain: takes a residential mortgage loan application
21 for a mortgage broker; offers or negotiates terms of a mortgage loan; performs residential mortgage
22 loan modification services; or holds themselves out to the public as able to perform any of these
23 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) and (3) for engaging in an unfair or deceptive
3 practice toward any person and for 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, Respondent Power Mark is in apparent violation of RCW
6 19.146.200(1) and WAC 208-660-155 for engaging in the business of a mortgage broker without first
7 obtaining and maintaining a license under the Act.

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

12 III. AUTHORITY TO IMPOSE SANCTIONS

13 **3.1 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
14 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
15 licensed mortgage broker, or both, any person subject to licensing under the Act for any violation of
16 RCW 19.146.0201(1) through (9) or RCW 19.146.200.

17 **3.2 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
18 restitution against any person subject to the Act for any violation of the Act.

19 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2) and (3), the Director may
20 impose fines against any person subject to the Act for any violation of RCW 19.146.0201(1) through
21 (9) or RCW 19.146.200.

22 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
23 520(9) & (11), and WAC 208-660-550(4)(a), the Department may collect the costs of investigation.

1 The Department will charge \$48 per hour for an examiner's time devoted to an investigation of any
2 person subject to the Act.

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

4 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
5 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
6 Sanctions, 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 intention to ORDER that:

- 8
- 9 **4.1** Respondents The Power Mark Group, LLC and Leonard Ujkic be prohibited from
10 participation in the conduct of the affairs of any mortgage broker or consumer loan
11 company subject to licensure by the Director, in any manner, for a period of five
12 years.
- 13 **4.2** Respondents The Power Mark Group, LLC and Leonard Ujkic jointly and severally
14 pay a fine which as of the date of this Statement of Charges totals \$5,000.
- 15 **4.3** Respondents The Power Mark Group, LLC and Leonard Ujkic jointly and severally
16 pay restitution totaling \$1,250 to the two borrowers identified in paragraph 1.2 of this
17 Statement of Charges.
- 18 **4.4** Respondents The Power Mark Group, LLC and Leonard Ujkic jointly and severally
19 pay an investigation fee which as of the date of this Statement of Charges totals
20 \$1,440.

21 //
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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.

7
8 Dated this 6th day of March, 2012



9 [Redacted signature]

10 DEBORAH BORTNER
11 Director
12 Division of Consumer Services
13 Department of Financial Institutions

14 Presented by:

15 [Redacted signature]

16 STEVEN C. SHERMAN
17 Financial Legal Examiner

18 Approved by:

19 [Redacted signature]

20 JAMES R. BRUSSELBACK
21 Enforcement Chief