

## ORDER SUMMARY – Case Number: C-11-0612

**Name(s):** Alliance Mitigation Group; Jason Rogland  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-11-0612-12-FO01  
 \_\_\_\_\_

**Effective Date:** December 19, 2012  
 \_\_\_\_\_

**License Number:** U/L  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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:**  
 \_\_\_\_\_  
 \_\_\_\_\_

**Not Apply Until:** December 19, 2017  
 \_\_\_\_\_

**Not Eligible Until:** December 19, 2017  
 \_\_\_\_\_

**Prohibition/Ban Until:** December 19, 2017  
 \_\_\_\_\_

<b>Investigation Costs</b>	\$288	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$3,000	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>	\$2,460	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:		1		

**Comments:**  
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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

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

ALLIANCE MITIGATION GROUP, and  
JASON H. ROGLAND, Principal,

Respondents.

No.: C-11-0612-12-FO01

FINAL ORDER

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I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On November 1, 2012, the Director, through the Director's designee, 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 Alliance Mitigation Group and Jason H. Rogland (Respondents). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated November 26, 2012, Notices of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing (collectively, accompanying documents).

On November 26, 2012, the Department served Respondents with the Statement of Charges and accompanying documents by First-Class mail. The documents sent by First-Class mail were not returned to the Department by the United States Postal Service.

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

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

6 Statement of Charges, cover letter dated November 26, 2012, Notices of  
7 Opportunity to Defend and Opportunity for Hearing, and blank Applications for  
8 Adjudicative Hearing, with documentation of service.

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

## 10 II. FINAL ORDER

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

13 A. IT IS HEREBY ORDERED, That:

- 14 1. Respondents cease and desist engaging in the business of a mortgage broker or  
15 loan originator.
- 16 2. Respondents provide the Department with a list detailing all residential mortgage  
17 loan modification services transactions with Washington consumers, including  
18 the name, address, and phone numbers of the consumers, the transaction date, and  
19 fees collected by Respondents for the provision of those services.
- 20 3. Respondents are prohibited from participation in the conduct of the affairs of any  
21 mortgage broker subject to licensure by the Director, in any manner, for a period  
22 of five years.
- 23 4. Respondents jointly and severally pay restitution totaling \$2,460 to the consumer  
24 identified by the Department in paragraph 1.3 of the Statement of Charges.
5. Respondents jointly and severally pay a fine of \$3,000.
6. Respondents jointly and severally pay an investigation fee of \$288.

1 7. Respondents maintain records in compliance with the Act and provide the  
2 Department with the location of the books, records and other information relating  
3 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.

4 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a  
5 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition  
6 must be filed in the Office of the Director of the Department of Financial Institutions by courier at  
7 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
8 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The  
9 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
10 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

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

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

4 DATED this 19<sup>th</sup> day of December, 2012

6 STATE OF WASHINGTON  
7 DEPARTMENT OF FINANCIAL INSTITUTIONS

8 /s/ \_\_\_\_\_  
9 DEBORAH BORTNER  
10 Director  
11 Division of Consumer Services



1 Respondents entered into a contractual relationship with at least one Washington consumer to provide  
2 those services and collected advance fees for the provision of those services. The Department has  
3 received at least one complaint from a Washington consumer alleging Respondents provided or  
4 offered to provide residential mortgage loan modification services while not licensed by the  
5 Department to provide those services. Consumer [REDACTED], paid Respondents \$2,460 for residential  
6 mortgage loan modification services.

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

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

## 12 II. GROUNDS FOR ENTRY OF ORDER

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

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





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

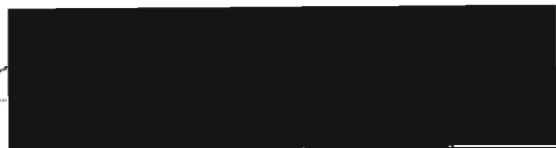
2 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as  
3 set forth above constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221,  
4 and RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

- 5 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.
- 6 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan  
7 modification services transactions with Washington consumers, including the name, address,  
8 and phone numbers of the consumers, the transaction date, and fees collected by Respondents  
9 for the provision of those services.
- 10 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage  
11 broker subject to licensure by the Director, in any manner, for a period of five years.
- 12 **5.4** Respondents jointly and severally pay restitution to the consumer identified by the Department  
13 in paragraph 1.3 as having paid \$2,460 to Respondents, and that Respondents jointly and  
14 severally pay restitution to each Washington consumer with whom they entered into a contract  
15 for residential mortgage loan modification services related to real property or consumers  
16 located in the state of Washington equal to the amount collected from that Washington  
17 consumer for those services in an amount to be determined at hearing.
- 18 **5.5** Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification  
19 transaction entered into with Washington consumers. As of the date of this Statement of  
20 Charges, the fine totals \$3,000.
- 21 **5.6** Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of  
22 the date of this Statement of Charges, the investigation fee totals \$288.
- 23 **5.7** Respondents maintain records in compliance with the Act and provide the Department with the  
24 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.

1 **VI. AUTHORITY AND PROCEDURE**

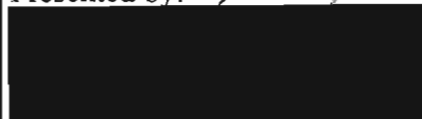
2 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW  
3 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05  
4 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as  
5 set forth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

7  
8 Dated this 1<sup>st</sup> day of November 2012.



9  
10 DEBORAH BORTNER  
11 Director, Division of Consumer Services  
12 Department of Financial Institutions

13  
14 Presented by:



15  
16 KENNETH J. SUGIMOTO  
17 Financial Legal Examiner



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19 Approved by:



20  
21 CHARLES E. CLARK  
22 Enforcement Chief