

**ORDER SUMMARY – Case Number: C-11-0684**

**Name(s):** Keyvan Samini; Financial Litigation Law Group, LC  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-11-0684-13-CO01  
 \_\_\_\_\_

**Effective Date:** September 4, 2013  
 \_\_\_\_\_

**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**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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:** September 4, 2023  
 \_\_\_\_\_

**Not Eligible Until:** September 4, 2023  
 \_\_\_\_\_

**Prohibition/Ban Until:** September 4, 2023  
 \_\_\_\_\_

<b>Investigation Costs</b>	\$1,000	Due 9/4/13	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 9/4/13
<b>Fine</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$14,000	Due 3/4/14	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Financial Literacy Fund</b>	\$6,000	Due 9/4/13	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 9/4/13
<b>Satisfaction of Judgment Filed?</b>	<input type="checkbox"/> Y <input type="checkbox"/> N			
No. of Victims:	5			

**Comments:** records retention per MBPA  
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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:

No.: C-11-0684-13-CO01

CONSENT ORDER

FINANCIAL LITIGATION LAW GROUP, LC,  
and  
KEYVAN SAMINI, Owner,

Respondents.

COME NOW the Director of the Department of Financial Institutions (Director), through his  
designee Deborah Bortner, Division Director, Division of Consumer Services, and Financial  
Litigation Law Group, LC (Respondent FLLG), and Keyvan Samini, Owner of Respondent FLLG,  
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-11-0684-12-SC01 (Statement of Charges), entered September 27, 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.

CONSENT ORDER  
C-11-0684-13-CO01  
Financial Litigation Law Group, LC  
and Keyvan Samini, Owner

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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 a  
5 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all  
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached  
7 herein. Accordingly, Respondents, by their signatures and the signatures of their representatives  
8 below, withdraw their appeal to the Office of Administrative Hearings.

9 C. **Prohibition from Industry.** It is AGREED that, for a period of 10 years from the date of  
10 entry of this Consent Order, Respondents are prohibited from participating, in any capacity, in the  
11 conduct of the affairs of any mortgage broker licensed by the Department or subject to licensure or  
12 regulation by the Department.

13 D. **Financial Literacy and Education.** Pursuant to RCW 19.146.218, the Director may  
14 accept payments to the Department for purposes of financial literacy and education. Accordingly, in  
15 further compromise and in consideration of the additional terms set forth herein, it is AGREED that  
16 upon entry of this Consent Order Respondents shall pay \$6,000.00 to the Department for purposes of  
17 financial literacy and education in the form of a cashier's check made payable to the "Washington  
18 State Treasurer."

19 E. **Restitution.** It is AGREED that Respondents shall pay restitution totaling \$14,000 to the  
20 consumers listed in the attached appendix, in the amount specified therein, within six months of the  
21 date of entry of this Consent Order. It is also AGREED that Respondents will provide documentation  
22 of payment of this restitution to the Department within six months from the date of entry of this  
23 Consent Order. It is further AGREED that the Department will take no further enforcement action

1 against Respondents related to allegations brought by the consumers listed in the Appendix, except as  
2 described in paragraph J of this Consent Order.

3 **F. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the  
4 consent of any person or entity not a party to this Consent Order to take any action concerning their  
5 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent  
6 Order, this Consent Order does not limit or create any private rights or remedies against Respondents,  
7 limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

8 **G. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an  
9 investigation fee of \$1,000, in the form of a cashier's check made payable to the "Washington State  
10 Treasurer," upon entry of this Consent Order. The Financial Literacy Payment and Investigation Fee  
11 may be paid together in one \$7,000 cashier's check made payable to the "Washington State  
12 Treasurer."

13 **H. Records Retention.** It is AGREED that Respondent FLLG, its officers, employees, and  
14 agents shall maintain records in compliance with the Act and provide the Director with the location  
15 of the books, records and other information relating to Respondent FLLG's mortgage broker  
16 business, and the name, address and telephone number of the individual responsible for maintenance  
17 of such records in compliance with the Act.

18 **I. Authority to Execute Order.** It is AGREED that the undersigned have represented and  
19 warranted that they have the full power and right to execute this Consent Order on behalf of the party  
20 represented.

21 **J. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to  
22 abide by the terms and conditions of this Consent Order may result in further legal action by the  
23

1 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director  
2 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

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

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

7 **RESPONDENTS:**

8 **Financial Litigation Law Group, LC**

9 By: \_\_\_\_\_

10 Keyvan Samini  
11 Owner

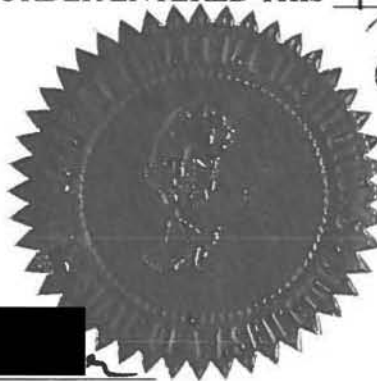
9/3/2013  
Date \_\_\_\_\_

12 Keyvan Samini  
13 Individually

9/3/2013  
Date \_\_\_\_\_

14 DO NOT WRITE BELOW THIS LINE

15 THIS ORDER ENTERED THIS 4<sup>th</sup> DAY OF SEPTEMBER, 2013



16 \_\_\_\_\_  
17 DEBORAH BORTNER  
18 Director  
19 Division of Consumer Services  
20 Department of Financial Institutions

21 Presented by: \_\_\_\_\_

22 SHANA L. OLIVER  
23 Financial Legal Examiner

24 Approved by: \_\_\_\_\_

CHARLES E. CLARK  
Enforcement Chief

CONSENT ORDER  
C-11-0684-13-CO01  
Financial Litigation Law Group, LC  
and Keyvan Samini, Owner

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**RESTITUTION APPENDIX**

Consumer



Amount of restitution

\$3,500  
\$1,000  
\$3,500  
\$3,000  
\$3,000

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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:

FINANCIAL LITIGATION LAW GROUP, LC,  
and  
KEYVAN SAMINI, Owner,

Respondents.

No. C-11-0684-12-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

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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). 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 Financial Litigation Law Group, LC (Respondent FLLG)** has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to engage in the business of a mortgage broker.

**1.2 Respondent Keyvan Samini (Respondent Samini)** is Owner of Respondent FLLG. Respondent Samini has never been licensed by the Department to engage in the business of a mortgage broker or loan originator. Respondent Samini has never been licensed to practice law in the state of Washington.

**1.3 Unlicensed Activity.** From at least in or around July 2009 through at least in or around March 2010, Respondents offered to provide at least four consumers located in the state of

1 Washington with residential mortgage loan modification services related to residential mortgage loans  
2 secured by real property located in the state of Washington, and collected at least \$11,000 in advance  
3 fees from at least these consumers as follows:

<u>Consumer</u>	<u>Advance Fee</u>
4 [REDACTED]	\$3,500
5 [REDACTED]	\$1,000
6 [REDACTED]	\$3,500
[REDACTED]	\$3,000

7 **1.4 Prohibited Acts.** The Department has received a complaint from Consumer J.M. alleging  
8 Respondents did not provide residential mortgage loan modification services to Consumer J.M.'s  
9 satisfaction and did not refund the advance fee Consumer J.M. had paid to Respondents.

10 **1.5 Misrepresentations and Omissions.** Respondents omitted disclosing to consumers in the  
11 state of Washington that Respondents were neither licensed to provide residential mortgage loan  
12 modification services in the state of Washington nor exempt from licensing.

13 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the  
14 Act by Respondents continues to date.

## 15 II. GROUNDS FOR ENTRY OF ORDER

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

23 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), "loan originator" means a  
24 natural person who for direct or indirect compensation or gain, or in the expectation of direct or



1 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;  
2 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform  
3 any of these activities.

4 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
5 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice  
6 toward any person and obtaining property by fraud or misrepresentation.

7 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual  
8 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)  
9 for engaging in the business of a mortgage broker without first obtaining and maintaining a license  
10 under the Act.

11 **2.5 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual  
12 Allegations set forth in Section I above, Respondent Samini is in apparent violation of RCW  
13 19.146.200(1) for engaging in the business of a loan originator without first obtaining and maintaining  
14 a license under the Act.

15 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW  
16 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a  
17 location that is on file with and readily available to the Department until at least twenty-five months  
18 have elapsed following the effective period to which the books and records relate.

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1 **III. AUTHORITY TO ORDER PRODUCTION OF RECORDS**

2 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.  
3 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,  
4 accounts, records, files, and any other documents the director or designated person deems relevant to  
5 an investigation.

6 **IV. AUTHORITY TO IMPOSE SANCTIONS**

7 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
8 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
9 business.

10 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
11 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
12 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or  
13 (13), or RCW 19.146.200.

14 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
15 restitution against any person subject to the Act for any violation of the Act.

16 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
17 against any person subject to the Act for any violation of the Act. Pursuant to RCW 19.146.220(3),  
18 the Director may impose fines on any person subject to the Act for any violations of RCW  
19 19.146.0201(1) through (9) or (13), or RCW 19.146.200.

20 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-  
21 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted  
22 to an investigation of any person subject to the Act.

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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 Financial Litigation Law Group, LC and Keyvan Samini cease and desist  
6 engaging in the business of a mortgage broker without obtaining and maintaining a mortgage  
7 broker license from the Department or qualifying for an exemption from licensure under the  
8 Act.

9 **5.2** Respondent Keyvan Samini cease and desist engaging in the business of a loan originator  
10 without obtaining and maintaining a loan originator license from the Department or qualifying  
11 for an exemption from licensure under the Act.

12 **5.3** Respondents Financial Litigation Law Group, LC and Keyvan Samini provide the Department  
13 with a complete list of all transactions in which Respondents provided or offered to provide  
14 residential mortgage loan modification services related to real property or consumers located  
15 in the state of Washington. This list must include each consumer's name, address, and  
16 telephone number, the date of the transaction, and the total fees collected by Respondents  
17 from each consumer for the provision of those services.

18 **5.4** Respondents Financial Litigation Law Group, LC and Keyvan Samini be prohibited from  
19 participation in the conduct of the affairs of any licensed mortgage broker, in any manner, for  
20 a period of five years.

21 **5.5** Respondents Financial Litigation Law Group, LC and Keyvan Samini jointly and severally  
22 pay restitution totaling the amount collected from all consumers for residential mortgage loan  
23 modification services related to real property or consumers located in the state of Washington,  
24 including at least \$3,500 to Consumer E.E., \$1,000 to Consumer D.W., \$3,500 to Consumer  
K.T., and \$3,000 to Consumer J.M.

**5.6** Respondents Financial Litigation Law Group, LC and Keyvan Samini jointly and severally  
pay a fine of \$3,000 for each transaction in which Respondents provided or offered to provide  
residential mortgage loan modification services related to real property or consumers located in  
the state of Washington. As of the date of this Statement of Charges, the fine totals \$12,000.

**5.7** Respondents Financial Litigation Law Group, LC and Keyvan Samini jointly and severally  
pay an investigation fee. As of the date of this Statement of Charges, the investigation fee  
totals \$1,008.

**5.8** Respondents Financial Litigation Law Group, LC and Keyvan Samini 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.

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**VI. AUTHORITY AND PROCEDURE**

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

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

[Redacted Signature]

DEBORAH BORTNER  
Director, Division of Consumer Services  
Department of Financial Institutions



Presented by:

[Redacted Signature]

MARK T. OLSON  
Financial Legal Examiner

Approved by:

[Redacted Signature]

CHARLES E. CLARK  
Enforcement Chief