

## ORDER SUMMARY – Case Number: C-11-0686

**Name(s):** Loan Review Inc; Jason Moulton

---

**Order Number:** C-11-0686-13-CO01

---

**Effective Date:** May 16, 2013

---

**License Number:** Moulton – NMLS #187280  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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:** none

---

**Not Apply Until:** N/A

---

**Not Eligible Until:** N/A

---

**Prohibition/Ban Until:** \*See Below

---

<b>Investigation Costs</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$4,1215	Due: 180 days	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$0	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$2500	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: 05/08/13
<b>Judgment</b>	\$0	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 N/A		
No. of Victims:		1		

Comments: Prohibition of 5 years is stayed for 180 days and will be deemed withdrawn if fine paid.

---



---



---



---

MAY 14 2013

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-11-0686-13-CO01

CONSENT ORDER

LOAN REVIEW, INC., and  
JASON KAHN MOULTON, President,  
NMLS #: 187280,

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Loan Review, Inc. and Jason Kahn Moulton, President (Respondents), 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-11-0686-12-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. Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

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

1           **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing  
2 before an administrative law judge, and waived their right to a hearing and any and all administrative and  
3 judicial review of the issues raised in this matter, or of the resolution reached herein, by failing to appear at a  
4 pre-hearing conference under this cause on February 26, 2013, for which Respondents had lawful notice.

5           **C. No Admission of Liability.** It is AGREED that Respondents do not admit to any wrongdoing by  
6 entry of this Consent Order.

7           **D. Stayed Prohibition.** It is AGREED that Respondents are subject to a 5 year prohibition from  
8 participating in the activities of any mortgage broker subject to licensing by the Director. It is further  
9 AGREED that the prohibition shall be stayed for a period of 180 days from the date of this Consent Order  
10 subject to Respondents paying, in full, the fine set forth in paragraph E, below. It is further AGREED that if  
11 the fine set forth in paragraph E has not been paid in full before the 181<sup>st</sup> day following entry of this Consent  
12 Order, the stay shall be lifted and the 5 year prohibition shall be immediately imposed without further notice to  
13 the Respondents and without further hearing. If the fine has been paid in full prior to the 181<sup>st</sup> day, the  
14 prohibition will be deemed withdrawn without further Order from the Director.

15           **E. Fine.** It is AGREED that Respondents shall jointly and severally pay a fine to the Department in  
16 the amount of \$4,152. It is further agreed that the fine shall be paid, in full, within 180 days of entry of this  
17 Consent Order. It is further AGREED that any portion of the fine which is unpaid after 180 days may be  
18 referred by the Department for collection without further notice to the Respondents.

19           **F. Restitution.** It is AGREED that Respondents have paid restitution in the amount of \$2,500 to the  
20 consumer set forth in paragraph 1.3 of the Statement of Charges.

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

1 H. **Records Retention.** It is AGREED that Respondents shall maintain records in compliance with  
2 the Act and provide the Director with the location of the books, records, and other information relating to  
3 Respondents' mortgage broker business; and the name, address, and telephone number of the individual  
4 responsible for maintenance of such records in compliance with the Act.

5 I. **Authority to Execute Order.** It is AGREED that the undersigned have represented and  
6 warranted that they have the full power and right to execute this Consent Order on behalf of the parties  
7 represented.

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

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

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

16 **RESPONDENTS:**

17 **Loan Review, Inc.**

By: 

18 Jason Kahn Moulton  
19 President



20 Jason Kahn Moulton  
21 Individually

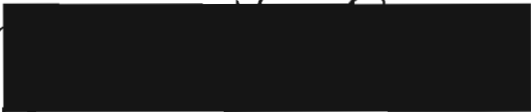
Date 5/10/13

Date 5/10/13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 16<sup>th</sup> DAY OF May, 2013



DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:



Steven C. Sherman  
Financial Legal Examiner Supervisor

Approved by:



Charles Clark  
Enforcement Chief



1 modification services related to a residential mortgage loan secured by real property located in the  
2 state of Washington, and collected at least \$2,500 in advance fees from at least Consumer [REDACTED]

3 **1.4 Prohibited Acts.** The Department has received a complaint from Consumer G.B. alleging  
4 Respondents did not provide residential mortgage loan modification services to Consumer G.B.'s  
5 satisfaction and did not refund the advance fees Consumer G.B. had paid to Respondents.

6 **1.5 Misrepresentations and Omissions.** Respondents omitted disclosing to consumers in the  
7 state of Washington that Respondents were neither licensed to provide residential mortgage loan  
8 modification services in the state of Washington nor exempt from licensing.

9 **1.6 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 assist a person in obtaining or applying to obtain a  
16 residential mortgage loan. Pursuant to WAC 208-660-006, a person "assists a person in obtaining or  
17 applying to obtain a residential mortgage loan' by, among other things, counseling on loan terms  
18 (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 without first obtaining and maintaining a license  
7 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 Moulton is in apparent violation of RCW  
10 19.146.200(1) for engaging in the business of a loan originator without first obtaining and maintaining  
11 a license under the Act.

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

### 16 III. AUTHORITY TO ORDER PRODUCTION OF RECORDS

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

21 //

22 //

23 //

24 //



1 IV. AUTHORITY TO IMPOSE SANCTIONS

2 4.1 Authority to Issue an Order to Cease and Desist. Pursuant to RCW 19.146.220(4), the  
3 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
4 business.

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

9 4.3 Authority to Order Restitution. Pursuant to RCW 19.146.220(2), the Director may order  
10 restitution against any person subject to the Act for any violation of the Act.

11 4.4 Authority to Impose Fine. Pursuant to RCW 19.146.220(2), the Director may impose fines  
12 against any person subject to the Act for any violation of the Act. Pursuant to RCW 19.146.220(3),  
13 the Director may impose fines on any person subject to the Act for any violations of RCW  
14 19.146.0201(1) through (9) or (13), or RCW 19.146.200.

15 4.5 Authority to Collect Investigation Fee. Pursuant to RCW 19.146.228(2), and WAC 208-  
16 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner’s time devoted  
17 to an investigation of any person subject to the Act.

18 //

19 //

20 //

21 //

22 //

23 //

24 //

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 Loan Review, Inc. and Jason Kahn Moulton cease and desist engaging in the  
6 business of a mortgage broker without obtaining and maintaining a mortgage broker license  
7 from the Department or qualifying for an exemption from licensure under the Act.
- 8 **5.2** Respondent Jason Kahn Moulton cease and desist engaging in the business of a loan originator  
9 without obtaining and maintaining a loan originator license from the Department or qualifying  
10 for an exemption from licensure under the Act.
- 11 **5.3** Respondents Loan Review, Inc. and Jason Kahn Moulton provide the Department with a  
12 complete list of all transactions in which Respondents provided or offered to provide  
13 residential mortgage loan modification services related to real property or consumers located in  
14 the state of Washington. This list must include each consumer's name, address, and telephone  
15 number, the date of the transaction, and the total fees collected by Respondents from each  
16 consumer for the provision of those services.
- 17 **5.4** Respondents Loan Review, Inc. and Jason Kahn Moulton be prohibited from participation in  
18 the conduct of the affairs of any licensed mortgage broker, in any manner, for a period of five  
19 years.
- 20 **5.5** Respondents Loan Review, Inc. and Jason Kahn Moulton jointly and severally pay restitution  
21 totaling the amount collected from all consumers for residential mortgage loan modification  
22 services related to real property or consumers located in the state of Washington, including at  
23 least \$2,500 to Consumer [REDACTED]
- 24 **5.6** Respondents Loan Review, Inc. and Jason Kahn Moulton 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 \$3,000.
- 5.7** Respondents Loan Review, Inc. and Jason Kahn Moulton jointly and severally pay an  
investigation fee. As of the date of this Statement of Charges, the investigation fee totals  
\$1,152.
- 5.8** Respondents Loan Review, Inc. and Jason Kahn Moulton 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**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