

ORDER SUMMARY – Case Number: C-11-0793

Names: Law Offices of Brian J Colombana; Brian J. Colombana

Order Number: C-11-0793-13-CO01

Effective Date: December 23, 2013

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

License Effect: _____

Not Apply Until: December 23, 2023

Not Eligible Until: December 23, 2023

Prohibition/Ban Until: December 23, 2023

Investigation Costs	\$1,061	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$6,000	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	\$6,000	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 checked="" type="checkbox"/> N		
No. of Victims:		2		

Comments: Confession of judgment for fine and investigation costs

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Enforcement Unit
Division of Consumer Services
Dept. of Financial Institutions

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STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
DEPARTMENT OF FINANCIAL
INSTITUTIONS,

Plaintiff,

v.

BRIAN J. COLOMBANA,

Defendant.

NO.

CONFESSION OF JUDGMENT

Judgment Summary

Judgment Creditors:	State of Washington, Department of Financial Institutions
Attorneys for Department of Financial Institutions:	Robert W. Ferguson, Washington Attorney General Jeffrey G. Rupert, Assistant Attorney General
Judgment Debtor:	Brian J. Colombana
Principal Judgment Amount:	\$7,061.00 owed to the Department of Financial Institutions
Total Judgment Amount:	\$7,061.00
Post-Judgment Interest (per annum):	12%

Pursuant to Chapter 4.60 of the Revised Code of Washington, Judgment by Confession, defendant Brian J. Colombana hereby authorizes entry of a judgment under the following terms:

Factual Basis for Judgment

The State of Washington, Department of Financial Institutions and Brian J. Colombana have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-11-0793-12-SC01 (Statement of Charges), entered September 27, 2012. Brian J. Colombana has agreed to enter into a Confession of Judgment, pursuant to chapter 4.60 RCW, in the amount of \$7,061.00, which shall be paid to the State of Washington, Department of Financial Institutions. This amount is based upon an agreed upon fine of \$6,000.00 and an agreed upon investigation fee of \$1,061.00.

Authorization for Entry of Judgment

I, Brian J. Colombana, being duly sworn upon oath, acknowledge the debt of \$7,061.00 to the State of Washington, Department of Financial Institutions, and I authorize entry of judgment against me for the amount set forth in the judgment summary above.

DATED this 7 day of November, 2013.



Brian J. Colombana, Defendant

SUBSCRIBED AND SWORN TO before me in Santa Ana, Calif. this

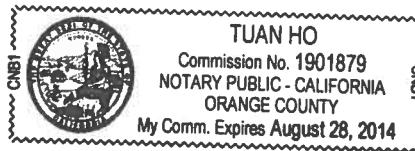
(City) (State)

7th day of Nov., 2013.



Notary Public in and for the State of California, residing at Santa Ana

My Commission expires: Aug. 28th, 2014



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Order for Entry

The above Confession of Judgment having been presented to this Court for entry in accordance with RCW 4.60.070, the Court having found said Confession of Judgment to be sufficient, now, therefore, it is hereby

ORDERED that the Clerk of this Court shall forthwith enter Judgment against Brian J. Colombana, in accordance with the terms of the Confession of Judgment.

DONE IN OPEN COURT this ____ day of _____, 2013.

JUDGE/COURT COMMISSIONER

Presented by:

ROBERT W. FERGUSON
Attorney General



JEFFREY G. RUPERT, WSBA #45037
Assistant Attorney General
Attorneys for State of Washington
Department of Financial Institutions

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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-11-0793-13-CO01

CONSENT ORDER

LAW OFFICES OF BRIAN J. COLOMBANA,
APC AND LIBERTY LAW FIRM, and
BRIAN J. COLOMBANA, Principal,

Respondents.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and The Law Offices
of Brian J. Colombana, APC and Liberty Law Firm (Respondent Law Offices of Brian J.
Colombana), and Brian J. Colombana (Respondent Colombana), 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-11-0793-12-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

CONSENT ORDER
C-11-0793-13-CO01
Law Offices of Brian J. Colombana, APC
Liberty Law Firm
Brian J. Colombana

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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 economically and efficiently settled by entry of this Consent Order. The parties intend this Consent
2 Order to fully resolve the Statement of Charges. Respondents are agreeing not to contest the
3 Statement of Charges in consideration of the terms of this Consent Order.

4 Based upon the foregoing:

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

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

12 **C. Cease and Desist.** It is AGREED that Respondents shall cease and desist from engaging
13 in the business of a mortgage broker or loan originator.

14 **D. Prohibition from Industry.** It is AGREED that, for a period of ten years from the date of
15 entry of this Consent Order, Respondents are prohibited from participating, in any capacity, in the
16 conduct of the affairs of any mortgage broker licensed by the Department or subject to licensure or
17 regulation by the Department.

18 **E. Application for License.** It is AGREED that, for a period of ten years from the date of
19 entry of this Consent Order, Respondents shall not apply to the Department for any mortgage broker
20 or loan originator license under any name. It is further AGREED that, should Respondents apply to
21 the Department for any mortgage broker or loan originator license under any name at any time later
22 than ten years from the date of entry of this Consent Order, such applying Respondents shall be
23 required to meet any and all application requirements in effect at that time.

1 **F. Confession of Judgment for Fine.** It is AGREED that Respondent Colombana has
2 entered into a Confession of Judgment for a fine in the amount of \$6,000 owed to the Department.

3 **G. Restitution.** It is AGREED that Respondents shall jointly and severally pay restitution in
4 the amount of \$3,000 to each of the consumers J.K. and N.H. for a total restitution obligation of
5 \$6,000. It is further AGREED that Respondents shall notify the Department in writing at the time of
6 payment of any amount of this restitution obligation.

7 **H. Confession of Judgment for Investigation Fee.** It is AGREED that Respondent
8 Colombana has entered into a Confession of Judgment for an investigation fee in the amount of
9 \$1,061 owed to the Department.

10 **I. Confession of Judgment.** It is AGREED that the Department has accepted a Confession
11 of Judgment from Respondent Colombana for the fine and investigation fee obligations agreed to in
12 Paragraphs F and H of this Consent Order. A copy of this Confession of Judgment is attached and
13 incorporated into this Consent Order by this reference. Consistent with RCW 4.60, the Department
14 may immediately seek entry of the judgment. Respondent Colombana shall, upon the Department's
15 request, fully and promptly cooperate with the Department in its efforts to get the judgment entered
16 by the superior court.

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

1 **K. Authority to Execute Order.** It is AGREED that the undersigned have represented and
2 warranted that they have the full power and right to execute this Consent Order on behalf of the
3 parties represented.

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

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

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

12 **RESPONDENTS:**

13 **Law Offices of Brian J. Colombana, APC**

14 By:

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16 Brian J. Colombana
Principal

10/17/13

Date

17 **Liberty Law Firm**

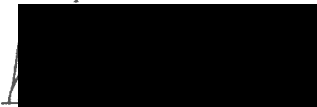

18 By:

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19 Brian J. Colombana
Principal

10/17/13

Date

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22 Brian J. Colombana
Individually

10/17/13

Date

23 DO NOT WRITE BELOW THIS LINE

1 THIS ORDER ENTERED THIS 23rd DAY OF December, 2013.



[Redacted signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

6 Presented by:

7 [Redacted name]

8 Robert E. Jones
9 Financial Legal Examiner

10 Approved by:

11 [Redacted name]

12 Charles E. Clark
13 Enforcement Chief

**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:

LAW OFFICES OF BRIAN J COLOMBANA APC
AND LIBERTY LAW FIRM, and
BRIAN J COLOMBANA, Principal,

Respondents.

No. C-11-0793-12-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

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 Law Offices Of Brian J Colombana APC And Liberty Law Firm (Respondent Law Offices Of Brian J Colombana) has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker or loan originator.

1.2 Respondent Brian J Colombana (Respondent Colombana) is Principal of Respondent Law Offices Of Brian J Colombana. During the relevant time period, Respondent Colombana was not licensed by the Department to conduct business as a mortgage broker or loan originator.

1.3 Unlicensed Activity. Beginning on or about November 4, 2009, Respondents Law Offices Of Brian J Colombana and Colombana (Respondents) were offering residential mortgage loan

1 modification services to Washington consumers on property located in Washington State.
2 Respondents entered into a contractual relationship with at least one Washington consumer to
3 provide those services and collected an advance fee for the provision of those services. The
4 Department has received at least one complaint from a Washington consumer alleging Respondents
5 provided or offered to provide residential mortgage loan modification services while not licensed by
6 the Department to provide those services. Consumer J.K. paid Respondents a fee of \$3,000 and
7 consumer N.H. paid Respondents a fee of \$3,000.

8 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to
9 provide the residential mortgage loan modification services or omitted disclosing that they were not
10 licensed to provide those services. During the relevant time period, Respondent Colombana
11 represented that he was licensed to practice law in Washington or omitted disclosing that he was not
12 licensed to practice law in the State of Washington.

13 **1.5 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 make a residential mortgage loan or assist a
20 person in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-
21 006, a person "assists a person in obtaining or applying to obtain a residential mortgage loan" by,
22 among other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan
23 packages...."
24

1 **2.2 Loan Originator Defined.** Pursuant to RCW 19.146.010(11), “loan originator” means a
2 natural person who for direct or indirect compensation or gain, or in the expectation of direct or
3 indirect compensation or gain: takes a residential mortgage loan application for a mortgage broker;
4 offers or negotiates terms of a mortgage loan; or holds themselves out to the public as able to perform
5 any of these activities.

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

9 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
10 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
11 for engaging in the business of a mortgage broker for Washington residents or property without first
12 obtaining a license to do so.

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

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

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

21 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
22 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce
23 books, accounts, records, files, and any other documents the director or designated person deems
24 relevant to an investigation.

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
4 conducting 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)
8 or (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.

13 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
14 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner’s time
15 devoted to an investigation of any person subject to the Act.

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

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

20 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan
21 originator.

22 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
23 modification services transactions with Washington consumers, including the name, address,
and phone numbers of the consumers, the transaction date, and fees collected by Respondents
for the provision of those services.

24 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage
broker subject to licensure by the Director, in any manner, for a period of five years.

1 **5.4** Respondents jointly and severally pay restitution to the two consumers identified by the
2 Department in paragraph 1.3 as having paid \$6,000 to Respondents, and that Respondents
3 jointly and severally pay restitution to each Washington consumer with whom they entered
4 into a contract for residential mortgage loan modification services related to real property or
5 consumers located in the state of Washington equal to the amount collected from that
6 Washington consumer for those services in an amount to be determined at hearing.

7 **5.5** Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
8 transaction entered into with Washington consumers. As of the date of this Statement of
9 Charges, the fine totals \$6,000.

10 **5.6** Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As
11 of the date of this Statement of Charges, the investigation fee totals \$1,061.

12 **5.7** Respondents maintain records in compliance with the Act and provide the Department with
13 the location of the books, records and other information relating to Respondents' provision of
14 residential mortgage loan modification services in Washington, and the name, address and
15 telephone number of the individual responsible for maintenance of such records in
16 compliance with the Act.

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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
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 27th day of September, 2012.



9 [Redacted signature]

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

13 Presented by:

14 [Redacted signature]

15 ROBERT E. JONES
16 Financial Legal Examiner

17 Approved by:

18 [Redacted signature]

19 CHARLES E. CLARK
20 Enforcement Chief