

ORDER SUMMARY – Case Number: C-11-0815

Name(s): Hope Alliance Foundation
Rogelio Robles

Order Number: C-11-0815-13-FO01

Effective Date: January 29, 2013

License Number: NMLS 354575
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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:

Not Eligible Until:

Prohibition/Ban Until: January 29, 2018

Investigation Costs	\$660	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Fine	\$3,000	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	\$2,500	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 type="checkbox"/> N		
No. of Victims:		1		

Comments:

1 **STATE OF WASHINGTON**
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF DETERMINING
Whether there has been a violation of the
5 Mortgage Broker Practices Act of Washington by:
HOPE ALLIANCE FOUNDATION, and
6 ROGELIO ROBLES, President,
Respondents.

No.: C-11-0815-13-FO01

FINAL ORDER

7
8 I. DIRECTOR'S CONSIDERATION

9 A. Default. This matter has come before the Director of the Department of Financial
10 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
11 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On September 27,
12 2012, the Director, through the Director's designee, issued a Statement of Charges and Notice of
13 Intention to Enter an Order to Produce Records, Cease and Desist Business, Prohibit From Industry,
14 Order Restitution, Impose Fine, and Collect Investigation Fee (Statement of Charges) against Hope
15 Alliance Foundation and Rogelio Robles (collectively, Respondents). A copy of the Statement of
16 Charges is attached and incorporated into this order by this reference. The Statement of Charges was
17 accompanied by a cover letter dated September 27, 2012, Notices of Opportunity to Defend and
18 Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Respondents
19 (collectively, accompanying documents).

20 On October 1, 2012, the Department served Respondents with the Statement of Charges and
21 accompanying documents by First-Class mail and Federal Express overnight delivery. On October 2,
22 2012, the documents sent by Federal Express overnight delivery were delivered. The documents sent
23 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: Statement of Charges, cover letter dated
6 September 27, 2012, Notices of Opportunity to Defend and Opportunity for Hearing, and blank
7 Applications for Adjudicative Hearing for Respondents, with documentation for 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 the
18 name, address, and phone numbers of the consumers, the transaction date, and fees
19 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 shall jointly and severally pay, within 30 days from receipt of this
24 order, restitution of \$2,500 to the consumer identified by the Department in
paragraph 1.3 of the Statement of Charges.
5. Respondents shall jointly and severally pay, within 30 days from receipt of this
order, a fine of \$3,000.

1 6. Respondents shall jointly and severally pay, within 30 days from receipt of this
2 order, pay an investigation fee of \$660.

3 7. Respondent Hope Alliance Foundation, its officers, employees, and agents
4 maintain records in compliance with chapter 19.146 RCW, the Mortgage Broker
5 Practices Act (Act) and provide the Director with the location of the books,
6 records and other information relating to Respondent Hope Alliance Foundation's
7 mortgage broker business, and the name, address and telephone number of the
8 individual responsible for maintenance of such records in compliance with the Act.

9 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
10 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
11 must be filed in the Office of the Director of the Department of Financial Institutions by courier at
12 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
13 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The
14 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
15 Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

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

E. Non-compliance with Order. If any Respondent does not comply with the terms of
this order, including payment of any amounts owed within 30 days of receipt of this order, the

1 Department may seek its enforcement by the Office of the Attorney General to include the collection
2 of the fines, fees, and restitution imposed herein. The Department also may assign the amounts owed
3 to the Department to a collection agency for collection.

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

7
8 DATED this 29th day of January, 2013

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10 STATE OF WASHINGTON
11 DEPARTMENT OF FINANCIAL INSTITUTIONS

12 /s/
13 DEBORAH BORTNER
14 Director
15 Division of Consumer Services
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1 **STATE OF WASHINGTON**
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
3 **DIVISION OF CONSUMER SERVICES**

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

5 HOPE ALLIANCE FOUNDATION, and
6 ROGELIO ROBLES, President,

7 Respondents.

No. C-11-0815-12-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

8 **INTRODUCTION**

9 Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial
10 Institutions of the State of Washington (Director) is responsible for the administration of chapter
11 19.146 RCW, the Mortgage Broker Practices (Act). After having conducted an investigation pursuant
12 to RCW 19.146.235, and based upon the facts available as of the date of this Statement of Charges, the
13 Director, through his designee, Division of Consumer Services Director Deborah Bortner, institutes
14 this proceeding and finds as follows:

15 **I. FACTUAL ALLEGATIONS**

16 **1.1 Respondent** Hope Alliance Foundation (Respondent Hope Alliance) has never been licensed
17 by the Department of Financial Institutions of the State of Washington (Department) to conduct
18 business as a mortgage broker or loan originator.

19 **1.2 Respondent** Rogelio Robles (Respondent Robles) is President of Respondent Hope Alliance.
20 During the relevant time period, Respondent Robles was not licensed by the Department to conduct
21 business as a mortgage broker or loan originator.

22 **1.3 Unlicensed Activity.** On or about April 22, 2010, Respondents Hope Alliance and Robles
23 (Respondents) were offering residential mortgage loan modification services to Washington
24 consumers on property located in Washington State. Respondents entered into a contractual

1 relationship with at least one Washington consumer to provide those services and collected an advance
2 fee for the provision of those services. The Department has received at least one complaint from a
3 Washington consumer alleging Respondents provided or offered to provide residential mortgage loan
4 modification services while not licensed by the Department to provide those services. Consumer [REDACTED]
5 paid Respondents a fee of \$2,500.

6 **1.4 Misrepresentations and Omissions.** Respondents represented that they were licensed to
7 provide the residential mortgage loan modification services or omitted disclosing that they were not
8 licensed to provide those services.

9 **1.5 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 make a residential mortgage loan or assist a person
16 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a
17 person “‘assists a person in obtaining or applying to obtain a residential mortgage loan’ by, among
18 other things, counseling on loan terms (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
23 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.

20 **IV. AUTHORITY TO IMPOSE SANCTIONS**

21 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
22 Director may issue orders directing any person subject to the Act to cease and desist from conducting
23 business.

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

5 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
6 restitution against any person subject to the Act for any violation of the Act.

7 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
8 against any person subject to the Act for any violation of the Act.

9 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
10 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
11 to an investigation of any person subject to the Act.

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

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

16 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

17 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
18 modification services transactions with Washington consumers, including the name, address,
19 and phone numbers of the consumers, the transaction date, and fees collected by Respondents
for the provision of those services.

20 **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.

21 **5.4** Respondents jointly and severally pay restitution to the consumer identified by the Department
22 in paragraph 1.3 as having paid \$2,500 to Respondents, and that Respondents jointly and
23 severally pay restitution to each Washington consumer with whom they entered into a contract
24 for residential mortgage loan modification services related to real property or consumers
located in the state of Washington equal to the amount collected from that Washington
consumer for those services in an amount to be determined at hearing.

1 **5.5** Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
2 transaction entered into with Washington consumers. As of the date of this Statement of
Charges, the fine totals \$3,000.

3 **5.6** Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of
4 the date of this Statement of Charges, the investigation fee totals \$660.

5 **5.7** Respondents maintain records in compliance with the Act and provide the Department with the
6 location of the books, records and other information relating to Respondents' provision of
7 residential mortgage loan modification services in Washington, and the name, address and
8 telephone number of the individual responsible for maintenance of such records in compliance
9 with the Act.

VI. AUTHORITY AND PROCEDURE

10 This Statement of Charges is entered pursuant to the provisions of RCW 19.146.220, RCW
11 19.146.221, RCW 19.146.223, and RCW 19.146.230, and is subject to the provisions of chapter 34.05
12 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
13 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
14 accompanying this Statement of Charges.

15 Dated this 27th day of September, 2012.

16 /s/
DEBORAH BORTNER
17 Director, Division of Consumer Services
Department of Financial Institutions

18 Presented by:

19 /s/
20 SHANA L. OLIVER
21 Financial Legal Examiner

22 Approved by:

23 /s/
24 CHARLES E. CLARK
Enforcement Chief