

# Terms Completed

## ORDER SUMMARY – Case Number: C-12-1002

**Name(s):** Timothy James Chiangpradit

**Order Number:** C-12-1002-13-CO02

**Effective Date:** 7/29/2013

**License Number:** NMLS #123893

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)

**License Effect:** If applicable, you must specifically note the ending dates of terms.

**Not Apply Until:** n/a

**Not Eligible Until:** n/a

**Prohibition/Ban Until:** May 31, 2013-June 9, 2013

<b>Investigation Costs</b>	\$250	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 7/26/13
<b>Fine</b>	\$1,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 7/26/13
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input 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:				

**Comments:** \_\_\_\_\_

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**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-12-1002-13-CO02

CONSENT ORDER AS TO  
TIMOTHY CHIANGPRADIT

KEVIN GARDNER, INC. D/B/A SNOHOMISH  
MORTGAGE COMPANY,  
KEVIN E. GARDNER, 50% Owner and  
Designated Broker,  
LAURA L. LACOMBE, 50% Owner, and  
TIMOTHY CHIANGPRADIT, Loan Originator,

Respondents.

10 COMES NOW the Director of the Department of Financial Institutions (Director), through his  
11 designee Deborah Bortner, Division Director, Division of Consumer Services, and Timothy  
12 Chiangrapdit (Respondent Chiangrapdit), and finding that the issues raised in the above-captioned  
13 matter may be economically and efficiently settled solely as they relate to Respondent Chiangpradit,  
14 agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of  
15 the Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act,  
16 based on the following:

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**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and  
Respondent Chiangpradit have agreed upon a basis for resolution of the matters alleged in Statement  
of Charges No. C-12-1002-12-SC01 (Statement of Charges), entered March 14, 2013, (copy attached  
hereto) solely as they relate to Respondent Chiangpradit. Pursuant to chapter 19.146 RCW, the  
Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act,  
Respondent Chiangpradit hereby agrees to the Department's entry of this Consent Order and further  
agrees that the issues raised in the above-captioned matter may be economically and efficiently

1 settled by entry of this Consent Order solely as they relate to Respondent Chiangpradit. The parties  
2 intend this Consent Order to fully resolve the Statement of Charges solely as they relate to  
3 Respondent Chiangpradit.

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 Respondent Chiangpradit has been informed of  
8 the right to a hearing before an administrative law judge, and hereby waives his right to a hearing and  
9 any and all administrative and judicial review of the issues raised in this matter, or of the resolution  
10 reached herein. Accordingly, Respondent Chiangpradit, by his signature below, withdraws his appeal  
11 to the Office of Administrative Hearings.

12 **C. No Admission of Liability.** It is AGREED that Respondent Chiangpradit neither admits  
13 nor denies any wrongdoing by entry of this Consent Order.

14 **D. Prohibition from Industry.** It is AGREED that Respondent Chiangpradit shall be  
15 prohibited from participating in the conduct of the affairs of any mortgage broker or consumer lender  
16 licensed by the Department, or subject to licensure or regulation by the Department, or any person  
17 exempt from Washington law under the Act, for a period of 10 consecutive days. It is further AGREED  
18 that Respondent Chiangpradit has served said prohibition from June 1, 2013, through June 10, 2013, and  
19 has filed a Declaration of Inactivity certifying his compliance with the prohibition. It is further  
20 AGREED that the Department will not consider this prohibition in any future licensing decisions.

21 **E. Fine.** It is AGREED that Respondent Chiangpradit shall pay a fine to the Department in  
22 the amount of \$1,000, in the form of a cashier's check made payable to the "Washington State  
23 Treasurer," upon entry of this Consent Order.

1           **F. Investigation Fee.** It is AGREED that Respondent Chiangpradit shall pay to the  
2 Department an investigation fee of \$250, in the form of a cashier's check made payable to the  
3 "Washington State Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee  
4 may be paid together in one \$1,250 cashier's check made payable to the "Washington State  
5 Treasurer."

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

11           **H. Voluntarily Entered.** It is AGREED that Respondent Chiangpradit has voluntarily  
12 entered into this Consent Order, which is effective when signed by the Director's designee.

13           **I. Completely Read, Understood, and Agreed.** It is AGREED that Respondent  
14 Chiangpradit has read this Consent Order in its entirety and fully understands and agrees to all of the  
15 same.

16 **RESPONDENT:**

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18 \_\_\_\_\_  
Timothy Chiangpradit

\_\_\_\_\_ Date

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John L. Bley, WSBA No.15230  
Foster Pepper PLLC  
21 Attorney for Respondent

\_\_\_\_\_ Date

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23 \_\_\_\_\_  
Alexandra Gilliland, WSBA No.44163  
Foster Pepper PLLC  
24 Attorney for Respondent

\_\_\_\_\_ Date

1 may be paid together in one \$1,250 cashier's check made payable to the "Washington State  
2 Treasurer."

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


8 H. **Voluntarily Entered.** It is AGREED that Respondent Chiangpradit has  
9 voluntarily entered into this Consent Order, which is effective when signed by the Director's  
10 designee.

11 I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent  
12 Chiangpradit has read this Consent Order in its entirety and fully understands and agrees to all of  
13 the same.


14 **RESPONDENT:**

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16 \_\_\_\_\_  
17 Timothy Chiangpradit

6/21/13  
\_\_\_\_\_  
Date

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20 John L. Bley, WSBA No.15230  
21 Foster Pepper PLLC  
22 Attorney for Respondent

6/21/13  
\_\_\_\_\_  
Date

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24 \_\_\_\_\_  
25 Alexandra Gilliland, WSBA No.44163  
26 Foster Pepper PLLC  
Attorney for Respondent

6/21/13  
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DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS <sup>29<sup>th</sup></sup> DAY OF July, 2013.



[Redacted signature]

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

[Redacted name]

DEVON P. PHELPS  
Financial Legal Examiner

Approved by:

[Redacted signature]

CHARLES E. CLARK  
Enforcement Chief

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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:

KEVIN GARDNER, INC. D/B/A SNOHOMISH  
MORTGAGE COMPANY,  
KEVIN E. GARDNER, 50% Owner and  
Designated Broker,  
LAURA L. LACOMBE, 50% Owner, and  
TIMOTHY CHIANGPRADIT, Loan Originator,

Respondents.

No. C-12-1002-12-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO REVOKE LICENSES,  
PROHIBIT FROM INDUSTRY, ORDER  
RESTITUTION, IMPOSE FINES, 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 Respondents.**

A. **Kevin Gardner, Inc. d/b/a Snohomish Mortgage Company (Snohomish Mortgage)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on or about March 10, 2006, and continues to be licensed to date. Respondent Snohomish Mortgage is licensed to conduct business from its main office at 1030 Avenue D, Suite 7, Snohomish, Washington.

1           **B. Kevin E. Gardner (Gardner)** is 50% Owner and Designated Broker of Respondent  
2 Snohomish Mortgage. Respondent Gardner was named Designated Broker of Respondent  
3 Snohomish Mortgage on or about March 10, 2006, and continues to be Designated Broker to date.  
4 Respondent Gardner was licensed by the Department to conduct business as a loan originator on or  
5 about January 17, 2007, and continues to be licensed to date.

6           **C. Laura L. LaCombe (LaCombe)** is 50% Owner of Respondent Snohomish Mortgage.

7           **D. Timothy Chiangpradit (Chiangpradit)** was licensed by the Department to conduct  
8 business as a loan originator on or about May 25, 2007, and continues to be licensed to date.

9 **1.2 Examination.** The Department conducted an on-site examination of Respondent Snohomish  
10 Mortgage from April 16, 2012, through April 19, 2012. The scope of this examination included a  
11 review of Respondent Snohomish Mortgage's business practices from January 1, 2010, through  
12 January 31, 2012, and included a review of 23 loan files and five withdrawn or denied files.

13 **1.3 Failure to Comply with the Director's Authority to Conduct Examinations.** On or about  
14 November 22, 2011, the Department requested a list of all Washington loans originated, brokered,  
15 funded, purchased, serviced, or sold between October 1, 2009 and October 31, 2011. Respondents  
16 Snohomish Mortgage, Gardner, and LaCombe failed to disclose at least one loan they had originated.

17 **1.4 Misrepresentation of Borrower Information.** In at least one loan, Respondent Chiangpradit  
18 misrepresented the borrowers' intent of primary occupancy by completing a refinance and purchase  
19 transaction within less than a month for the same borrowers on different properties while identifying  
20 both properties as owner-occupied.

21 **1.5 Collecting Unlawful Fees.** In one loan, Respondents Snohomish Mortgage, Gardner, and  
22 LaCombe failed to disclose owner's title insurance on the GFE but collected this fee from the  
23 borrower at closing. In a second loan, the total fees for required services not selected by the borrower  
24 increased by more than 10%, in violation of the Real Estate Settlement Procedures Act (RESPA).



1 In two other loans, the loan origination fee in Block 1 improperly increased from the GFE to the  
2 HUD-1 Settlement Statement in violation of RESPA.

3 **1.6 Failure to Properly Provide State and Federal Disclosures.**

4 **A. Failure to Provide Accurate One-Page Summary Loan Disclosure Document.**

5 In at least two loans, Respondents Snohomish Mortgage, Gardner, and LaCombe did not provide  
6 an accurate one-page disclosure summary.

7 **B. Failure to Provide Accurate Good Faith Estimate (GFE).** In at least 17 loans,  
8 Respondents Snohomish Mortgage, Gardner, and LaCombe failed to provide an accurate GFE.

9 **C. Failure to Properly Provide Rate Lock Agreement.** In at least two loans,  
10 Respondents Snohomish Mortgage, Gardner, and LaCombe failed to provide a Rate Lock  
11 Agreement to the borrowers. In at least four other loans, Respondents Snohomish Mortgage,  
12 Gardner, and LaCombe failed to reissue a Rate Lock Agreement after a lock extension. In at least  
13 six other loans, Respondents Snohomish Mortgage, Gardner, and LaCombe provided a Rate Lock  
14 Agreement that was inaccurately completed.

15 **D. Failure to Provide Accurate Adjustable Rate Mortgage Disclosure.** In at least  
16 one loan, Respondents Snohomish Mortgage, Gardner, and LaCombe failed to provide an accurate  
17 Adjustable-Rate Mortgage Disclosure to the borrower.

18 **E. Failure to Provide Accurate Truth-in-Lending (TIL) Disclosure Statements.** In  
19 at least six loans, Respondents Snohomish Mortgage, Gardner, and LaCombe failed to provide  
20 accurate TILs to the borrowers.

21 **F. Failure to Provide Accurate Privacy Policy Disclosure and Opt-Out Notice.** In  
22 at least two loans, Respondents Snohomish Mortgage, Gardner, and LaCombe failed to provide  
23 accurate Privacy Policy Disclosures and Opt-Out Notices to the borrowers.

1           **G. Failure to Provide Accurate Equal Credit Opportunity Act (ECOA) Notice.** In  
2 at least seven loans, Respondents Snohomish Mortgage, Gardner, and LaCombe failed to properly  
3 identify the name and address of the federal agency that administers compliance with the ECOA  
4 on the ECOA Notice to the borrowers.

5 **1.7 Deceptive Disclosures.** In at least three loans, Respondents Snohomish Mortgage,  
6 Gardner, and LaCombe provided incomplete or blank disclosures which the borrower signed. In  
7 one of those loans, Respondents Snohomish Mortgage, Gardner, and LaCombe also provided  
8 disclosures or forms with inaccurate information relating to the borrowers' loan program.

9 **1.8 Advertising.**

10           **A. Failure to Display NMLS Number and Provide Link to NMLS.** As of April 16,  
11 2012, Respondent Snohomish Mortgage, Gardner, and LaCombe's Facebook page used its trade  
12 name, Snohomish Mortgage, but did not display Respondent Snohomish Mortgage's NMLS  
13 number. In addition, Respondents Snohomish Mortgage, Gardner, and LaCombe's primary  
14 website, [www.snohomishmtg.com](http://www.snohomishmtg.com), did not provide a link to the NMLS consumer access web site  
15 page for the company.

16           **B. Failure to Display Loan Originator NMLS Numbers.** As of April 16, 2012,  
17 Respondents Snohomish Mortgage, Gardner, and LaCombe's sandwich board outside Respondent  
18 Snohomish Mortgage's office and three print ads did not include loan originator NMLS numbers  
19 immediately following the loan originator's name for two of its loan originators.

20           **C. Advertising "Lowest" Rates.** As of April 16, 2012, two pages on Respondents  
21 Snohomish Mortgage, Gardner, and LaCombe's web site and one page on social media advertised  
22 using the words "lowest rate(s)."

23           **D. Failure to Disclose Additional Credit Terms.** As of April 16, 2012, Respondents  
24 Snohomish Mortgage, Gardner, and LaCombe failed to disclose additional credit terms in print

1 advertisements on a sandwich board outside Respondent Snohomish Mortgage's office and in a  
2 print advertisement.

3 **E. Failure to Maintain Advertisement Records.** Respondents Snohomish Mortgage,  
4 Gardner, and LaCombe failed to maintain a history of its advertisements and corresponding lender  
5 rate sheets for the preceding 25 months.

6 **1.9 Failure to Maintain Books and Records.** In at least three loan files, Respondents  
7 Snohomish Mortgage, Gardner, and LaCombe failed to retain all loan documents. To the extent that  
8 Respondents Snohomish Mortgage, Gardner, and LaCombe may claim that documents not found in  
9 loan files were provided, then Respondents Snohomish Mortgage, Gardner, and LaCombe failed to  
10 maintain accurate and current books and records.

11 **1.10 On-Going Investigation.** The Department's investigation into the alleged violations of the  
12 Act by Respondents continues to date.

## 13 **II. GROUNDS FOR ENTRY OF ORDER**

14 **2.1 Responsibility of Designated Broker.** Pursuant to RCW 19.146.200(3), every licensed  
15 mortgage broker must at all times have a designate broker responsible for all activities of the  
16 mortgage broker in conducting the business of a mortgage broker. A designated broker, principal, or  
17 owner who has supervisory authority over a mortgage broker is responsible for a licensee's,  
18 employee's, or independent contractor's violations of the Act if: the designated broker, principal, or  
19 owner directs or instructs the conduct or, with knowledge of the specific conduct, approves or allows  
20 the conduct; or the designated broker, principal, or owner who has supervisory authority over the  
21 licensed mortgage broker knows or by the exercise of reasonable care and inquiry should have known  
22 of the conduct, at a time when its consequences can be avoided or mitigated and fails to take  
23 reasonable remedial action.

1 **2.2 Responsibility for Conduct of Loan Originators.** Pursuant to RCW 19.146.245, a licensed  
2 mortgage broker is liable for any conduct violating the Act by the designated broker or a loan  
3 originator while employed or engaged by the licensed mortgage broker.

4 **2.3 Requirement to Comply with the Director's Examination Authority.** Respondents  
5 Snohomish Mortgage, Gardner, and LaCombe are in apparent violation of RCW 19.146.235(2)(a) for  
6 failing to disclose at least one loan originated by Respondent Snohomish Mortgage on the loan list  
7 provided to the Department.

8 **2.4 Prohibition against Misrepresentation of Borrower Information.** Based on the Factual  
9 Allegations set forth in Section I above, Respondents Snohomish Mortgage, Gardner, LaCombe, and  
10 Chiangpradit are in apparent violation of RCW 19.146.0201(2), and (3) for misrepresenting borrower  
11 information on loan applications.

12 **2.5 Prohibited Fees.** Based on the Factual Allegations set forth in Section I above, Respondents  
13 are in apparent violation of RCW 19.146.0201(2), (3), (6), and (13) and RCW 19.146.030(4) for  
14 collecting unlawful fees and failing to provide a written explanation for an increase in fees.

15 **2.6 Requirement to Make Full and Accurate Disclosures to Applicants.** Based on the Factual  
16 Allegations set forth in Section I above, Respondents Snohomish Mortgage, Gardner, and LaCombe  
17 are in apparent violation of RCW 19.146.0201(2), (6), and (7) for providing incomplete disclosures  
18 which borrowers signed and providing disclosures or forms with inaccurate information.  
19 Respondents Snohomish Mortgage, Gardner, and LaCombe are also in apparent violation of RCW  
20 19.146.0201(2), (6), and (11), RCW 19.146.030, RCW 19.146.095, WAC 208-660-430 and WAC  
21 208-660-500(3)(b), (k), (r), and (v) for failing to make disclosures in compliance with applicable state  
22 and federal law.

23 **2.7 Prohibition against Advertising Violations.** Based on the Factual Allegations set forth in  
24 Section I above, Respondents Snohomish Mortgage, Gardner, and LaCombe are in apparent violation

1 of RCW 19.146.0201(2), (7), and (11), WAC 208-660-180(9), WAC 208-660-350(24), WAC 208-  
2 660-440(5) and (7), WAC 208-660-446, and WAC 208-660-450(1)(b) and (3)(a) for failing to  
3 provide the NMLS unique identifier for Respondent Snohomish Mortgage when using its trade name,  
4 failing to provide a link to the NMLS page for Respondent Snohomish Mortgage on its website,  
5 failing to provide the NMLS unique identifier for at least two loan originators on its sandwich board  
6 and in print advertisements, advertising using the words “lowest rate(s)” on its website and Facebook  
7 page, failing to disclose additional credit terms in print advertisements, and failing to maintain a  
8 history of its advertisements and corresponding lender rate sheets for the preceding 25 months.

9 **2.8 Requirement to Maintain Accurate and Current Books and Records.** Based on the  
10 Factual Allegations set forth in Section I above, to the extent that Respondents Snohomish Mortgage,  
11 Gardner, and LaCombe claim to have completed or provided those documents which could not be  
12 found in the examined loan files, Respondents Snohomish Mortgage, Gardner, and LaCombe are in  
13 apparent violation of RCW 19.146.060(2) and WAC 208-660-450 for failing to keep all books and  
14 records in a location that is on file with and readily available to the Department until at least twenty-  
15 five months have elapsed following the effective period to which the books and records relate.

### 16 **III. AUTHORITY TO IMPOSE SANCTIONS**

17 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2), the Director may revoke  
18 licenses for any violation of the Act.

19 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
20 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a  
21 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed  
22 mortgage broker or any person subject to licensing under the Act for any violation of RCW  
23 19.146.0201(1) through (9), RCW 19.146.030, and RCW 19.146.060.

1 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
2 restitution against licensees or other persons subject to the Act for any violation of the Act.

3 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
4 against a licensee or other persons subject to the Act for any violation of the Act.

5 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-  
6 520(9) & (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per hour  
7 for an examiner's time devoted to an investigation of a licensee or other person subject to the Act.

#### 8 **IV. NOTICE OF INTENTION TO ENTER ORDER**

9 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,  
10 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
11 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and  
12 RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:

- 13 **4.1** Respondent Kevin Gardner Inc. d/b/a Snohomish Mortgage's license to conduct the  
14 business of a mortgage broker be revoked.
- 15 **4.2** Respondents Kevin E. Gardner and Timothy Chiangpradit's licenses to conduct the  
16 business of a loan originator be revoked.
- 17 **4.3** Respondents Kevin Gardner Inc. d/b/a Snohomish Mortgage, Kevin E. Gardner, Laura  
18 L. LaCombe, and Timothy Chiangpradit be prohibited from participation in the  
19 conduct of the affairs of any mortgage broker subject to licensure by the Director, in  
20 any manner, for a period of five years.
- 21 **4.4** Respondents Kevin Gardner Inc. d/b/a Snohomish Mortgage, Kevin E. Gardner, and  
22 Laura L. LaCombe jointly and severally pay restitution totaling \$5,394.51 to the 3  
23 borrowers identified in Appendix A of this Statement of Charges.
- 24 **4.5** Respondents Kevin Gardner Inc. d/b/a Snohomish Mortgage, Kevin E. Gardner, and  
Laura L. LaCombe jointly and severally pay a fine which as of the date of this  
Statement of Charges totals \$50,000.
- 4.6** Respondent Timothy Chiangpradit pay a fine which as of the date of this Statement of  
Charges totals \$3,000.



**RESTITUTION**

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**Borrower**

**Loan Number from HUD-1**

**Amount**



\$1,290.24

\$3,999.27

\$105.00