

ORDER SUMMARY – Case Number: C-12-1056

Name(s): Amir Homayoun Ahmadi

Order Number: C-12-1056-12-FO01

Effective Date: _____

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Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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

Not Eligible Until: _____

Prohibition/Ban Until: 5 years

Investigation Costs	\$1,104	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	\$2,000	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 type="checkbox"/> N		
	No. of Victims:	1		

Comments: R banned for 5 years, must maintain records, and must pay restitution, investigation fees, and fine.

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:

No.: C-12-1056-12-FO01

5 AMERICAN FORENSIC LOAN AUDITORS,
6 RYAN G. ZIMMERMAN, Owner, AMIR H.
AHMADI, Owner, THE LAW OFFICE OF B.
7 DIEGO HELLEWELL, LLC, and BENJAMIN
DIEGO HELLEWELL, President,

FINAL ORDER AS TO
AMIR H. AHMADI

8 Respondents.

9 **I. DIRECTOR'S CONSIDERATION**

10 A. Default. This matter has come before the Director of the Department of Financial
11 Institutions of the State of Washington (Director), through his designee, Consumer Services Division
12 Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On September 27,
13 2012, the Director, through the Director's designee, issued a Statement of Charges and Notice of
14 Intention to Enter an Order to Produce Records, Cease and Desist Business, Prohibit from Industry,
15 Order Restitution, Impose Fine, and Collect Investigation Fee (Statement of Charges) against
16 American Forensic Loan Auditors (AFLA), Ryan G. Zimmerman, Amir H. Ahmadi, The Law Office
17 of B. Diego Hellewell, and Benjamin Diego Hellewell (Respondents). A copy of the Statement of
18 Charges is attached and incorporated into this order by this reference. The Statement of Charges was
19 accompanied by a cover letter dated September 27, 2012, a Notice of Opportunity to Defend and
20 Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent
21 (collectively, accompanying documents).

22 On October 1, 2012, the Department served Respondent Ahmadi with the Statement of
23 Charges and accompanying documents by First-Class mail and Federal Express overnight delivery.

1 On October 2, 2012, the documents sent by Federal Express overnight delivery were returned to the
2 Department as undeliverable. On November 2, 2012, the documents sent by First-Class mail were
3 also returned to the Department as undeliverable.

4 On October 10, 2012, after prior failed service attempts on Respondent Ahmadi, the
5 Department issued a subpoena to PostalAnnex+, the commercial mail processing company, to verify
6 that mail addressed to Respondent Ahmadi was being delivered to 21781 Ventura Blvd. #139
7 Woodland Hills, California 91364 (Ventura Blvd. address). The Department received a response to
8 the subpoena confirming that Respondent Ahmadi did receive mail at this address. On October 11,
9 2012, the Department updated the cover letter date and served the Statement of Charges and
10 accompanying documents on Respondent Ahmadi by sending packages containing the documents to
11 the Ventura Blvd. address by First-Class mail and via Federal Express overnight delivery. On
12 October 12, 2012, the documents sent via Federal Express overnight delivery were delivered to the
13 Ventura Blvd. address and signed for by J. Clark. The documents sent via First-Class mail were not
14 returned to the Department by the United States Postal Service. Additionally, on or about December
15 6, 2012, Respondent Ahmadi contacted the Department about the Statement of Charges and
16 accompanying documents.

17 Respondent Ahmadi did not request an adjudicative hearing within twenty calendar days after
18 the Department served the Notice of Opportunity to Defend and Opportunity for Hearing, as provided
19 for in WAC 208-08-050(2). On December 18, 2012, Respondent Ahmadi submitted an untimely
20 Application for Adjudicative Hearing, but noted on the document that he was not requesting a
21 hearing.

22 B. Record Presented. The record presented to the Director's designee for her review and
23 for entry of a final decision included the following:

- 1 1. Statement of Charges, cover letter dated October 11, 2012, Notice of Opportunity
2 to Defend and Opportunity for Hearing, and blank Application for Adjudicative
3 Hearing for Respondent Ahmadi, with documentation for service.
- 4 2. PostalAnnex+'s response to the Department's Subpoena received by the
5 Department on October 10, 2012.

6 C. Factual Findings and Grounds for Order. Pursuant to RCW 34.05.440(1), the
7 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

8 II. FINAL ORDER

9 Based upon the foregoing, and the Director's designee having considered the record and being
10 otherwise fully advised, NOW, THEREFORE:

11 A. IT IS HEREBY ORDERED, That:

- 12 1. Respondent Amir H. Ahmadi cease and desist engaging in the business of a
13 mortgage broker or loan originator.
- 14 2. Respondent Amir H. Ahmadi is prohibited from participation in the conduct of the
15 affairs of any mortgage broker subject to licensure by the Director, in any manner,
16 for a period of five years.
- 17 3. Respondent Amir H. Ahmadi pay \$2,000 in restitution to the consumer identified
18 by the Department in paragraph 1.6 of the Statement of Charges. This restitution
19 shall be joint and several with any other Respondents determined to have violated
20 the Act.
- 21 4. Respondent Amir H. Ahmadi pay a fine of \$3,000. This fine shall be joint and
22 several with any other Respondents determined to have violated the Act.
- 23 5. Respondent Amir H. Ahmadi pay an investigation fee of \$1,104. This
24 investigation fee shall be joint and several with any other Respondents determined
to have violated the Act.
6. Respondent Amir H. Ahmadi must maintain records in compliance with chapter
19.146 RCW, the Mortgage Broker Practices Act (Act) and provide the Director
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 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent Ahmadi has the right to
2 file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The
3 Petition must be filed in the Office of the Director of the Department of Financial Institutions by
4 courier at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200,
5 Olympia, Washington 98504-1200, within ten (10) days of service of the Final Order upon
6 Respondent Ahmadi. The Petition for Reconsideration shall not stay the effectiveness of this order
7 nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

14 D. Judicial Review. Respondent Ahmadi has the right to petition the superior court for
15 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the
16 requirements for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

17 E. Non-compliance with Order. If you do not comply with the terms of this order, the
18 Department may seek its enforcement by the Office of the Attorney General to include the collection
19 of the fines, fees, and restitution imposed herein. The Department also may assign the amounts owed
20 to a collection agency for collection.

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

1 DATED this 20th day of December, 2012

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3 STATE OF WASHINGTON
4 DEPARTMENT OF FINANCIAL INSTITUTIONS

5 /s/
6 DEBORAH BORTNER
7 Director
8 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
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5 AMERICAN FORENSIC LOAN AUDITORS,
6 RYAN D. ZIMMERMAN, Owner, AMIR H.
7 AHMADI, Owner, THE LAW OFFICE OF B.
DIEGO HELLEWELL, LLC, and BENJAMIN
DIEGO HELLEWELL, President,

8 Respondents.

No. C-12-1056-12-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

9 INTRODUCTION

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

16 I. FACTUAL ALLEGATIONS

17 1.1 Respondent American Forensic Loan Auditors (Respondent AFLA) has never been licensed
18 by the Department of Financial Institutions of the State of Washington (Department) to conduct
19 business as a mortgage broker or loan originator.

20 1.2 Respondent Ryan D. Zimmerman (Respondent Zimmerman) is an Owner of Respondent
21 AFLA. During the relevant time period, Respondent Zimmerman was not licensed by the Department
22 to conduct business as a mortgage broker or loan originator.

1 **1.3 Respondent** Amir H. Ahmadi (Respondent Ahmadi) is an Owner of Respondent AFLA.

2 During the relevant time period, Respondent Ahmadi was not licensed by the Department to conduct
3 business as a mortgage broker or loan originator.

4 **1.4 Respondent** The Law Office of B. Diego Hellewell, LLC (Respondent The Law Office of B.
5 Diego Hellewell) has never been licensed by the Department to conduct business as a mortgage broker
6 or loan originator.

7 **1.5 Respondent** Benjamin Diego Hellewell (Respondent Hellewell) is President of Respondent
8 The Law Office of B. Diego Hellewell. During the relevant time period, Respondent Hellewell was
9 not licensed by the Department to conduct business as a mortgage broker or loan originator.

10 **1.6 Unlicensed Activity.** On or about March 19, 2010, Respondents AFLA, Zimmerman,
11 Ahmadi, The Law Office of B. Diego Hellewell, and Hellewell (Respondents) were offering
12 residential mortgage loan modification services to Washington consumers on property located in
13 Washington State. Respondents entered into a contractual relationship with at least one Washington
14 consumer to provide those services and collected an advance fee for the provision of those services.
15 The Department has received at least one complaint from a Washington consumer alleging
16 Respondents provided or offered to provide residential mortgage loan modification services while not
17 licensed by the Department to provide those services. Consumer ■ paid Respondents a fee of
18 \$2,000.

19 **1.7 Misrepresentations and Omissions.** Respondents represented that they were licensed to
20 provide the residential mortgage loan modification services or omitted disclosing that they were not
21 licensed to provide those services. During the relevant time period, Respondent Hellewell represented
22 that he was licensed to practice law in Washington or omitted disclosing that he was not licensed to
23 practice law in the State of Washington.

1 **1.8 On-Going Investigation.** The Department’s investigation into the alleged violations of the
2 Act by Respondents continues to date.

3 **II. GROUNDS FOR ENTRY OF ORDER**

4 **2.1 Mortgage Broker Defined.** Pursuant to RCW 19.146.010(14) and WAC 208-660-006,
5 “Mortgage Broker” means any person who, for compensation or gain, or in the expectation of
6 compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan
7 or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person
8 in obtaining or applying to obtain a residential mortgage loan. Pursuant to WAC 208-660-006, a
9 person “‘assists a person in obtaining or applying to obtain a residential mortgage loan’ by, among
10 other things, counseling on loan terms (rates, fees, other costs), [and] preparing loan packages....”

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

16 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
17 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice
18 toward any person and obtaining property by fraud or misrepresentation.

19 **2.4 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual
20 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.200(1)
21 for engaging in the business of a mortgage broker for Washington residents or property without first
22 obtaining a license to do so.

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

4 **2.6 Requirement to Maintain Accurate and Current Books and Records.** Pursuant to RCW
5 19.146.060 and WAC 208-660-450, Respondents are required to keep all books and records in a
6 location that is on file with and readily available to the Department until at least twenty-five months
7 have elapsed following the effective period to which the books and records relate.

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

9 **3.1 Authority to Order Production of Records.** Pursuant to RCW 19.146.223, RCW 19.146.
10 235(2), and WAC 208-660-520, the Director may issue orders directing any person to produce books,
11 accounts, records, files, and any other documents the director or designated person deems relevant to
12 an investigation.

13 **IV. AUTHORITY TO IMPOSE SANCTIONS**

14 **4.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
15 Director may issue orders directing any person subject to the Act to cease and desist from conducting
16 business.

17 **4.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
18 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker
19 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or
20 (13), or RCW 19.146.200.

21 **4.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
22 restitution against any person subject to the Act for any violation of the Act.

23 **4.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
24 against any person subject to the Act for any violation of the Act.

1 **4.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-
2 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted
3 to an investigation of any person subject to the Act.

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

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

8 **5.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

9 **5.2** Respondents provide the Department with a list detailing all residential mortgage loan
10 modification services transactions with Washington consumers, including the name, address,
11 and phone numbers of the consumers, the transaction date, and fees collected by Respondents
12 for the provision of those services.

13 **5.3** Respondents be prohibited from participation in the conduct of the affairs of any mortgage
14 broker subject to licensure by the Director, in any manner, for a period of five years.

15 **5.4** Respondents jointly and severally pay restitution to the consumer identified by the Department
16 in paragraph 1.6 as having paid \$2,000 to Respondents, and that Respondents jointly and
17 severally pay restitution to each Washington consumer with whom they entered into a contract
18 for residential mortgage loan modification services related to real property or consumers
19 located in the state of Washington equal to the amount collected from that Washington
20 consumer for those services in an amount to be determined at hearing.

21 **5.5** Respondents jointly and severally pay a fine of \$3,000 for each residential loan modification
22 transaction entered into with Washington consumers. As of the date of this Statement of
23 Charges, the fine totals \$3,000.

24 **5.6** Respondents jointly and severally pay an investigation fee at the rate of \$48.00 per hour. As of
the date of this Statement of Charges, the investigation fee totals \$1,104.

5.7 Respondents 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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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 34.05
4 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as
5 set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

7
8 Dated this 27th day of September, 2012.



[Redacted signature]

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

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12 Presented by:

[Redacted signature]

DEVON P. PHELPS
Financial Legal Examiner

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16 Approved by:

[Redacted signature]

CHARLES E. CLARK
Enforcement Chief