

ORDER SUMMARY – Case Number: C-13-1165

Name(s): Carlos Daniel Jaques

Order Number: C-13-1165-13-CO01

Effective Date: December 16, 2013

License Number: NMLS #298903
Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: Application denied

Not Apply Until: 12/16/2018

Not Eligible Until: 12/16/2018

Prohibition/Ban Until: 12/16/2018

Investigation Costs	\$565.88	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 12/6/13
Fine	\$5,000	Due: \$500/month until paid	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date: first due date is 1/31/14
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$1000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 11/15/13
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:				

Comments: R's license application is denied and he is banned from CL companies for 5 years. R must also pay dept. \$5,565.88 and \$1,000 in restitution. R must make monthly payments of \$500 for 10 months until fine amount of \$5,000 is paid off. Payments must be received by the Department no later than the last business day of each month.

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF INVESTIGATING the
Mortgage Loan Originator License Application
under the Consumer Loan Act of Washington by:

No.: C-13-1165-13-CO01

CONSENT ORDER

CARLOS DANIEL JAQUES,
NMLS # 298903,

Respondent.

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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 Carlos Daniel
Jaques (Respondent), 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 31.04 of the Revised Code of Washington (RCW), and RCW 34.05.060
of the Administrative Procedure Act, based on the following:

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AGREEMENT AND ORDER

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The Department of Financial Institutions, Division of Consumer Services (Department) and
Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges
No. C-13-1165-13-SC01 (Statement of Charges), entered February 7, 2013, (copy attached hereto).
Pursuant to chapter 31.04 RCW, the Consumer Loan Act (Act), and RCW 34.05.060 of the
Administrative Procedure Act, Respondent 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 settled by entry of this Consent Order. The parties intend this Consent Order to fully
resolve the Statement of Charges.

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Based upon the foregoing:

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

3 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a
4 hearing before an administrative law judge, and hereby waives his right to a hearing and any and all
5 administrative and judicial review of the issues raised in this matter, or of the resolution reached
6 herein. Accordingly, Respondent, by his signature below, withdraws his appeal to the Office of
7 Administrative Hearings.

8 **C. Mortgage Loan Originator License Application Denial.** It is AGREED that
9 Respondent's mortgage loan originator license application is denied.

10 **D. Prohibition from Industry.** It is AGREED that, for a period of five (5) years from the
11 date of entry of this Consent Order, Respondent is prohibited from participating, in any capacity, in
12 the conduct of the affairs of any consumer loan company licensed by the Department or subject to
13 licensure or regulation by the Department.

14 **E. Restitution.** It is AGREED that Respondent has paid restitution of \$1,000 to Republic
15 Mortgage Home Loans, LLC.

16 **F. Confession of Judgment for Fine.** It is AGREED that Respondent shall pay a fine to the
17 Department in the amount of \$5,000 in the form of a Confession of Judgment. A copy of this
18 Confession of Judgment is attached and incorporated into this Consent Order by this reference. It is
19 further AGREED that the Department will not file the Confession of Judgment so long as Respondent
20 makes payments of \$500 a month until the fine amount is paid in full. It is further AGREED that if
21 Respondent misses a payment the Department may, without further notice to Respondent,
22 immediately file the Confession of Judgment in the appropriate superior court and refer any
23 remaining debt to collections as necessary.


1 **G. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
2 investigation fee of \$565.88, in the form of a cashier's check made payable to the "Washington State
3 Treasurer," upon entry of this Consent Order.

4 **H. Non-Compliance with Order.** It is AGREED that Respondent understands 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, Respondent may be responsible to reimburse the Director
7 for the cost incurred in pursuing such action, including but not limited to, attorney fees.


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

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

12 **RESPONDENT:**

13 
14 Carlos Daniel Jaques

9/18/2013
Date

15 **Approved for Entry by:**
16 
17 Teymur Askerov, WSBA No.45391
Law Office of Christopher Black, PLLC
Attorney for Respondent

11/8/13
Date

18 DO NOT WRITE BELOW THIS LINE

1 THIS ORDER ENTERED THIS 16th DAY OF December, 2013



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4 DEBORAH BORTNER
5 Director, Division of Consumer Services
6 Department of Financial Institutions

6 Presented by:



7 DEVON P. PHELPS
8 Financial Legal Examiner

9 Approved by:



10 CHARLES E. CLARK
11 Enforcement Chief

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**STATE OF WASHINGTON
WHITMAN COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF FINANCIAL
INSTITUTIONS,

Plaintiff,

v.

CARLOS DANIEL JAQUES,

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 Susan P. Jensen, Assistant Attorney General
Judgment Debtor:	Carlos Daniel Jaques
Principal Judgment Amount:	\$5,000.00 owed to the Department of Financial Institutions
Total Judgment Amount:	\$5,000.00
Post-Judgment Interest (per annum):	12%

Pursuant to Chapter 4.60 of the Revised Code of Washington, Judgment by Confession, Defendant Carlos Daniel Jaques hereby authorizes entry of a judgment under the following terms:

Factual Basis for Judgment

The State of Washington, Department of Financial Institutions and Carlos Daniel Jaques have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-13-1165-13-SC01 (Statement of Charges), entered February 7, 2013. Carlos Daniel Jaques has agreed to enter into a Confession of Judgment, pursuant to chapter 4.60 RCW, in the amount of \$5,000.00 for the fine, which shall be paid to the State of Washington, Department of Financial Institutions.


Authorization for Entry of Judgment

I, Carlos Daniel Jaques, being duly sworn upon oath, acknowledge the debt of \$5,000.00 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 19th day of September, 2013.


CARLOS DANIEL JAQUES, Defendant

SUBSCRIBED AND SWORN TO before me in WALLA WALLA Washington this 19th day of SEPTEMBER 2013.


Notary Public in and for the State of WA,
residing at WALLA WALLA,
My Commission expires: 06-15-2017



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1 Order for Entry

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

5 ORDERED that the Clerk of this Court shall forthwith enter Judgment against Carlos
6 Daniel Jaques, in accordance with the terms of the Confession of Judgment.

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

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9 _____
JUDGE/COURT COMMISSIONER

10 Presented by:

11 ROBERT W. FERGUSON
12 Attorney General

13 _____
14 SUSAN P. JENSEN, WSBA #12187
15 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**

IN THE MATTER OF INVESTIGATING the
Mortgage Loan Originator License Application
under the Consumer Loan Act of Washington by:

CARLOS DANIEL JAQUES,
NMLS # 298903,

Respondent.

No.: C-13-1165-13-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO DENY LICENSE
APPLICATION, PROHIBIT FROM
INDUSTRY, ORDER RESTITUTION,
IMPOSE FINE, AND COLLECT
INVESTIGATION FEE

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INTRODUCTION

Pursuant to RCW 31.04.165 and RCW 31.04.168, the Director of the Department of Financial
Institutions of the State of Washington (Director) is responsible for the administration of chapter
31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to
RCW 31.04.055 and 31.04.145, 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:

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I. FACTUAL ALLEGATIONS

1.1 Carlos Daniel Jaques (Respondent) submitted an application to the Department of
Financial Institutions of the State of Washington (Department) for a mortgage loan originator license
under Universal American Mortgage Company, LLC, a consumer loan company licensed under the
Act. The license application was received by the Department, through the Nationwide Mortgage
Licensing System and Registry, on or about February 4, 2013.

1.2 Prohibited Acts. In or around August 2012, Respondent was a loan originator for Republic
Mortgage Home Loans, LLC, a consumer loan company licensed by the Department. While acting
as a loan originator, Respondent instructed at least two Washington consumers to leave the payee line

1 blank on checks that were to pay for closing costs. On or about August 24, 2012, and August 29,
2 2012, Respondent filled in his name on the payee line and cashed the checks. A list of Washington
3 Consumers who provided checks to Respondent and the amount paid by each is appended hereto and
4 incorporated herein by reference.

5 **1.3 Judgments.** As of the date of this Statement of Charges Respondent has four unsatisfied
6 judgments against him.

7 **1.4 Responses to Application Questions.** The “Financial Disclosure” section of the Uniform
8 Individual Mortgage License/Registration & Consent form (Form MU4) consists of five questions.
9 The required New Application Checklist includes the following instruction: “Provide complete
10 details of all events or proceedings for any “Yes” answer to any of the disclosure questions on your
11 MU4 filing.” Respondent answered “no” to the following question on the “Financial Disclosure”
12 section of his form MU4:

- 13 • (D)-Do you have any unsatisfied judgments or liens against you?

14 Respondent was obligated by statute to answer questions on the Form MU4 truthfully and to provide
15 the Department with complete details of all events or proceedings. Respondent attested, under
16 penalty of perjury, to the accuracy and completeness of the Form MU4.

17 **1.5 Financial Responsibility, Character, and General Fitness.** Respondent has not
18 demonstrated financial responsibility, character, and general fitness as evidenced by Respondent’s
19 prohibited acts, outstanding judgments, and failure to self-disclose the outstanding judgments.

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

21 **2.1 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondent
22 is in apparent violation of RCW 31.04.027(2) and (3) for directly or indirectly engaging in any unfair
23 or deceptive practice toward any person and directly or indirectly obtaining property by fraud or

1 misrepresentation by instructing consumers to leave the payee line blank on checks for closing costs,
2 filling in his own name, and cashing the checks.

3 **2.2 Requirement to Demonstrate Financial Responsibility, Character, and General Fitness.**

4 Based on the Factual Allegations set forth in Section I above, Respondent fails to meet the
5 requirements of RCW 31.04.247(1)(e) and WAC 208-620-710(3)(c) by failing to demonstrate
6 financial responsibility and RCW 31.04.247(1)(e) and WAC 208-620-710(4)(a) by failing to
7 demonstrate character and general fitness such as to command the confidence of the community and
8 to warrant a belief that the business will be operated honestly, fairly, and efficiently within the
9 purposes of the Act.

10 **2.3 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above,
11 Respondent is in apparent violation of RCW 31.04.241 and WAC 208-620-550(5) for not furnishing
12 information pertaining to personal history and experience in a form prescribed by the Nationwide
13 Mortgage Licensing System and Registry. Respondent is also in apparent violation of RCW
14 31.04.027(8) and WAC 208-620-550(5) for negligently making a false statement in connection with
15 the application he filed with the Department.

16 **2.4 Requirement to Provide Information on License Application.** Based on the Factual
17 Allegations set forth in Section I above, Respondent fails to meet the requirements of RCW
18 31.04.234 and 31.04.241 by failing to provide an accurate license application in the form prescribed
19 by the Director.

20 **III. AUTHORITY TO IMPOSE SANCTIONS**

21 **3.1 Authority to Deny Application for Loan Originator License.** Pursuant to RCW
22 31.04.247(2), the Director may deny licenses to applicants. Pursuant to RCW 31.04.247(2), the
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1 Director shall not issue a license if the conditions of RCW 31.04.247(1) have not been met by the
2 applicant, and shall notify the applicant of the denial.

3 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 31.04.093(6), the Director may
4 issue orders removing from office or prohibiting from participation in the conduct of the affairs of
5 any licensee, or both, any person subject to this chapter for a violation of RCW 31.04.027.

6 **3.3 Authority to Order Restitution.** Pursuant to RCW 31.04.093(5), the Director may issue an
7 order directing the licensee, its employee or loan originator, or other person subject to the Act, to
8 make restitution to a borrower or other person who is damaged as a result of a violation of the Act.

9 **3.4 Authority to Issue Order to Take Affirmative Action.** Pursuant to RCW 31.04.093(5), the
10 Director may issue an order directing the licensee, its employee or loan originator, or other person
11 subject to the Act, to take such affirmative action as is necessary to comply with the Act.

12 **3.5 Authority to Impose Fine.** Pursuant to RCW 31.04.093(4), the Director may impose fines of
13 up to one hundred dollars per day upon the licensee, its employee, or other person subject to the Act
14 for any violation of the Act.

15 **3.6 Authority to Collect Investigation Fee.** Pursuant to RCW 31.04.145(3) and WAC 208-620-
16 590, every licensee investigated by the Director or the Director's designee shall pay to the Director
17 the cost of the investigation, calculated at the rate of \$69.01 per hour.

18 **IV. NOTICE OF INTENTION TO ENTER ORDER**

19 Respondent's violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC,
20 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
21 Sanctions, constitute a basis for the entry of an Order under RCW 31.04.055, RCW 31.04.093, RCW
22 31.04.165, RCW 31.04.168, and RCW 31.04.247. Therefore, it is the Director's intention to ORDER
23 that:

- 1 **4.1** Respondent Carlos Daniel Jaques's application for a mortgage loan originator license
 be denied.
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- 3 **4.2** Respondent Carlos Daniel Jaques be prohibited from participation, in any manner, in
 the conduct of the affairs of any consumer lender subject to licensure by the Director
 under chapter 31.04.
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- 5 **4.3** Respondent Carlos Daniel Jaques pay restitution to the two consumers identified by the
 Department in Appendix A in the amount stated therein.
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- 7 **4.4** Respondent Carlos Daniel Jaques pay a fine which, as of the date of this Statement of
 Charges, totals \$5,000.
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- 9 **4.5** Respondent Carlos Daniel Jaques pay the cost of the Department's investigation
 which, as of the date of this Statement of Charges, totals \$565.88.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intention to Enter an Order to Deny License
3 Application, Prohibit From Industry, Order Restitution, Impose Fine, and Collect Investigation Fee
4 (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165,
5 RCW 31.04.168, and RCW 31.04.202, and is subject to the provisions of chapter 34.05 RCW (The
6 Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in
7 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
8 accompanying this Statement of Charges.

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10 Dated this 7th day of February, 2013



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13 DEBORAH BORTNER
14 Director
15 Division of Consumer Services
16 Department of Financial Institutions

16 Presented by:
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18 DEVON P. PHELPS
19 Financial Legal Examiner

19 Approved by:
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21 CHARLES E. CLARK
22 Enforcement Chief

RESTITUTION

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Borrower

Amount



\$500



\$500

TOTAL \$1,000