

**ORDER SUMMARY – Case Number: C-13-1199**

**Name(s):** Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe;  
 Timothy P McCabe ; Federated Law, LLC

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**Order Number:** C-13-1199-13-FO01

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**Effective Date:** May 16, 2013

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**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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

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**License Effect:**

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**Not Apply Until:**

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**Not Eligible Until:**

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**Prohibition/Ban Until:** 5 year ban

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<b>Investigation Costs</b>	\$585.60	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<b>Fine</b>	\$3,000	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
<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:	1			

Comments: Respondents banned for 5 years and must pay \$3,585.60 to Dept. in investigation fees and fines.

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Cease and Desist engaging in the business of a mortgage broker or loan originator.

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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-13-1199-13-FO01

TIMOTHY MCCABE, P.A. d/b/a LAW  
OFFICES OF TIMOTHY P. MCCABE;  
MCCABE & SAMILJAN, LLC;  
FEDERATED LAW, LLC;  
TIMOTHY P. MCCABE, Principal; and  
STEVEN T. SAMILJAN, Principal,

FINAL ORDER AS TO:  
TIMOTHY MCCABE, P.A. d/b/a LAW  
OFFICES OF TIMOTHY P. MCCABE;  
FEDERATED LAW, LLC; AND  
TIMOTHY P. MCCABE

Respondents.

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I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director), through his designee, Consumer Services Division Director Deborah Bortner (Director's designee), pursuant to RCW 34.05.440(1). On March 27, 2013, the Director, through the Director's designee, issued a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist Business, Prohibit from Industry, Order Restitution, Impose Fine, and Collect Investigation Fee (Statement of Charges) against Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe (Respondent Law Offices of McCabe), Federated Law, LLC (Respondent Federated), McCabe & Samiljan (Respondent McCabe & Samiljan), Timothy P. McCabe (Respondent McCabe), and Steven T. Samiljan (Respondent Samiljan). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated March 28, 2013, a Notice of Opportunity to Defend and Opportunity for Hearing, and a blank Application for Adjudicative Hearing for each Respondent (collectively, accompanying documents).

1 On March 28, 2013, the Department served Respondents with the Statement of Charges and  
2 accompanying documents by First-Class mail and Federal Express overnight delivery. On March 29,  
3 2013, the documents sent by Federal Express overnight delivery were delivered. The documents sent  
4 by First-Class mail were not returned to the Department by the United States Postal Service.

5 Respondents Law Offices of McCabe, Federated, and McCabe did not request an adjudicative  
6 hearing within twenty calendar days after the Department served the Notice of Opportunity to Defend  
7 and Opportunity for Hearing, as provided for in WAC 208-08-050(2).

8 B. Record Presented. The record presented to the Director's designee for her review and  
9 for entry of a final decision included the following: Statement of Charges, cover letter dated March  
10 28, 2013, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for  
11 Adjudicative Hearing for each Respondent, with documentation for service.

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

## 14 II. FINAL ORDER

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

17 A. IT IS HEREBY ORDERED, That:

- 18 1. Respondents Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe,  
19 Federated Law, LLC, and Timothy P. McCabe cease and desist engaging in the  
business of a mortgage broker or loan originator.
- 20 2. Respondents Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe,  
21 Federated Law, LLC, and Timothy P. McCabe be prohibited from participation,  
22 in any manner, in the conduct of the affairs of any mortgage broker subject to  
licensure by the Director for a period of five years.
- 23 3. Respondents Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe,  
24 Federated Law, LLC, and Timothy P. McCabe jointly and severally pay a \$3,000  
fine.

1 4. Respondents Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe,  
2 Federated Law, LLC, and Timothy P. McCabe jointly and severally pay a  
\$585.60 investigation fee.

3 5. Respondents Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe,  
4 Federated Law, LLC, and Timothy P. McCabe maintain records in compliance  
5 with the Act and provide the Department with the location of the books, records  
6 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.

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

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

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

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

1 E. Non-compliance with Order. If you do not comply with the terms of this order,  
2 **including payment of any amounts owed within 30 days of receipt of this order**, the Department  
3 may seek its enforcement by the Office of the Attorney General to include the collection of the fines  
4 and fees imposed herein. The Department also may assign the amounts owed to a collection agency  
5 for collection.

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

9 DATED this 16<sup>th</sup> day of May, 2013.



10 STATE OF WASHINGTON  
11 DEPARTMENT OF FINANCIAL INSTITUTIONS

12 [Redacted Signature]  
13 DEBORAH BORTNER  
14 Director  
15 Division of Consumer Services

**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:

TIMOTHY MCCABE, P.A. d/b/a LAW  
OFFICES OF TIMOTHY P. MCCABE;  
MCCABE & SAMILJAN, LLC;  
FEDERATED LAW, LLC;  
TIMOTHY P. MCCABE, Principal; and  
STEVEN T. SAMILJAN, Principal,

Respondents.

No. C-13-1199-13-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENT TO ENTER AN  
ORDER TO 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 Respondents.**

**A. Timothy McCabe, P.A. d/b/a Law Offices of Timothy P. McCabe (Respondent Law Offices of Timothy P. McCabe)** was incorporated in Florida on June 17, 2010, and continues to date. Respondent Law Offices of Timothy P. McCabe 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           **B. McCabe & Samiljan, LLC (Respondent McCabe & Samiljan)** was formed in Florida on  
2 March 22, 2002, and continues to date. Respondent McCabe & Samiljan has never been licensed by  
3 the Department to conduct business as a mortgage broker or loan originator.

4           **C. Federated Law, LLC (Respondent Federated Law)** was formed in Florida November 14,  
5 2011, and continues to date. Respondent Federated Law has never been licensed by the Department to  
6 conduct business as a mortgage broker or loan originator.

7           **D. Timothy P. McCabe (Respondent McCabe)** is President of Respondent Law Offices of  
8 Timothy P. McCabe and a Managing Member of Respondent McCabe & Samiljan and Respondent  
9 Federated Law. During the relevant time period, Respondent McCabe was not licensed by the  
10 Department to conduct business as a mortgage broker or loan originator.

11           **E. Steven T. Samiljan (Respondent Samiljan)** is a Managing Member of Respondent  
12 McCabe & Samiljan and Respondent Federated Law. During the relevant time period, Respondent  
13 Samiljan was not licensed by the Department to conduct business as a mortgage broker or loan  
14 originator.

15 **1.2 Unlicensed Activity.** In or around February 2012, Respondents were offering residential  
16 mortgage loan modification services to Washington consumers on property located in Washington  
17 State. Respondents entered into a contractual relationship with at least one Washington consumer to  
18 provide those services and collected an advance fee for the provision of those services. The  
19 Department has received at least one complaint from a Washington consumer alleging Respondents  
20 provided or offered to provide residential mortgage loan modification services while not licensed by  
21 the Department to provide those services. Consumer ██████ paid Respondents a fee of \$3,085.<sup>1</sup>

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24 <sup>1</sup> Consumer S.F. previously received a refund of \$3,085.

1 **1.3 Misrepresentations and Omissions.** Respondents represented that they were licensed to  
2 provide the residential mortgage loan modification services or omitted disclosing that they were not  
3 licensed to provide those services.

4 **1.4 On-Going Investigation.** The Department’s investigation into the alleged violations of the  
5 Act by Respondents continues to date.

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

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

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

19 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents  
20 are in apparent violation of RCW 19.146.0201(2) & (3) for engaging in an unfair or deceptive practice  
21 toward any person and obtaining property by fraud or misrepresentation.

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

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

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

### 10 III. AUTHORITY TO IMPOSE SANCTIONS

11 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the  
12 Director may issue orders directing any person subject to the Act to cease and desist from conducting  
13 business.

14 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may  
15 issue orders prohibiting from participation in the conduct of the affairs of a licensed mortgage broker  
16 any person subject to licensing under the Act for any violation of RCW 19.146.0201(1) through (9) or  
17 (13), or RCW 19.146.200.

18 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order  
19 restitution against any person subject to the Act for any violation of the Act.

20 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines  
21 against any person subject to the Act for any violation of the Act.

22 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), and WAC 208-  
23 660-550(4)(a), the Department will charge forty-eight dollars per hour for an examiner's time devoted  
24 to an investigation of any person subject to the Act.

1 **IV. NOTICE OF INTENT TO ENTER ORDER**

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

5 **4.1** Respondents cease and desist engaging in the business of a mortgage broker or loan originator.

6 **4.2** Respondents be prohibited from participation, in any manner, in the conduct of the affairs of  
7 any mortgage broker subject to licensure by the Director for a period of five years.

8 **4.3** Respondents jointly and severally pay restitution to each Washington consumer with whom  
9 they entered into a contract for residential mortgage loan modification services related to real  
10 property or consumers located in the state of Washington equal to the amount collected from  
11 that Washington consumer for those services in an amount to be determined at hearing.

12 **4.4** Respondents jointly and severally pay a fine, which as of the date of this Statement of Charges  
13 totals \$3,000.

14 **4.5** Respondents jointly and severally pay an investigation fee, which as of the date of this  
15 Statement of Charges totals \$585.60.

16 **4.6** Respondents maintain records in compliance with the Act and provide the Department with the  
17 location of the books, records and other information relating to Respondents' provision of  
18 residential mortgage loan modification services in Washington, and the name, address and  
19 telephone number of the individual responsible for maintenance of such records in compliance  
20 with the Act.  
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1 **V. 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.

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8 Dated this 27th day of March, 2013.

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11 /S/  
12 DEBORAH BORTNER  
13 Director, Division of Consumer Services  
14 Department of Financial Institutions

15 Presented by:

16 /S/  
17 DEVON P. PHELPS  
18 Financial Legal Examiner

19 Approved by:

20 /S/  
21 CHARLES E. CLARK  
22 Enforcement Chief