

Terms Complete

ORDER SUMMARY – Case Number: C-13-1263

Name(s): McGoldrick Law Center Inc;
Megan M. Collins f/k/a Megan McGoldrick

Order Number: C-13-1263-14-CO01

Effective Date: November 13, 2014

License Number: Unlicensed
Or NMLS Identifier [U/L]

License Effect: N/A

Not Apply Until: November 13, 2019

Not Eligible Until: November 13, 2019

Prohibition/Ban Until: November 13, 2019

Investigation Costs	\$432	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 11/12/2014
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$5,400	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 11/12/2014
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: _____

\$2,900 restitution paid, \$2,500 restitution Escheated to State of Washington, Department of Revenue unclaimed property for the estate of consumer M.D.

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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 Washington by:

No.: C-13-1263-14-CO01

CONSENT ORDER

MCGOLDRICK LAW CENTER, INC. and
MEGAN M. COLLINS f/k/a MEGAN
MCGOLDRICK, President,

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, and Respondent
McGoldrick Law Center, Inc. and Respondent Megan M. Collins f/k/a Megan McGoldrick
(Respondents), by and through their attorney, Aaron D. Bigby, 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 19.146 of the Revised Code of
Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the
following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department), and
Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges
No. C-13-1263-14-SC01 (Statement of Charges), entered February 24, 2014, (copy attached hereto).
Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of
the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this
Consent Order and further agree that the issues raised in the above-captioned matter may be

CONSENT ORDER
C-13-1263-14-CO01
MCGOLDRICK LAW CENTER, INC. and
MEGAN M. COLLINS f/k/a MEGAN MCGOLDRICK

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 economically and efficiently settled by entry of this Consent Order. The parties intend this Consent
2 Order to fully resolve the Statement of Charges.

3 Based upon the foregoing:

4
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 Respondents have been informed of the right to a
8 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all
9 administrative and judicial review of the issues raised in this matter, or of the resolution reached
10 herein. Accordingly, Respondents, by their signatures and the signature of their representative below,
11 withdraw their appeal to the Office of Administrative Hearings.

12 **C. Mortgage Broker and Loan Originator Activity.** It is AGREED that Respondents shall
13 cease and desist from conducting the business of a mortgage broker and loan originator without
14 obtaining and maintaining a mortgage broker license or qualifying for an exemption from licensure
15 under the Act.

16 **D. Prohibition from Industry.** It is AGREED that, for a period of five years from the date
17 of entry of this Consent Order, Respondents are prohibited from participating, in any capacity, in the
18 conduct of the affairs of any mortgage broker, consumer loan company, or loan originator licensed by
19 the Department or subject to licensure or regulation by the Department.

20 **E. Restitution.** It is AGREED Respondents have paid restitution to Washington consumer
21 R.M. in the amount of \$2,900. It is also AGREED that Respondents have paid restitution in the
22 amount of an additional \$2,500 by taking steps necessary to escheat such funds to the state of
23 Washington as unclaimed property in the name of the estate of consumer M.D.

1 **F. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
2 consent of any person or entity not a party to this Consent Order to take any action concerning their
3 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
4 Order, this Consent Order does not limit or create any private rights or remedies against Respondents,
5 limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

6 **G. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
7 investigation fee of \$432, in the form of a cashier's check made payable to the "Washington State
8 Treasurer," upon entry of this Consent Order.

9 **H. Authority to Execute Order.** It is AGREED that the undersigned have represented and
10 warranted that they have the full power and right to execute this Consent Order on behalf of the
11 parties represented.

12 **I. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to
13 abide by the terms and conditions of this Consent Order may result in further legal action by the
14 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director
15 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

16 **J. Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this
17 Consent Order, which is effective when signed by the Director's designee.

18 **K. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read
19 this Consent Order in its entirety and fully understand and agree to all of the same.

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22 **RESPONDENTS:**
23 McGoldrick Law Center, Inc.
24 By:

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[Redacted]

Megan M. Collins
Principal

10/16/14
Date

[Redacted]

Megan M. Collins
Individually

10/16/14
Date

Approved as to Form:

[Redacted]

Aaron D. Bigby, WSBA # 29271
Attorney at Law
Northcraft Bigby & Biggs PC
Attorney for Respondents

10/28/14
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 13th DAY OF November, 2014.

[Redacted Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by: [Signature]
[Redacted]
Deborah Taellious
Financial Legal Examiner Supervisor



Approved by: [Redacted]

Charles E. Clark
Enforcement Chief

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

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

7 MCGOLDRICK LAW CENTER, INC. and
8 MEGAN M. COLLINS f/k/a MEGAN
9 MCGOLDRICK, President,

10 Respondents.

No. C-13-1263-14-SC01

11 STATEMENT OF CHARGES and
12 NOTICE OF INTENTION TO ENTER AN
13 ORDER TO CEASE AND DESIST,
14 PROHIBIT FROM INDUSTRY, ORDER
15 RESTITUTION, IMPOSE FINE, AND
16 COLLECT INVESTIGATION FEE

17 INTRODUCTION

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

24 I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **McGoldrick Law Center, Inc. (Respondent McGoldrick Law)** 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 in the state of Washington. Respondent
McGoldrick Law is incorporated in the state of Pennsylvania with a registered address of 32 S.
Church Street, West Chester, Pennsylvania 19382-3221.

B. **Megan M. Collins f/k/a Megan McGoldrick (Respondent Collins)** is or was
President of Respondent McGoldrick Law. Respondent Collins has never been licensed by the

1 Department to conduct the business of a mortgage broker or loan originator in the state of
2 Washington. Respondent Collins is not licensed with the Washington State Bar Association and is
3 not licensed to practice law in the state of Washington.

4 **1.2 Unlicensed Activity.** Between at least September 2011 through December 2011,
5 Respondents assisted or held out as able to assist at least five Washington consumers in applying to
6 obtain residential loan modifications on at least five properties in the state of Washington.
7 Washington consumer M.D. paid \$2,500 for these services. Washington consumer R.M. paid \$2,900
8 for these services.

9 **1.3 Prohibited Act.** Respondents represented that they were licensed to provide the residential
10 mortgage loan modification services or omitted disclosing that they were not licensed to provide
11 those services.

12 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
13 Act by Respondents continues to date.

14 II. GROUNDS FOR ENTRY OF ORDER

15 **2.1 Definition of Mortgage Broker.** Pursuant to RCW 19.146.010(14), "Mortgage broker"
16 means any person who, for compensation or gain, or in the expectation of compensation or gain (a)
17 assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or
18 herself out as being able to assist a person in obtaining or applying to obtain a residential mortgage
19 loan.

20 **2.2 Definition of Loan Originator.** Pursuant to RCW 19.146.010(11), "Loan originator" means
21 a natural person who for direct or indirect compensation or gain, or in the expectation of direct or
22 indirect compensation or gain takes a residential mortgage loan application for a mortgage broker,
23

1 offers or negotiates terms of a mortgage loan, performs residential mortgage loan modification
2 services, or holds themselves out to the public as able to perform any of these activities.

3 **2.3 Definition of Residential Mortgage Loan Modification.** Pursuant to RCW 19.146.010(20),

4 “Residential mortgage loan modification” means a change in one or more of a residential mortgage
5 loan’s terms or conditions. Changes to a residential mortgage loan’s terms or conditions include but
6 are not limited to forbearances, repayment plans, changes in interest rates, loan terms, or loan types,
7 capitalization of arrearages, or principal reductions.

8 **2.4 Definition of Residential Mortgage Loan Modification Services.** Pursuant to RCW

9 19.146.010(21), “Residential mortgage loan modification services” includes negotiating, attempting
10 to negotiate, arranging, attempting to arrange, or otherwise offering to perform a residential mortgage
11 loan modification. “Residential mortgage loan modification services” also includes the collection of
12 data for submission to any entity performing mortgage loan modification services.

13 **2.5 Requirement to Obtain and Maintain Mortgage Broker License.** Based on the Factual

14 Allegations set forth in Section I above, Respondent McGoldrick Law is in apparent violation of
15 RCW 19.146.200(1) for engaging in the business of a mortgage broker without first obtaining and
16 maintaining a license under the Act.

17 **2.6 Requirement to Obtain and Maintain Loan Originator License.** Based on the Factual

18 Allegations set forth in Section I above, Respondent Collins is in apparent violation of RCW
19 19.146.200(1) for engaging in the business of a loan originator without first obtaining and
20 maintaining a license under the Act.

21 **2.7 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents

22 are in apparent violation of RCW 19.146.0201(2) and (3) for engaging in an unfair or deceptive
23 practice toward any person and obtaining property by fraud or misrepresentation.

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 19.146.220(4), the
3 Director may issue orders directing a licensee, its employee, loan originator, independent contractor,
4 agent, or other person subject to the Act to cease and desist from conducting business.

5 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(5), the Director may
6 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
7 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
8 mortgage broker or any person subject to licensing under the Act for any violation of the Act.

9 **3.3 Authority to Order Restitution.** Pursuant to RCW 19.146.220(2), the Director may order
10 restitution against licensees or other persons subject to the Act for any violation of the Act.

11 **3.4 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
12 against a licensee or other persons subject to the Act for any violation of the Act. Pursuant to RCW
13 19.146.220(3), the Director may impose fines on an employee, loan originator, independent
14 contractor, or agent of the licensee, or other person subject to the Act, for any violations of the Act.

15 **3.5 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
16 520(9) & (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per hour
17 for an examiner's time devoted to an investigation of a licensee or other person subject to the Act.

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

19 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 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 19.146.220, RCW 19.146.221, and
22 RCW 19.146.223. Therefore, it is the Director's intention to ORDER that:

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- 4.1 Respondents McGoldrick Law Center, Inc. and Megan M. Collins f/k/a Megan McGoldrick cease and desist from engaging in the business of a mortgage broker or loan originator.
- 4.2 Respondents McGoldrick Law Center, Inc. and Megan M. Collins f/k/a Megan McGoldrick be prohibited from participation in the conduct of the affairs of any mortgage broker or loan originator subject to licensure by the Director, in any manner, for a period of five years.
- 4.3 Respondents McGoldrick Law Center, Inc. and Megan M. Collins f/k/a Megan McGoldrick jointly and severally pay restitution totaling \$5,400 to the two borrowers identified in paragraph 1.2 of this Statement of Charges and that Respondents jointly and severally pay restitution to each Washington consumer with whom they entered into a contract 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.
- 4.4 Respondents McGoldrick Law Center, Inc, and Megan M. Collins f/k/a Megan McGoldrick jointly and severally pay a fine. As of the date of this Statement of Charges, the fine totals \$15,000.
- 4.5 Respondents McGoldrick Law Center, Inc. and Megan M. Collins f/k/a Megan McGoldrick pay an investigation fee. As of the date of this Statement of Charges, the investigation fee totals \$432.
- 4.6 Respondents McGoldrick Law Center, Inc. and Megan M. Collins f/k/a Megan McGoldrick maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent McGoldrick Law Center, Inc.'s mortgage broker business, 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 **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
4 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a
5 hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR
6 HEARING accompanying this Statement of Charges.

7
8 Dated this 24th day of February, 2014.



9 [Redacted signature]

10
11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 [Redacted signature]

17 DEBORAH TAELLIUS
18 Financial Legal Examiner

19 Approved by:

20 [Redacted signature]

21 CHARLES E. CLARK
22 Enforcement Chief