

ORDER SUMMARY – Case Number: C-15-1750

Name(s) Jamila M. Qadiri

Order Number C-15-1750-17-CO02

Effective Date 9/29/17

License Number or NMLS Identifier [U/L] 120421

License Effect Expired

Not Apply Until 5 years

Not Eligible Until

Prohibition/Ban Until

Investigation Costs	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
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	\$	Due	Paid <input type="checkbox"/> Y <input 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:				

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:

ALL AMERICAN LENDING, INC.
NMLS # 94555, and
JAMILA M. QADIRI, Designated Broker,
NMLS # 120421,

Respondents.

No.: C-15-1750-17-CO02

CONSENT ORDER AS TO
JAMILA M. QADIRI

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COMES NOW the Director of the Department of Financial Institutions (Director), through her designee Charles E. Clark, Division Director, Division of Consumer Services, and Jamila M. Qadiri (Respondent Qadiri), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled solely as to Respondent Qadiri, 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:

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AGREEMENT AND ORDER

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The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Qadiri have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-17-1750-17-SC01 (Statement of Charges), entered March 1, 2017, (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, Respondent Qadiri 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 solely as to Respondent Qadiri.

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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 Qadiri has been informed of the
4 right to a hearing before an administrative law judge, and hereby waives her right to a hearing and
5 any and all administrative and judicial review of the issues raised in this matter, or of the resolution
6 reached herein. Accordingly, Respondent Qadiri withdraws her appeal to the Office of
7 Administrative Hearings.

8 **C. Mortgage Loan Originator License Expiration.** It is AGREED that Respondent
9 Qadiri's mortgage loan originator license expired effective December 31, 2016, and Respondent
10 Qadiri does not currently hold a mortgage loan originator license.

11 **D. Application for License.** It is AGREED that, for a period of five years from the date of
12 entry of this Consent Order, Respondent Qadiri shall not apply to the Department for any license
13 under any name. It is further AGREED that, should Respondent Qadiri apply to the Department for
14 any license under any name at any time later than five years from the date of entry of this Consent
15 Order, Respondent Qadiri shall be required to meet any and all application requirements in effect at
16 that time.

17 **E. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
18 consent of any person or entity not a party to this Consent Order to take any action concerning their
19 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
20 Order, this Consent Order does not limit or create any private rights or remedies against Respondent
21 Qadiri, limit or create liability of Respondent Qadiri, or limit or create defenses of Respondent Qadiri
22 to any claims.

1 **F. Complete Cooperation with the Department.** It is AGREED that, upon written request
2 by the Department, Respondent Qadiri shall provide the Department truthful and complete sworn
3 statements outlining her activities with respect to All American Lending, Inc. (All American) and any
4 and all persons involved or in any way associated with All American, including but not limited to
5 owners, employees, independent contractors, agents, businesses and persons with whom All
6 American dealt, communicated, or otherwise related. The sworn statements may take the form of
7 affidavits, declarations, or deposition testimony, at the Department’s discretion. In addition to
8 providing sworn statements, it is AGREED that, upon written request by the Department, Respondent
9 Qadiri shall cooperate fully, truthfully, and completely with the Department and provide any and all
10 information known to her relating in any manner to All American and any and all persons involved or
11 in any way associated with All American, including but not limited to owners, employees,
12 independent contractors, agents, businesses and persons with whom All American dealt,
13 communicated, or otherwise related. It is further AGREED that, upon written request by the
14 Department, Respondent Qadiri shall provide any and all documents, writings or materials, or objects
15 or things of any kind in her possession or under her care, custody, or control that she is authorized to
16 possess, obtain, or distribute relating directly or indirectly to all areas of inquiry and investigation. It
17 is further AGREED that Respondent Qadiri shall testify fully, truthfully, and completely at any and
18 all proceedings related to any Department investigation or enforcement action or both related to any
19 and all persons involved or in any way associated with All American, and any respondents named
20 therein. A failure to cooperate fully, truthfully, and completely is a breach of this Consent Order.

21 **G. Non-Compliance with Order.** It is AGREED that Respondent Qadiri understands that
22 failure to abide by the terms and conditions of this Consent Order may result in further legal action
23 by the Director. In the event of such legal action, Respondent Qadiri may be responsible to

1 reimburse the Director for the cost incurred in pursuing such action, including but not limited to,
2 attorney fees.

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

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

7 **RESPONDENT:**
8 **Jamila M. Qadiri**

9 /s/
10 Jamila M. Qadiri

9/13/17
Date

11 **DO NOT WRITE BELOW THIS LINE**

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13 THIS ORDER ENTERED THIS 29th DAY OF September, 2017.

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16 /s/
17 CHARLES E. CLARK
18 Director
19 Division of Consumer Services
20 Department of Financial Institutions

21 Presented by:

22 /s/
23 KENNETH J. SUGIMOTO
24 Financial Legal Examiner

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Approved by:

/s/ _____
STEVEN C. SHERMAN
Enforcement Chief

1 Respondent All American removed her sponsorship on or about May 27, 2016. Respondent Qadiri
2 was licensed by the Department to conduct business as a loan originator on or about May 12, 2011,
3 and continued to be licensed until her license expired on December 31, 2016.

4 **1.2 Examination.** From June 1, 2015, through June 5, 2015, the Department conducted an
5 examination of Respondent All American's business practices for the period of February 1, 2013,
6 through April 30, 2015. The Department reviewed 20 loan files and found violations of the Act
7 which include those set forth below. Respondent Qadiri was designated broker of Respondent All
8 American and the loan originator for each of the 20 loan files.

9 **1.3 Prohibited Acts.** In at least two loan files, Respondents failed to use a licensed settlement
10 service provider. In at least 14 loan files, Respondents improperly altered dates or signatures in place
11 of the borrowers, or allowed dates or signatures to be improperly altered by persons other than the
12 borrowers.

13 **1.4 Failed to Maintain Funds in Trust.** From at least in or around November 2013, through at
14 least in or around March 2015, Respondent All American received trust funds from or on behalf of
15 borrowers and deposited these trust funds into operating accounts under its control, thereby
16 commingling trust funds with operating funds.

17 **1.5 Disclosures.** In at least 19 loan files, Respondents failed to timely provide borrowers with
18 complete rate lock agreements. In at least four loan files, Respondents provided borrowers with
19 mortgage broker agreements containing blank spaces and prohibited language. In at least 10 loan
20 files, Respondents failed to provide borrowers with accurate lists of authorized settlement service
21 providers. In at least 12 loan files, Respondents failed to provide borrowers with complete anti-
22 steering disclosures. In at least 20 loan files, Respondents failed to timely provide borrowers with
23 complete and accurate Good Faith Estimates. In at least 19 loan files, Respondents failed to provide
24 borrowers with complete and accurate Truth-in-Lending disclosure statements. In at least 15 loan

1 files, Respondents failed to timely provide borrowers with a list of homeownership counseling
2 organizations. In at least 17 loan files, Respondents failed to provide borrowers with accurate Equal
3 Credit Opportunity Act notices.

4 **1.6 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 Responsibility for Conduct of Designated Broker or Loan Originator.** Pursuant to RCW
8 19.146.245, a licensed mortgage broker is liable for any conduct violating the Act by the designated
9 broker or a loan originator while employed or engaged by the licensed mortgage broker.

10 **2.2 Responsibility of Designated Broker.** Pursuant to RCW 19.146.200, every licensed
11 mortgage broker must at all times have a designated broker responsible for all activities of the
12 mortgage broker in conducting the business of a mortgage broker. A designated broker, principal, or
13 owner who has supervisory authority over a mortgage broker is responsible for a licensee's,
14 employee's, or independent contractor's violations of the Act if: the designated broker, principal, or
15 owner directs or instructs the conduct or, with knowledge of the specific conduct, approves or allows
16 the conduct; or the designated broker, principal, or owner who has supervisory authority over the
17 licensed mortgage broker knows or by the exercise of reasonable care and inquiry should have known
18 of the conduct, at a time when its consequences can be avoided or mitigated and fails to take
19 reasonable remedial action.

20 **2.3 Prohibited Acts.** Based on the Factual Allegations set forth in Section I above, Respondents
21 are in apparent violation of RCW 19.146.0201(1), (2), (6), (11) and (15) for directly or indirectly
22 employing a scheme, device or artifice to defraud or mislead borrowers or lenders or any person,
23 engaging in an unfair or deceptive practice toward any person, failing to make disclosures to loan
24 applicants and non-institutional investors as required by RCW 19.146.030 and any other applicable

1 state or federal law, failing to comply with state and federal laws applicable to the activities governed
2 by the Act, and failing to comply with any provision of RCW 19.146.030 through RCW 19.146.080
3 or any rule adopted under those sections.

4 **2.4 Requirement to Maintain Funds in Trust.** Based on the Factual Allegations set forth in
5 Section I above, Respondents are in apparent violation of RCW 19.146.050 for failing to deposit
6 funds received from a borrower or on behalf of a borrower for payment of third-party provider
7 services in a trust account of a federally insured financial institution located in this state, prior to the
8 end of the third business day following receipt of such monies, and for commingling operating funds
9 with trust account funds.

10 **III. AUTHORITY TO IMPOSE SANCTIONS**

11 **3.1 Authority to Revoke License.** Pursuant to RCW 19.146.220(2), the Director may revoke
12 licenses for any violation of the Act.

13 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 19.146.220(4), the Director may
14 issue orders removing from office or prohibiting from participation in the conduct of the affairs of a
15 licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed
16 mortgage broker or any person subject to licensing under the Act for any violation of the Act.

17 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
18 against a licensee, employees, independent contractors, agents of licensees, or other persons subject
19 to the Act for any violation of the Act.

20 **3.4 Authority to Collect Examination and Investigation Fees.** Pursuant to RCW
21 19.146.228(2), WAC 208-660-520(9) and (11), and WAC 208-660-550(4)(a), the Department will
22 charge forty-eight dollars per hour for an examiner's time devoted to an investigation.

23 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
24 may recover the State's costs and expenses for prosecuting violations of 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,
3 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
4 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and
5 RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

6 **4.1** Respondent All American's license to conduct the business of a mortgage broker be
7 revoked.

8 **4.2** Respondent All American and Respondent Qadiri be prohibited from participation in
9 the conduct of the affairs of any mortgage broker subject to licensure by the Director,
10 in any manner, for a period of five years.

11 **4.3** Respondent All American and Respondent Qadiri jointly and severally pay a fine. As
12 of the date of this Statement of Charges, the fine totals \$50,000.

13 **4.4** Respondent All American and Respondent Qadiri jointly and severally pay an
14 examination fee. As of the date of this Statement of Charges, the examination fee
15 totals \$6,125.

16 **4.5** Respondent All American and Respondent Qadiri jointly and severally pay an
17 investigation fee. As of the date of this Statement of Charges, the investigation fee
18 totals \$1,000.

19 **4.6** Respondent All American maintain records in compliance with the Act and provide
20 the Department with the location of the books, records and other information relating
21 to Respondent All American's mortgage broker business, and the name, address and
22 telephone number of the individual responsible for maintenance of such records in
23 compliance with the Act.

24 **4.7** Respondent All American pay the Department's costs and expenses for prosecuting
violations of the Act in an amount to be determined at hearing or by declaration with
supporting documentation in event of default by Respondent All American.

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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 FOR ADJUDICATIVE HEARING AND
6 TO DEFEND accompanying this Statement of Charges.

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8 Dated this 1st day of March, 2017.

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10 /s/ _____
11 CHARLES E. CLARK
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 /s/ _____
17 KENNETH J. SUGIMOTO
18 Financial Legal Examiner

19 Approved by:

20 /s/ _____
21 STEVEN C. SHERMAN
22 Enforcement Chief