

ORDER SUMMARY – Case Number: C-16-2018

Name(s): Homelink Mortgage Inc
Ms. Amy Hsin Ju Wong

Order Number: C-16-2018-18-CO01

Effective Date: 5/4/2018

License Number: 63201 and 68705
Or NMLS Identifier [U/L]

License Effect:

Not Apply Until:

Not Eligible Until:

Prohibition/Ban Until:

Investigation Costs	\$952.80	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 5/7/2018
Fine	\$15,750.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 5/7/2018
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: Hire and retain an internal compliance officer for five years. Complete at least twenty hours education within
two years.

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-16-2018-18-CO01

CONSENT ORDER

5 HOMELINK MORTGAGE, INC.,
6 NMLS #63201, and
AMY HSIN JU WONG, President, Owner, and
7 Designated Broker, NMLS #68705,

Respondents.

8
9 COMES NOW the Director of the Department of Financial Institutions (Director), through
10 her designee Charles E. Clark, Division Director, Division of Consumer Services, and Homelink
11 Mortgage, Inc. (Respondent Homelink Mortgage) and Amy Hsin Ju Wong, President, Owner, and
12 Designated Broker (Respondent Wong); and finding that the issues raised in the above-captioned
13 matter may be economically and efficiently settled, agree to the entry of this Consent Order. This
14 Consent Order is entered pursuant to chapter 19.146 of the Revised Code of Washington (RCW), and
15 RCW 34.05.060 of the Administrative Procedure Act, based on the following:

16 **AGREEMENT AND ORDER**

17 The Department of Financial Institutions, Division of Consumer Services (Department) and
18 Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges
19 No. C-16-2018-17-SC01 (Statement of Charges), entered October 19, 2017, (copy attached hereto).
20 Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act), and RCW 34.05.060 of
21 the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this
22 Consent Order and further agree that the issues raised in the above-captioned matter may be
23 economically and efficiently settled by entry of this Consent Order. Respondents are agreeing not to
contest the Statement of Charges in consideration of the terms of this Consent Order.

1 Based upon the foregoing:

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

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a
5 hearing before an administrative law judge, and hereby waive their right to a hearing and any and all
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached
7 herein. Accordingly, Respondents, by their signatures and the signatures of their representatives
8 below, withdraw their appeal to the Office of Administrative Hearings.

9 C. **No Admission of Liability.** The parties intend this Consent Order to fully resolve the
10 Statement of Charges and agree that Respondents neither admit nor deny any wrongdoing by its
11 entry.

12 D. **Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount of
13 \$15,750.00 in the form of a cashier's check made payable to the "Washington State Treasurer," upon
14 entry of this Consent Order.

15 E. **Investigation Fee.** It is AGREED that Respondents shall pay to the Department an
16 investigation fee of \$952.80, in the form of a cashier's check made payable to the "Washington State
17 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together
18 in one \$16,702.80 cashier's check made payable to the "Washington State Treasurer."

19 F. **Internal Compliance Officer.** It is AGREED and ORDERED that Respondents shall
20 hire a full-time internal compliance officer to supervise Respondents' employees and ensure
21 compliance with the Act and related laws and rules. It is further AGREED and ORDERED that
22 Respondents shall continuously employ an internal compliance officer for at least five years from the
23 date of entry of this Consent order.

1 **G. Training.** It is AGREED and ORDERED that Respondents have submitted to the
2 Department a list of training classes related to compliance with the Act and related laws and rules. It
3 is further AGREED and ORDERED that Respondent Wong shall attend and satisfactorily complete
4 at least twenty hours of training from these classes, or similar classes approved by the Department,
5 within two years of the date of entry of this Consent Order.

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

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

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

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

17 **L. Counterparts.** This Consent Order may be executed by the Respondents in any number
18 of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall be
19 deemed to be an original, but all of which, taken together, shall constitute one and the same Consent
20 Order.

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**RESPONDENTS:
Homelink Mortgage, Inc.**

By:

/s/
AMY HSIN JU WONG
President

4/27/18
Date

/s/
AMY HSING JU WONG
Individually

4/27/18
Date

Approved for Entry:

/s/
Jessica Creager, WSBA No.42183
Attorney at Law
Rosenberg Law Group
Attorney for Respondents

5/2/2018
Date

DO NOT WRITE BELOW THIS LINE

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THIS ORDER ENTERED THIS 4th DAY OF May,2018.

/s/
CHARLES E. CLARK
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

/s/
ROBERT E. JONES
Financial Legal Examiner Supervisor

Approved by:

/s/
STEVEN C. SHERMAN
Enforcement Chief

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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:

HOMELINK MORTGAGE, INC.,
NMLS #63201, and
AMY HSIN JU WONG, President, Owner, and
Designated Broker, NMLS #68705,

No. C-16-2018-17-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO ENTER AN
ORDER TO SUSPEND LICENSE,
PROHIBIT FROM INDUSTRY, IMPOSE
FINE, COLLECT INVESTIGATION FEE,
and RECOVER COSTS AND EXPENSES

Respondents.

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 (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 her designee, Division of Consumer Services Director Charles E. Clark, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Homelink Mortgage, Inc. (Respondent Homelink Mortgage)** was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on or about February 1, 2002, and continues to be licensed to date.

B. **Amy Hsin Ju Wong (Respondent Wong)** is the President, Owner, and Designated Broker of Respondent Homelink Mortgage. Respondent Wong was the Designated Broker of Respondent Homelink Mortgage at all times relevant to this Statement of Charges.

1 **1.2 Examination.** Between June 27, 2016 and July 1, 2016, the Department examined the books
2 and records of Respondents for the time period of April 1, 2014, through May 31, 2016. The
3 Department reviewed 45 residential mortgage loan files for Washington borrowers and/or properties
4 and identified at least 19 violations of the Act, including the violations that follow.

5 **1.3 Unlicensed Locations.** Respondents permitted two licensed Mortgage Loan Originators
6 (MLO) to originate a total of at least 14 Washington residential mortgage loans from unlicensed
7 locations. This is a repeat violation from Respondents' 2012 examination.

8 **1.4 Failure to Deliver Complete and Accurate Rate Lock Agreements.** In at least 17 of the
9 loans reviewed, Respondents either failed to deliver a rate lock agreement or delivered an incomplete
10 rate lock agreement. This is a repeat violation from Respondents' 2012 examination.

11 **1.5 Failure to Maintain Funds in Trust.** At the time of initial licensure, Respondents provided
12 the Department with a notarized "Mortgage Broker Trust Monies Alternative Certificate of
13 Compliance" containing the following language:

14 "I, the undersigned, designated broker of the above listed entity, an applicant for licensing
15 under chapter 19.146 RCW, The Mortgage Broker Practices Act (the "Act"), certify that I
16 have read and understand RCW 19.146.050 and WAC 208-660-08010 through -08040,
containing the requirements for the management of borrowers' funds. I realize that any
violation of this section of the Act is a Class C Felony.

17 I further warrant that the above company and its principals, mortgage brokers, employees,
18 loan originators, and independent contractors will not, at any time, up to and including the
closing of a loan and disbursement of any monies associated with the loan, accept monies
19 from a borrower, or from a third-party (e.g., an escrow agent) on behalf of a borrower, for the
purposes of payment for services (e.g., an appraisal or credit report) provided by third
parties."

20 From approximately May 2014 through February 2016, Respondents received trust funds on behalf
21 of borrowers for the payment of third-party provider services in at least 23 loans and deposited the
22 funds into operating accounts under their control, thereby commingling trust funds with operating
23 funds.

1 **1.6 Failure to Properly Maintain Records.** In at least 10 of the loans reviewed, one or more
2 documents were missing from the loan file.

3 **1.7 Failure to Deliver Complete and Accurate Good Faith Estimate Disclosures.** In at least
4 15 of the loans reviewed, Respondents provided borrowers with a Good Faith Estimate disclosure
5 which had not been properly completed or which included inaccurate information. This is a repeat
6 violation of Respondents' 2012 examination.

7 **1.8 Failure to Deliver Complete and Accurate Truth in Lending Act Disclosures.** In at least
8 four of the loans reviewed, Respondents provided borrowers with Truth in Lending Act disclosures
9 which had not been properly completed or which included inaccurate information. This is a repeat
10 violation of Respondents' 2012 examination.

11 **1.9 Failure to Deliver Complete and Accurate Privacy Policy.** In at least 36 of the loans
12 reviewed, Respondents provided borrowers with a Privacy Policy disclosure which had not been
13 properly completed or which included inaccurate information. This is a repeat violation of
14 Respondents' 2012 examination.

15 **1.10 On-Going Investigation.** The Department's investigation into the alleged violations of the
16 Act by Respondents continues to date.

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

18 **2.1 Responsibility for Conduct of Loan Originators.** Pursuant to RCW 19.146.245, a licensed
19 mortgage broker is liable for any conduct violating the Act by the designated broker, a loan
20 originator, or other licensed mortgage broker while employed or engaged by the licensed mortgage
21 broker.

22 **2.2 Responsibility of Designated Broker.** Pursuant to RCW 19.146.200(3), every licensed
23 mortgage broker must at all times have a designated broker responsible for all activities of the

24 mortgage broker in conducting the business of a mortgage broker. A designated broker, principal, or

1 owner who has supervisory authority over a mortgage broker is responsible for a licensee's,
2 employee's, or independent contractor's violations of the Act if: the designated broker, principal, or
3 owner directs or instructs the conduct or, with knowledge of the specific conduct, approves or allows
4 the conduct; or the designated broker, principal, or owner who has supervisory authority over the
5 licensed mortgage broker knows or by the exercise of reasonable care and inquiry should have known
6 of the conduct, at a time when its consequences can be avoided or mitigated and fails to take
7 reasonable remedial action.

8 **2.3 Originating Loans from Unlicensed Locations.** Based on the Factual Allegations set forth
9 in Section I above, Respondents are in apparent violation of RCW 19.146.0201(16) for originating
10 loans from unlicensed locations.

11 **2.4 Requirement to Deliver Complete and Accurate Rate Lock Agreements.** Based on the
12 Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW
13 19.146.0201(2) and (6) and RCW 19.146.030(2)(c) for failing to deliver complete and accurate rate
14 lock agreements to borrowers.

15 **2.5 Requirement to Maintain Funds from Borrower for Payment of Third-Party Providers**
16 **in Trust.** Based on the Factual Allegations set forth in Section I above, Respondents are in apparent
17 violation of RCW 19.146.050 for failing to deposit funds received from a borrower or on behalf of a
18 borrower for payment of third-party provider services in a trust account of a federally insured
19 financial institution located in this state, prior to the end of the third business day following receipt of
20 such monies, and for commingling operating funds with trust account funds.

21 **2.6 Requirement to Maintain Records.** Based on the Factual Allegations set forth in Section I
22 above, Respondents are in apparent violation of RCW 19.146.060(2) for failing to properly maintain
23 records.

1 **2.7 Requirement to Deliver Complete and Accurate Good Faith Estimate Disclosures.**

2 Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation
3 of RCW 19.146.0201(2) and (11) for failing to deliver complete and accurate Good Faith Estimate
4 Disclosures as required by applicable federal laws.

5 **2.8 Requirement to Deliver Complete and Accurate Truth in Lending Disclosures.** Based on

6 the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW
7 19.146.0201(2) and (11) for failing to deliver complete and accurate Truth in Lending Disclosures as
8 required by applicable federal laws.

9 **2.9 Requirement to Deliver Complete and Accurate Privacy Policy.** Based on the Factual

10 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.0201
11 (2) and (11) for failing to deliver complete and timely Privacy Policy documents as required by
12 applicable federal laws.

13 **III. AUTHORITY TO IMPOSE SANCTIONS**

14 **3.1 Authority to Suspend Licenses.** Pursuant to RCW 19.146.220(2), the Director may suspend
15 licenses for any violation of the Act.

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

20 **3.3 Authority to Impose Fine.** Pursuant to RCW 19.146.220(2), the Director may impose fines
21 against a licensee, employees, independent contractors, agents of licensees, or other persons subject
22 to the Act for any violation of the Act.

1 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-
2 520(9) and (11), and WAC 208-660-550(4)(a), the Department will charge forty-eight dollars per
3 hour for an examiner's time devoted to an investigation.

4 **3.5 Authority to Recover Costs and Expenses.** Pursuant to RCW 19.146.221(2), the Director
5 may recover the state's costs and expenses for prosecuting violations of the Act.

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

7 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC,
8 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose
9 Sanctions, constitute a basis for the entry of an Order under RCW 19.146.220, RCW 19.146.221, and
10 RCW 19.146.223. Therefore, it is the Director's intent to ORDER that:

11 **4.1** Respondent Homelink Mortgage, Inc.'s license to conduct the business of a mortgage
12 broker be suspended for a period of six (6) months.

13 **4.2** Respondent Amy Hsin Ju Wong be prohibited from participation in the conduct of the
14 affairs of Respondent Homelink Mortgage, Inc. as Designated Broker or in any other
supervisory or compliance-related capacity for a period of five years.

15 **4.3** Respondents Homelink Mortgage, Inc. and Amy Hsin Ju Wong jointly and severally
16 pay a fine. As of the date of this Statement of Charges, the fine totals \$20,000.

17 **4.4** Respondents Homelink Mortgage, Inc. and Amy Hsin Ju Wong jointly and severally
18 pay an investigation fee. As of the date of this Statement of Charges, the investigation
fee totals \$952.80.

19 **4.5** Respondents Homelink Mortgage, Inc. and Amy Hsin Ju Wong jointly and severally
20 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 Respondents.

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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.

7
8 Dated this 19th day of October, 2017.

9
10 /s/ _____
11 CHARLES E. CLARK
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:

16 /s/ _____
17 ROBERT E. JONES
18 Financial Legal Examiner Supervisor

19 Approved by:

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